

American Society of Landscape Architects

Summary of Legislation

July 2010

Transportation Funding Discussed, No Action Imminent

Governor Rendell continued to encourage the Legislature to take up the issue of transportation funding during post budget July. At a hearing on July 21st before the Senate Transportation committee, the Governor cited numerous transportation projects in the home districts of committee members that could be addressed if additional funding was available. Rendell called for a special session of the General Assembly earlier this year to specifically address transportation funding needs, but the Legislature has little appetite for any revenue enhancement (read: tax or fee increases) during this election year. Rendell indicated he would sign a bill to increase the gas tax along with registrations fees and also recommended enactment of an increase to the oil company excess profit tax.

Additionally, Rendell suggested that he might “flex” some of the highway funds to mass transit. The Governor did this several years ago, much to the chagrin of many rural legislators, most of whom were Republican. That veiled threat along with Rendell’s past refusal to take the lead on rounding up gas tax votes does not lay a good foundation for this issue to get resolved. Another problem is the Senate’s refusal to hold a lame duck session (post election votes in November). The notion of legislators voting for anything remotely like a tax increase right before elections is hard to imagine.

Still, there is a clear recognition that something needs to be done to properly address infrastructure needs in general and transportation needs in particular. One help, though relatively minor, would be passage of a public-private partnership bill (P3) that would allow for private developers to share in some of the costs for certain projects. Legislation to accomplish that is being actively discussed and may very well be enacted before the current legislative session ends on November 30th of this year. As for a comprehensive funding fix for transportation, the outlook remains dim.

Governor's Office Publishes Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the publication of the Administration's regulatory agenda of interest to ASLA, published in the June 19, 2010 *PA Bulletin*.

State Board of Landscape Architects

1. Biennial Renewal Fees— 49 Pa. Code § 15.12 (16A-619) This proposed regulation would increase the biennial registration fee for landscape architects from \$125 to \$194. Statutory Authority: Section 5 of the Landscape Architects' Registration Law, 63 P. S. § 905. To be published in Fall 2010, as final. Contact: Terrie Kocher (717) 783-7049
2. Licensure Requirements and Continuing Education— 49 Pa. Code Chapter 15(16A-6110). This proposed regulation would implement the act of July 17, 2009 (P.L. 94, No. 24). Statutory Authority: Section 4(9) of the Landscape Architects' Registration law, 63 P. S. § 904(9). To be published in fall 2010, as final. Contact: Terrie Kocher (717) 783-7049
3. Schedule of Civil Penalties—Landscape Architects 49 Pa. Code Chapter 43b (number not yet assigned). This proposed regulation would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board. To be published in spring 2011, as final. Contact: Terrie Kocher (717) 783-7049

Legislative Activity

[HB 444](#) RE: High-Performance, State Buildings Standards Act (By Rep. Matt Smith, et al)

Requires the design, construction and renovation of state-owned or state-leased buildings to comply with specified energy and environmental building standards. The Department of General Services shall annually report to the Senate and House Environmental Resources and Energy Committees.

Laid on the table, 7/3/2010

[HB 786](#) RE: State Energy Office Act (By Rep. Camille George, et al)

Establishes the State Energy Office in the Department of Environmental Protection to promote the goals of energy development and energy conservation. The legislation provides for the powers and duties of the office, including to promote the development of PA's indigenous and renewable energy, to assist the Department of General Services in promoting the efficient use of energy by the State government, and to be the point of contact for private and government energy matters and the lead Commonwealth agency for energy policy development.

Laid on the table, 7/3/2010

[HB 2279](#) RE: The General Appropriations Act of 2010 (by Rep. Dwight Evans, et al)

Provides from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2010, to June 30, 2011, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2010; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2010, to June 30, 2011; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2010, to June 30, 2011, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2010; to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2009, to June 30, 2010, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; and making interfund transfers for the fiscal year July 1, 2010, to June 30, 2011.

Approved by the Governor, 7/6/2010 (Act No. 1A of 2010)

[HB 2289](#) RE: Capital Budget Act of 2010 (By Rep. Dwight Evans, et al)

Provides for the capital budget for fiscal year 2010-2011.

Passed Senate, amended, 7/3/2010 (38-12)

Received as amended in House and rereferred to House Rules Committee, Re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments, 7/3/2010 (110-85)

Signed in the House and Senate, 7/3/2010

Approved by the Governor, 7/7/2010 (Act No. 47 of 2010)

[HB 2290](#) RE: Capital Facilities Debt Enabling Act (By Rep. Dwight Evans, et al)

Amends Capital Facilities Debt Enabling Act further providing for appropriation for and limitation on redevelopment assistance capital projects by stating that the maximum amount of redevelopment assistance capital projects undertaken by the commonwealth for which obligations are outstanding shall not exceed, in aggregate, \$4,250,000,000. *This raises the cap by \$600 million.*

Reported as amended from Senate Finance Committee, read second time, rereferred to Senate

Appropriations Committee, Reported as committed from Senate Appropriations, 7/2/2010

Passed Senate, 7/3/2010 (38-12)

Received as amended in House and rereferred to House Rules Committee, Re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments, 7/3/2010 (109-86)

Signed in the House and Senate, 7/3/2010

Approved by the Governor, 7/7/2010 (Act No. 48 of 2010)

[HR 761](#) RE: Project Labor Agreements (By Rep. Marc Gergely, et al)

Resolution offering the support and recommendation of the House of Representatives for the use of project labor agreements for all publicly funded or guaranteed public works construction, alteration, renovation, demolition, excavating and paving projects in this Commonwealth.

Laid on the table, removed from the table, 7/3/2010

New Bills Introduced

[HB 2647](#) RE: Building Code Amendments (by Rep. Gordon Denlinger, et al)

Amends Pennsylvania Construction Code Act further providing for revised or successor codes by requiring the Department of Labor and Industry to recommend to the General Assembly that the new code be adopted with the changes recommended by the council; providing the adoption of new triennial codes shall be by statute.

Introduced and referred to House Labor Relations Committee, 7/13/2010

Upcoming Meetings of Interest

NONE

2010 HOUSE FALL SESSION SCHEDULE

September 13, 14, 15, 20, 21, 22, 27, 28, 29

October 4, 5, 6

November 8, 9, 10, 15, 16

2010 SENATE FALL SESSION SCHEDULE

September 20, 21, 22, 27, 28, 29, 30

October 12, 13, 14

November 18 (Ceremonial Session to Elect an Interim President Pro Tempore)

Session ends officially at midnight on November 30

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

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