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Network



WEEK IN REVIEW

June 28, 2013

A special issue of the Week in Review will be published July 1.

News for the Week of June 24

Legislative News

Legislative Update: Nothing Finalized, Both Chambers in Session over Weekend

The end of the state's fiscal year is a mere 2 days away and the 2013-14 budget is still being debated. House and Senate leaders continue to meet with Gov. Tom Corbett in an attempt to hammer out a final budget, as well as liquor privatization, transportation funding reform, and a pension overhaul, but time is almost up. Both chambers are scheduled to be in this weekend and rumor has it that additional session days could be scheduled for July 1, 2, and 3.

PSATS' transportation and prevailing wage reform priorities remain alive as June draws to a close and we continue to need your help on these issues! A House vote on prevailing wage is now expected to take place today and the House will take up transportation funding reform Saturday. Thank you to all of you who have made contact on prevailing wage and transportation funding this week. **If you haven't contacted your legislators yet this week on these issues, please do so today! Time is of the essence!**

Meanwhile, many bills of interest to townships are rapidly moving. Scroll down for a rundown of legislative action this week.

Watch for an update on Monday with a wrap up of the action expected to take place this weekend. In the meantime be sure to watch www.psats.org and www.facebook.com/psats for updates and follow us on Twitter @PSATS! This week's news starts now.....

House Committee Amends, Approves Transportation Funding Reform

On Thursday, the House Transportation Committee substantially amended the Senate's transportation funding bill, [SB 1](#), before reporting it out of committee. **PSATS continues to support the amended version of SB 1, which is still expected to provide approximately \$200 million in new annual liquid fuels payments for municipalities when fully implemented, a 60 percent increase.** The House version would take 5 years to arrive at the \$200 million, while the Senate version would have done this in 3 years.

Please help make transportation funding reform a reality by contacting your state representative today and urging them to support transportation! **A House vote is expected to take place Saturday**

and your help and support is critical. Please contact your House members today and urge them to support this critical proposal that will substantially increase funding for our entire transportation system and significantly benefit your community.

The House version of SB 1 would uncap the Oil Company Franchise Tax over five years instead of the Senate's 3 years; eliminates all increases to the driver's license and registration fees; retains the flat Liquid Fuels tax at 12 cents per gallon; and replaces the \$100 surcharge on traffic violations with a \$75 increase on violations for failure to comply with traffic control devices. The House amendment would immediately end the Turnpike's Act 44 annual \$200 million payment to PennDOT for roads and bridges, while continuing the \$250 million per year payment for mass transit for eight years and then replacing that funding with vehicle sales tax revenue. Overall the bill as amended is expected to provide \$2.1 billion in additional funding compared to the Governor's proposed \$1.8 billion and the Senate's \$2.5 billion.

Like the Senate's version, the legislation before the House would create new programs that would benefit local governments. This includes a new bridge bundling program, which could reduce the local match to zero. Another proposal would allow municipalities in a traffic corridor to enter an agreement that gives the commonwealth the responsibility for replacing traffic signals. The municipalities would continue to be responsible for the maintenance, coordination, and timing of the signals. In addition, the House version would flex some funding from the Dirt and Gravel Road program to assist with local, low-volume paved roads.

Prevailing Wage Reform: House Vote Expected Today

The vote that was expected to take place on Thursday was postponed and the **House has scheduled a vote on both [HB 665](#) and [HB 796](#) for today.**

A big thank you to all of you that contacted your House member this week and urged them to support meaningful prevailing wage reform! **As of last evening we were still short of the required number of votes to pass these bills. We need you to contact your Representative now and get a commitment from them that they will support this legislation.** Please emphasize that meaningful prevailing wage reform will directly benefit your mutual constituents by allowing your township to stretch its resources further.

Please ask your legislator to support the following:

- Legislation and amendments that would increase the threshold for compliance from the current \$25,000 to at least \$189,000 for all public works projects to account for inflation since 1963, with an annual cost of living increase. **House Bill 796 (PN 1496)** will be up for a vote, which would increase the current prevailing wage threshold from \$25,000 to at least \$100,000 without future cost of living adjustments. Ask your House member for their vote to increase the threshold in the bill to \$189,000, with an annual cost of living adjustment.
- Legislation that would exclude "maintenance work" on roads, highways, and bridges from compliance with the act, including the replacement of guiderails and curbs, pavement overlays of up to 3.5 inches, road widening that does not result in additional lanes, and bridge cleaning and resurfacing. Ask your legislator for their vote in support of **HB 665 (PN 1495)** which would eliminate the costly requirement that maintenance projects comply with the

Prevailing Wage Law and would address the Pennsylvania Supreme Court's 2008 *Youngwood* decision.

Please contact your House member today and ask them to support HB 665 and to amend HB 796 to increase the threshold to \$189,000 with an annual cost of living adjustment

A big thank you to the more than 600 townships that have passed the [PSATS Prevailing Wage Reform Resolution](#) and sent copies to your state representative and senator. Please remember to forward copies to Melissa Morgan, PSATS Legislative Analyst, at mmorgan@psats.org or by fax to (717) 763-9732. Thank you for your continued support on this critical issue and [click here](#) for a list of townships that have adopted this resolution.

Pension Reform Bills May Have To Wait

According to the Associated Press, Pennsylvania lawmakers still have time to finish work on major bills, but changes to the state's major public employee pension systems are running out of time and may have to wait until after the Legislature's summer break, according to comments made by House Speaker Sam Smith (*R-Jefferson*) on Wednesday. Smith's comments came amid conflicting estimates of the cost of the potential pension changes. [Click here](#) to read the Associated Press article.

Liquor Reform Debate Delayed in Senate

According to the Harrisburg Patriot News, the Senate has postponed debate on proposed liquor amendments to Friday (*The Senate is scheduled to convene today at 4pm*). Earlier on Thursday it appeared as if the Senate would take the proposals to the floor for a vote. But momentum slowed, if not went backwards. [Click here](#) to read the Patriot News article.

Survey on Act 46 of 2011: Firefighter Cancer Presumption Law

PSATS is working with the legislature to address the increased costs that many townships have faced because of Act 46 of 2011, the firefighter's cancer amendment to the workers' compensation law. This act has also led some providers to drop coverage for volunteer fighters. We need your help to document how Act 46 has impacted townships. [Click here](#) to take a brief survey about how Act 46 has impacted your township. Thank you for your time and assistance on this important matter! If you have any questions, please contact PSATS Director of Research and Policy Holly Fishel, at hfishel@psats.org.

Federal News

State May Lose \$220 Million In Federal Funding Cuts

According to the Pittsburgh Tribune Review, Pennsylvania expects to lose nearly \$220 million for education, health, welfare and other services under federal budget cuts. Governor Corbett wanted to make clear to Pennsylvanians that the losses will stem from budget inaction in Washington, not the \$28.3 billion state budget lawmakers expect to pass. [Click here](#) to read the Tribune Review article.

Rural Housing Preservation Grant Available

The Rural Housing Preservation Grant Program provides funding to community groups (*including local governments and nonprofit organizations*) that assist low-income homeowners repair their homes in rural areas. Rental property owners who make their properties available to low-income

individuals are also eligible for the grant. Qualified organizations are eligible to receive up to \$50,000. Applications should be submitted by August 2, 2013. [Click here](#) for more information or contact Bonnie Edwards-Jackson, Finance and Loan Analyst, Multi-Family Housing Preservation and Direct Loan Division, USDA Rural Development, at (202) 690-0759 or by email at Bonnie.Edwards@wdc.usda.gov.

* * * **Looking for this week's issue of the Pennsylvania Bulletin?** [Click here](#). * *

New Act

The following act was signed into law this week by Gov. Tom Corbett:

Inspection of Agricultural Security Areas — [Act 19 of 2013](#) (*HB 84*) amends the Agricultural Area Security Law to provide for inspections of preserved farmland and eliminate certain regulations. The act requires a county board to inspect preserved farms at least once every two years to ensure the deed of easement provisions are met and directs the county board and the state board to inspect the land in question together or separately if there is reasonable cause to believe that any provision of the deed of easement has been violated.

Effective date: June 24, 2013.

Legislative Action

The township-related legislation below saw action this week in the Pennsylvania General Assembly:

Anti-degradation requirements for onlot septic systems — [HB 1325](#) (*PN 1706*) would amend the Pennsylvania Sewage Facilities Act (*Act 537 of 1965*) to clarify that the use of onlot septic systems, designed and approved in accordance with the state Department of Environmental Protection's current regulations, would satisfy the anti-degradation requirements of the Clean Streams Law (*Act 394 of 1937*.)

Action: Reported as committed from the Senate Appropriations Committee; third consideration and final passage in the Senate (41-8).

Status: Has passed before the Senate and the House and is before the governor.

Pennsylvania State Police complement — [SB 579](#) (*PN 1193*) would amend the Administrative Code to increase the complement of State Police officer and enlisted members from 3,940 to 4,310, excluding those officers assigned to the Turnpike Commission, the Delaware River Toll Bridge Commission, Gaming Enforcement, and Liquor Control Enforcement.

Action: Reported as committed from Senate Rules and Executive Nominations Committee; Senate concurred on House amendments (48-0).

Status: Has passed the House and the Senate and is now before the governor.

Purely Public Charities — [SB 4](#) (*PN 347*) would amend the Pennsylvania Constitution to establish the General Assembly as the exclusive entity to determine the qualifications of an institution to be a purely public charity. This legislation would make it more difficult for local government to challenge the tax-exempt status of a purely public charity.

Note: Constitutional amendments must pass the General Assembly during two consecutive legislative sessions, then must be approved by the voters in a referendum.

Action: Reported as committed from House Appropriations Committee; third consideration and final passage in the House (118-82).

Status: Has passed the Senate and the House and is before the governor.

Business privilege tax in merged municipalities — [HB 1172](#) (PN 1606) would amend the Local Tax Enabling Act to provide that when a municipality that is currently levying and collecting a mercantile or business privilege tax merges with another municipality, the new municipality may continue to levy the mercantile or business privilege tax at a rate necessary to generate the same amount of revenue as the year prior to the merger. The merged municipality may continue to levy the mercantile or business privilege tax at the established rate in future years regardless of the amount of revenue generated.

Action: Reported as committed from the Senate Appropriations Committee; third consideration and final passage in the Senate (49-0).

Status: Has passed the Senate and the House and is before the governor.

Merger and consolidation — [HB 1177](#) (PN 2063) would amend Title 53 (*Municipalities Generally*) to stipulate that when a question is placed on the ballots of two or more municipalities to consolidate or merge the municipalities and create a home rule charter, the vote would be determined based on the total number voting within all affected municipalities and not by individual municipality. A study commission would be formed to study the issue of consolidation and merger if the vote is positive.

Action: Reported as committed from the Senate Local Government Committee; first consideration in the Senate.

Status: Before the Senate.

Intergovernmental purchases— [HB 668](#) (PN 756) would amend the Second Class Township Code to further clarify that townships may purchase used equipment or vehicles from other local government entities without following the public bidding process.

Action: Reported as committed from the Senate Local Government Committee; first consideration in the Senate.

Status: Before the Senate.

Permit Extension Act — [HB 784](#) (PN 1425) would amend the Permit Extension Act to narrow the additional extension period (*July 2, 2013, to July 2, 2016*) for state and local government development-related approvals to those that were in effect on December 31, 2008, or granted between December 31, 2008, and July 2, 2013. The bill would provide that state and local government development-related approvals granted after July 2, 2013, would not be extended beyond the state or local governments' normal approval period.

Action: Amended on second consideration in the Senate.

Status: Has passed the House and is before the Senate Appropriations Committee.

MPC notices to affected land owners — [HB 515](#) (PN 1946) would amend the Pennsylvania Municipalities Planning Code to give owners of land and owners of mineral rights the ability to receive notice when a municipality proposes to change the use of their land or the land situated above their mineral rights. The bill would require the owner of the land or owner of the mineral

rights to request electronic or mailed notification and provide accurate and updated contact information.

Action: Reported as committed from the Senate Appropriations Committee; second consideration in the Senate.

Status: Has passed the House and is before the Senate.

Use of open space funds — [HB 1523](#) (PN 2030) would amend the Open Space Law (*Act 442 of 1967, as amended*) to allow municipalities to use 25 percent of the annual revenue from the local taxing option levy to maintain property acquired for open space purposes. The bill would require these purposes to be satisfied before any revenue is used to maintain the property.

Action: Reported as committed from the House Rules Committee; first consideration in the House.

Status: Before the House.

UCC board of appeals— [HB 1253](#) (PN 1601) would amend the Pennsylvania Construction Code Act to clarify that municipalities must follow regulations adopted by the Department of Labor and Industry for the administration of the UCC board of appeals.

Action: Reported as committed from the House Rules Committee; third consideration and final passage in the House (200-0).

Status: Has passed the House and is before the Senate.

Agriculture building exemption — [HB 1440](#) (PN 1951) would amend the Pennsylvania Construction Code Act (*Act 45 of 1999*) to add “high tunnels” to the definition of an “agricultural building” and exempting high tunnels from Uniform Construction Code.

Action: Reported as committed from the Senate Agriculture and Rural Affairs Committee; first consideration in the Senate.

Status: Has passed the House and is before the Senate.

Abandoned and Blighted Property Conservatorship Act — [HB 1363](#) (PN 2086) would amend the Abandoned and Blighted Property Conservatorship Act (*Act 135 of 2008*) by adding several definitions and making numerous clarifications to the act’s conservatorship provisions.

Action: Second consideration in the Senate.

Status: Has passed the House and is before the Senate Appropriations Committee.

Forest reserves — [HB 1359](#) (PN 1754) would amend Act 49 of 1995 to reduce the number of leased parcels of commonwealth-owned land from 75 to 30 before the land would be subject to the annual fixed payment for tax-exempt forestland.

Action: Reported as committed from the Senate Appropriations Committee, second consideration in the Senate.

Status: Has passed the House and is before the Senate.

Theft of scrap metal — [HB 80](#) (PN 756) would amend Title 18 (*Crimes*) of the Pennsylvania Consolidated Statutes to establish the criminal offense of theft of secondary metal and would define “secondary metal” as wire, pipe, or cable commonly used by utilities, railroads and transit agencies, or copper, aluminum, or other metal or combination that is valuable for recycling or as a raw material. The offense would be a misdemeanor if the value of the secondary metal was less than \$1,000 and a felony if the value is \$1,000 or more or for the third or subsequent offense.

Action: Reported as committed from the House Appropriations Committee; third consideration and final passage in the House (197-2).

Status: Has passed the House and is before the Senate.

High tunnels tax exemption — [HB 1438](#) (PN 2140) and [SB 638](#) (PN 996) would amend Title 53 (*Municipalities Generally*) of the Pennsylvania Consolidated Statutes to exempt high tunnels (*green houses*) from the real estate tax.

Action: HB 1438 is reported as amended from the Senate Agriculture and Rural Affairs Committee; first consideration in the Senate. SB 638 reported as amended from the House Agriculture and Rural Affairs Committee; first consideration in the House.

Status: HB 1438 has passed the House and is before the Senate. SB 638 has passed the Senate and is before the House.

Business privilege tax — [HB 721](#) (PN 810) would amend the Local Tax Enabling Act (*Act 511 of 1965, as amended*) to prohibit municipalities from broadening the business privilege tax to business activities outside the geographic boundaries of their borders.

Action: Reported as committed from the House Finance Committee; first consideration in the House.

Status: Before the House Rules Committee.

Municipal Tax Claims — [HB 388](#) (PN 1794) would amend the Municipal Claim and Tax Lien Law to authorize municipalities to enforce a delinquent property tax claim in the same manner, but with limitations, as a personal judgment. A municipality could file a claim for unpaid property taxes in the judgment index in any court of common pleas, if the claim has been reduced to judgment under the Real Estate Tax Sale Law or the Municipal Claim and Tax Lien Law. Once filed, the claim would become a judgment lien on any real property in that particular county that is owned by the delinquent taxpayer.

Action: Reported as committed from the Senate Finance Committee; second consideration in the Senate.

Status: Has passed the House and is before the Senate Appropriations Committee.

Costs of care for seized animals — [HB 82](#) (PN 2154) would require a defendant or owner to pay for the cost of care for a seized animal while awaiting sentencing, including filing costs of a petition for animal care.

Action: Reported as amended from the Senate Appropriations Committee; second consideration in the Senate.

Status: Has passed the House and is before the Senate.

Public employee pension forfeiture — [HB 1545](#) (PN 2150) would amend the Public Employee Pension Forfeiture Act to require the immediate forfeiture of pension benefits by a public employee when a plea of guilty or no contest is entered, or the public employee is found guilty.

Action: Reported as amended from the House Judiciary Committee; first consideration in the House.

Status: Before the House Rules Committee.

Carbon monoxide alarms — [SB 607](#) (PN 577) would require certain structures with fossil fuel burning heaters or fireplaces to have an operational and centrally located carbon monoxide alarm, including residential and rental properties, and would require disclosure to buyers or renters. The bill

defines “fossil fuel” as coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products which emit carbon monoxide as a by-product of combustion. Municipalities would be authorized to adopt equal or more stringent requirements for carbon monoxide alarms.

Action: Reported as committed from Senate Appropriations Committee; third consideration and final passage in the Senate (48-1).

Current Status: Has passed the Senate and is before the House Consumer Affairs Committee.

Rewrite and reenactment of Third Class City Code — [SB 497](#) (PN 1293) would amend the Third Class City Code by updating and reenacting the code.

Action: Reported as amended from the Senate Local Government Committee; first consideration in the Senate.

Status: Before the Senate.

Capitol Calendar

Legislative Committee Meetings for June 28 to July 1:

FRIDAY - 6/28/13

House Professional Licensure

10:00 a.m., Room G-50, Irvis Office Building

To consider: [HR 399](#) Kortz, Resolution re accessible attic.

House Judiciary

10:30 a.m., Room 205, Ryan Office Building

To consider: [SB 379](#) Vance, Act re medical professional benevolent gestures.

House Appropriations

Off the Floor, Room 140 Main Capitol

Agenda TBA

Senate Appropriations

Off the Floor, Rules Committee Conference Room

To consider: [HB 784](#) Evankovich, Act re permit extension; [HB 1190](#) Cutler, Amends Health Care Facilities Act; [HB 1275](#) Adolph, Act re appropriations for DOS & BPOA; [HB 1276](#) Adolph, Act re appropriations re small bus & DCED; [HB 1277](#) Adolph, Act re appropriations for SERS Board; [HB 1278](#) Adolph, Act re appropriations for PSERB; [HB 1279](#) Adolph, Act re appropriations re workmen’s compensation fund; [HB 1280](#) Adolph, Act re appropriations for Office of Consumer Advocate; [HB 1281](#) Adolph, Act re appropriations re PUC; [HB 1282](#) Adolph, Act re appropriations for PGCB, Revenue, PSP & AG; [HB 1437](#) Adolph, Act re Budget Bill (Note: HBs 1275-1282 have not passed the House yet)

Senate Rules and Executive Nominations

Off the Floor, Rules Committee Conference Room

To consider certain executive nominations and: [SB 304](#) Greenleaf, Amends Title 15 & 54 re corporations.

**Senate Public Health and Welfare
3:30 p.m., Room 461 Main Capitol**

To consider: SB 555 Scarnati, Act re Health Advisory Panel on natural gas extraction; HB 1075 Moul, Amends Public Welfare Code re family finding.

2013 Session Days for the Pennsylvania General Assembly:

The House and Senate are scheduled for session on the following days:

- **June:** 28, (*Note: both chambers are expected to be in session June 29 and 30 and may be in July 1, 2, and 3 as well*)

Content in this review contributed by Pennsylvania Legislative Services.

Looking for daily updates on legislation and news related to townships?

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