



WEEK IN REVIEW

March 18, 2016

News for the week of March 14

The House and Senate were in session last week and will return to Harrisburg on Monday March 21.

General Assembly Sends Supplemental 2015-16 State Budget to Governor for Approval Amid Veto Threat

No, faithful Week in Review readers you are not suffering from a case of de ja vu, the General Assembly has in fact sent a \$6.05 billion supplemental 2015-16 appropriations bill, fiscal code as well as non-preferred legislation for higher education institutions to Governor Tom Wolf and he has threatened to veto the legislation.

The legislation sent to the Governor is the final spending authorizations for FY 2015-2016 after Governor Wolf line-item vetoed a bill in December. The real buzz in the Capitol is whether or not the votes exist to override the Governor's veto if and when it happens. Sources are indicating that they have the votes, but we will not know until next week. *So be sure to check back next week to see if it is the final time we begin this newsletter with an update on the 2015-16 state budget.*

House State Government Committee Approves Executive Session Bill

Last week, the House State Government Committee amended and reported out House Bill 340 which amends the state Sunshine Law. The bill would significantly narrow the scope of what may be discussed in an executive session as it relates to personnel issues. HB 340 would also require a legal opinion by the township's solicitor verifying that the personnel issues to be discussed in executive session are within the provisions of the law, and if the solicitor is not available to render the decision, the chairman of the board could make such a determination. The legislation would also mandate that these private sessions be audio and video recorded. This legislation will now move to the full House for their consideration. **PSATS is opposed to this legislation.**

Thank you to the members of the Grassroots Network that responded to our action alert last week and contacted their House members urging them to oppose this bill. **If you have not already done so, PSATS is still asking members of the Grassroots Network to contact their House members and ask them to oppose HB 340 when it is considered by the House.**

House Labor & Industry Committee Hearing to Consider Prevailing Wage Reform Bills Cancelled

On Monday March 21, the House Labor & Industry Committee was scheduled to consider HB 63 (PN 0258), HB 1234 (PN 1619), and HB 1639 (PN 2387) which would amend the Prevailing Wage Act. PSATS supports these bills and thanks all Grassroots members that responded to our prevailing wage alert last week. Unfortunately, the hearing has been cancelled.

The pieces of legislation that were scheduled to be considered are detailed below:

[House Bill 63 \(PN 0258\)](#) would amend the Prevailing Wage Act (*Act 442 of 1961*) to increase the prevailing wage threshold from \$25,000 to \$190,000. This increase would account for inflation since 1963, when the \$25,000 threshold was set, and bring relief to local governments and their taxpayers. This legislation would also authorize the rate to be adjusted annually based on the Consumer Price Index.

[House Bill 1234 \(PN 1619\)](#) would amend the Prevailing Wage Act (*Act 442 of 1961*) to require that at least 51 percent of a project be paid for by public monies before it is covered by the Act. Under current law, any public or private project that is in excess of \$25,000 that is paid for in whole or in part with public funds is subject to the Act.

[House Bill 1639 \(PN 2387\)](#) would expand the definition of maintenance work to include work performed on dirt, gravel, and low-volume road maintenance projects. When Act 89 of 2012 was being discussed for consideration the increase of the prevailing wage threshold for municipal road projects was intended to include dirt and gravel roads. Since the law was passed, the state Department of Labor & Industry has determined that dirt and gravel roads are not covered under the Act and as such this legislation is needed.

Local governments are currently mandated by state law to pay prevailing wages on any public works construction contracts, excluding certain road projects over \$25,000. Studies have shown that paying the prevailing wage can increase the cost of public projects, financed by taxpayer dollars, from 15 to 30 percent. PSATS supports meaningful prevailing wage reform that would reduce the costs of compliance for this unfunded mandate.

Investment Bill Sent to Governor for Approval

The House recently concurred on the Senate's amendments to HB 1296 and sent the bill to Governor Wolf for his approval. HB 1296 would amend an existing law to give all political subdivisions increased flexibility in investing local funds while prohibiting risky investments. The legislation would expand the permissible financial products in which all municipalities and school districts may invest their general funds. HB 1296 would allow political subdivisions to invest in additional types of securities that are presently permitted investments for local governments in other states. This legislation specifically incorporates important safeguards for these investments, such as credit quality, maturity criteria, and valuable risk management tools. This proposal would allow local governments to invest in high quality money market instruments, negotiable certificates of deposit, banker's acceptances, and corporate notes. HB 1296 would provide local governments with the option to invest in additional high quality securities while at the same time providing appropriate risk management strategies to protect.

PSATS has sent Governor Wolf a letter asking for his approval of this legislation.

Public Employee Retirement Commission Meeting

The Public Employee Retirement Commission (PERC) met briefly last week to discuss the current status of PERC after a temporary order from the Commonwealth Court stated that PERC should continue to carry out its function by its staff (now assigned to the Governor's Budget Office) pending the outcome of a May hearing. The Commission tabled the ratification of the inter-agency agreement between PERC

and the Office of the Budget, as their decision hinges upon the outcome of the May hearing. The members voted to appoint the Attorney General as counsel for the Commission in response to the litigation brought by Representative Bloom and Representative Grove against the Governor.

House Special Election Results

Congratulations are in order for the winners of last week's special election contests for the Pennsylvania House of Representatives. The winners were Eric Neilson in the 57th district, Lynwood Savage in the 192nd district and Tonyelle Cook-Artis in the 200th district. *PSATS looks forward to working with the newly elected lawmakers.*

PSATS News

PSATS Annual Grassroots Lobbying Network Reception

On behalf of the PSATS Executive Board, we cordially invite you to join us at an informal reception for the members of the Grassroots network. This reception is being held during the PSATS Annual Conference on Sunday, April 17th from 4:30 p.m. to 5:30 p.m. in the Aztec Room of the Hershey Lodge and is open to all Grassroots members registered for the conference.

The purpose of this informal, interactive reception is to strengthen the relationship between the grassroots network members and your State Association's Executive Board and staff. It is our intent for the grassroots network members to reacquaint themselves with each other and to continue to form a strong bond in promoting the positions of the Association as they relate to legislative activity. This time is for you to socialize with fellow delegates, board members and staff and enjoy some light refreshments while hearing our plans for greater successes and how you can help. Our goal is to have all grassroots members attend!

[Click here](#) for more information on the reception or call 717-763-0930. Thank you and we look forward to seeing you in Hershey.

Federal News

Content supplied by the National Association of Towns and Townships (NATaT)

White House Close to Finalizing New Overtime Rules

The federal Labor Department sent the overtime rule to the White House's Office of Information and Regulatory Affairs (OIRA) last week for final approval. The final details of the rule have not been made public. However, the overtime rule, as it was proposed previously, would require employers to pay overtime for employees who make less than \$970 a week, or \$50,440 a year. Under current law, salaried workers who are considered exempt from the Fair Labor Standards Act who make more than \$23,660 a year are not required to receive overtime pay.

Senate Passes Bill to Combat Opioid Abuse

The Senate passed the "Comprehensive Addiction and Recovery Act (CARA) of 2016" (S. 524) The measure, authorizes \$77.9 million in grants per year, from fiscal years 2016-2020, to be awarded by the

U.S. Department of Health and Human Services (HHS) and the U.S. Department of Justice (DOJ) to combat a growing epidemic of prescription opioid abuse. Authorized funds could be used for treatment and recovery services, alternatives to prison for nonviolent offenders, law enforcement initiatives, and programs to prevent overdose deaths and improper prescriptions. Eligible recipients would include state, local, and tribal governments, educational institutions and nonprofit groups.
[Click here](#) to read more.

White House Announces ConnectALL Initiative

President Obama announced ConnectALL, an effort aimed at connecting 20 million more Americans to broadband Internet by 2020. The Obama Administration also announced its recommendation that the Federal Communications Commission (FCC) reform the Lifeline program to address the way people communicate in the 21st century. The Administration also released a new study on the economic importance of broadband and calling for nonprofits, businesses, technology experts, and government to join a national effort to reach the ConnectALL goal of connecting 20 million more Americans to broadband by 2020.
[Click here](#) to read more.

DOT Announces Procedures for Repurposing \$2 Billion in Highway Money From "Dead Earmarks"

The U.S. Department of Transportation announced the procedures for allowing states to redistribute almost \$2 billion in highway funding from "dead earmarks" made by Congress in old surface transportation authorization or appropriations bills. States and territories will have until September 12, 2016 to re-designate some \$1.958 billion in funding for new projects, which must then be legally obligated by the end of fiscal year 2019 (i.e. Sept. 30, 2019). To qualify as a "dead earmark," funds must have been provided by legislation that was at least 10 years old and for which less than 10 percent of the funding originally provided had actually been obligated.
[Click here](#) for the list of eligible reprogrammable earmarks.

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

Legislative Action

Township-related legislation that saw action this week in the Pennsylvania General Assembly:

Medical Marijuana: [SB 3 \(PN 1609\)](#) would establish a medical marijuana program in Pennsylvania. Specifically, the legislation would require a grower/processor to only grow and process marijuana in an indoor, enclosed, secure facility, require a dispensary only dispense medical marijuana in an indoor, enclosed, secure facility, and stipulate that a grower/processor or a dispensary may not be located within a 1,000 feet of any school or day-care center, *unless the facility is located in a Keystone Opportunity Zone*. SB 3 would also require the establishment of no fewer than three regions for the purpose of registering growers/processors and dispensaries, initially limits growers/processors to no more than 25 statewide, as well as initially limiting dispensaries to no more than 50, but each dispensary may have three separate location (for maximum of 150 locations statewide). A grower/processor shall be required to meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district and a dispensary shall meet the same

municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district.

Action: Third consideration and final passage in the House as amended (149-43).

Status: Received as amended in the Senate and referred to the Executive Rules and Nominations committee.

Industrial Hemp Pilot Program: [SB 50 \(PN 1597\)](#) would create an Agricultural Pilot Program for the growth, cultivation and marketing of industrial hemp for institutions of higher education within the Commonwealth and the Department of Agriculture.

Action: Third consideration and final passage in Senate (49-0).

Status: Before the House Agriculture & Rural Affairs Committee.

Municipal Borrowing: [SB 340 \(PN 1608\)](#) would amend the Local Government Unit Debt Act (LGUDA) by requiring local governments to file a formal notification with the Department of Community and Economic Development before incurring debt, which would include justification for the borrowing and proof that it was current on all annual financial filings. SB 340 would also restrict local governments from guaranteeing another local government's debts and prohibit reimbursements for payments made under a guarantee or other non-project-related costs.

Action: Reported as amended from the Senate Appropriations Committee.

Status: Before the Senate.

Authority Debt: [SB 341 \(PN 475\)](#) would require indebtedness of an authority to be used for its declared purpose.

Action: Reported from the Senate Appropriations Committee.

Status: Before the Senate.

Interest Rate SWAP Agreements: [SB 342 \(PN 1383\)](#) would place additional restrictions on local government's use of interest rate swap agreements and require new provisions for such agreements to protect taxpayer funds.

Action: Reported from the Senate Appropriations Committee.

Status: Before the Senate.

Performance Bonds: [SB 344 \(PN 478\)](#) would amend the Public Works Contractors' Bond Law of 1967 to more clearly define the types of acceptable financial security that may be used under the act.

Action: Reported from the Senate Appropriations Committee.

Status: Before the Senate.

Heritage Areas Program Act: [HB 1605 \(PN 2320\)](#) would establish the Heritage Areas Program Act, which would provide guidelines for how the state Department of Conservation and Natural Resources (DCNR) administers State Heritage conservation programs. This program was established in 1989 and has operating since 1989 then without any statutory guidelines. The program is to stimulate community revitalization and economic development through recreation, tourism, and other partnerships.

Action: Third consideration and final passage in the House (191-0).

Status: Awaiting committee assignment in the Senate.

Capitol Calendar

Legislative Committee Meetings for the Week of March 21 (*when we went to press*):

MONDAY - 3/21/16

Joint Legislative Conservation Committee

9:00 a.m., Room 8E-A, East Wing

Public hearing to review Act 108 of 2010 (Covered Device Recycling Act).

House Democratic Policy Committee

10:00 a.m., Room 418 Main Capitol

Public hearing on "Should Pennsylvania Incentivize Natural Gas?"

House Human Services

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

Public hearing on supporting families with family members with disabilities.

Senate Appropriations Subcommittee on Health & Human Services

10:00 a.m., Room 8E-B, East Wing

Public hearing for the purpose of additional budgetary review on long-term care programs in the Department of Human Services.

House Gaming Oversight

11:00 a.m., Room B31 Main Capitol

Public hearing on consolidation of regulatory oversight of gaming to PA Gaming Control Board, specifically: HB 1891 Payne, Amends Local Option Small Games of Chance Act.

House Transportation

12:15 p.m., Room 205, Ryan Office Building

To consider: SB 290 Rafferty, Amends Title 75 (Vehicles) further providing for defs.; chemical testing to determine substance & for occupational limited license & for ignition interlock limited license; for prior offenses & illegally operating; HB 1739 Murt, Act designating a portion of State Route 2034 in Montgomery County as the Cpl. Carl F. Hynek III Memorial Highway.

House Appropriations

Off the Floor, Room 140 Main Capitol

To consider: HB 1703 Millard, Amends Title 75 (Vehicles), in snowmobiles and all-terrain vehicles, further providing for operation by persons under age sixteen and for mufflers and noise control; SB 385 Pileggi, Dominic Amends the Transit Revitalization Investment District Act, in general provisions; for defs.; in TRID creation & location; TRID planning study; land development powers; for development or redevelopment; for public meeting. SB 644 Folmer, Amends Title 71 (State Government), in Independent Fiscal Office, further providing for definitions, for duties of office & for access to information.

TUESDAY - 3/22/16

House Gaming Oversight

9:00 a.m., Room 60, East Wing

Public hearing on: HB 1393 Warner, Amends Title 4 (Amusements), in gaming, further providing for Category 1 slot machine license, change in ownership or control, multiple slot machine license prohibition; & prohibiting undue economic concentration; HB 1397 Nesbit, Amends Title 4 (Amusements), in general provisions relating to gaming, further providing for definitions; in licensees, further providing for Category 3 slot machine license; and providing for nongaming service providers.

House State Government

9:00 a.m., Room G-50, Irvis Office Building

Public hearing on: SB 411 Pileggi, Amends Right-to-Know Law.

House Professional Licensure

9:00 a.m., Room 205, Ryan Office Building

Public hearing on: HB 1438 Pashinski, Act providing for the licensure of professional music therapists; establishing State Board of Professional Music Therapy Licensing; powers & duties; & establishing Professional Music Therapy Licensing Fund.

Senate Labor and Industry

9:00 a.m., Hearing Room 1, North Office Building

Public hearing to examine the future of apprenticeship programs in Pennsylvania immediately following a voting meeting to consider: SB 703 McGarrigle, Act providing for plumbing contractors licensure; est. the State Board of Plumbing Contractors & providing for its powers & duties.

House Finance

9:30 a.m., Room B31 Main Capitol

Informational meeting on: HB 931 Lawrence, Act providing a procedure for the approval of a lease-backed debt obligation.

House Veterans Affairs & Emergency Preparedness

9:30 a.m., Room 39, East Wing

To consider: HB 1877 Barrar, Amends Title 35 (Health & Safety), in miscellaneous provisions, further providing for expiration of authority; HR 264 Murt, Resolution urging the US Congress to expeditiously address the health, social and economic needs of our female veterans.

Senate Environmental Resources and Energy

9:30 a.m., Room 8E-B, East Wing

To consider: SB 1041 Schwank, Amends Municipal Waste Planning, Recycling & Waste Reduction Act, in recycling & waste reduction, for municipal implementation of recycling programs; &, in enforcement & remedies, for affirmative defense; SB 1114 Yaw, Amends Pennsylvania Sewage Facilities Act further providing for official plans; SB 1145 Yaw, Amends Oil & Gas Conservation Law further providing for applicability, exclusions and construction; HB 1712 Brown, Act establishing the Private Dam Financial Assurance Program and the Private Dam Financial Assurance Fund.

House Judiciary

10:00 a.m., Room 140 Main Capitol

To consider: HB 220 Regan, Amends Title 75 (Vehicles), in serious traffic offenses, further providing for fleeing or attempting to elude police officers; HB 443 Harhai, Amends Title 20 (Decedents, Estates and Fiduciaries), in dispositions independent of letters, further providing for payments to family and funeral directors; HB 1353 Moul, Amends Title 75 (Vehicles), in licensing of drivers, further providing for the offense of homicide by vehicle while driving under the influence; HB 869 Bizzarro, Amends Title 18 (Crimes & Offenses), in riot, disorderly conduct and related offenses, further providing for cruelty to animals.

Senate Transportation

10:00 a.m., Room 8E-A, East Wing

To consider: SB 1032 Yaw, Amends Title 75 (Vehicles), providing for protection of children from second-hand smoke in vehicles; HB 970 Causer, Amends Title 75 (Vehicles), in snowmobiles & all-terrain vehicles, for restricted account, for Advisory Committee, for operation, for mufflers and noise control and for enforcement personnel and procedures; HB 1200 Taylor, Amends relating to the location, construction and maintenance of viaducts & bridges in cities & adjacent territory repealing provisions relating to contracts with railroads for maintenance of viaducts and bridges; SB 1153 Vogel, Act designating a portion of State Routes 108 and 551 in Lawrence County as the Battery B Memorial Highway; HB 1407 Everett, Act designating a bridge on State Route 2014 as Private Walter L. Smith Spanish-American War Memorial Bridge; & a portion of State Route 2044 as Lance Corporal William F. Merrill Vietnam Veterans Highway; HB 1709 Caltagirone, Act designating the bridge carrying State Route 2005 over Schuylkill River, Riverfront Drive & Norfolk Southern Railroad in Reading, Berks County, as 65th US Infantry Regiment, Borinqueneers Memorial Bridge.

Senate Veterans Affairs & Emergency Preparedness

10:00 a.m., Room 156 Main Capitol

To consider: SB 847 Aument, Amends Title 51 (Military Affairs) further providing for State Veterans' Commission; HB 1310 Donatucci, Amends Title 35 (Health & Safety), in emergency telephone service, providing for prohibited release of information.

Senate Judiciary

10:30 a.m., Room 8E-B, East Wing

Public hearing to examine proposed reforms to the bail system in Pennsylvania and a voting meeting on: HB 12 Schlossberg, Amends Title 23 (Domestic Relations), in preliminary provisions relating to divorce; HB 215 Gingrich, Amends Title 18 (Crimes), in assault, further providing for the offense of neglect of care-dependent persons; SB 1144 Greenleaf, Amends Title 18 (Crimes), in minors, providing for the offense of selling or furnishing dextromethorphan to minors.

Senate Game and Fisheries

11:00 a.m., Room 156 Main Capitol

To consider: SB 374 Alloway, Amends Title 34 (Game), in hunting and furtaking, further providing for tagging and reporting big game kills; SB 1115 Scavello, Amends Title 34 (Game), in hunting and furtaking, further providing for dogs pursuing, injuring or killing big game; HB 1452 Gillespie, Amends Title 34 (Game), in hunting and furtaking licenses, providing for a volunteer instructor license.

Senate Education

11:30 a.m., Room 8E-A, East Wing

To consider: SB 359 Greenleaf, Amends the Public School Code, in pupils and attendance; HB 1574 Marsico, Amends the Antihazing Law.

House Appropriations

Off the Floor, Room 140 Main Capitol

Agenda TBA.

Senate Finance

Off the Floor, Rules Committee Conference Room

To consider: SB 421 Yudichak, Amends the Tax Reform Code, in realty transfer tax; SB 601 Folmer, Amends the Tax Reform Code, in personal income tax; HB 147 Maloney, Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania; HB 1330 Ross, Amends the Second Class County Code, in fiscal affairs, further providing for limits on counties of the second class.

WEDNESDAY - 3/23/16

House Children and Youth

9:00 a.m., Room 60, East Wing

Public hearing on: HB 1525 Petri, Amends Title 23 (Domestic Relations), in adoption; HB 1527 Nesbit, Amends Title 23 (Domestic Relations), in adoption, further providing for home study & preplacement report; HB 1531 Miller, Amends Title 23 (Domestic Relations), in adoption, further providing for alternative procedure for relinquishment.

House Aging and Older Adult Services

9:30 a.m., Room G-50, Irvis Office Building

Informational meeting on programs and benefits funded by the Pennsylvania Lottery immediately following a voting meeting on: HB 791 Hennessey, Act authorizing public school districts to implement senior local tax reduction incentive volunteer exchange programs.

House Environmental Resources and Energy

9:30 a.m., Room B31 Main Capitol

Agenda TBA.

House Local Government

9:30 a.m., Room 205, Ryan Office Building

To consider: HB 1409 Rapp, Amends PA Construction Code Act, in adoption and enforcement by municipalities; HB 916 Harper, Amends the Workers' Compensation Act, in additional coverages, further providing for definitions and for reimbursement; HB 1823 Harper, Amends the Second Class Township Code further providing for ordinances.

House Appropriations

Off the Floor, Room 140 Main Capitol

Agenda TBA.

2016 Session Days for the Pennsylvania General Assembly

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

Senate

March: 21, 22, 23

April: 4, 5, 6, 11, 12, 13

May: 9, 10, 11, 16, 17, 18

June: 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

House

March: 21, 22, 23

April: 4, 5, 6, 11, 12, 13

May: 2, 3, 4, 16, 17, 18, 23, 24, 25

June: 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

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