

**American Society of Landscape Architects
Summary of Legislation
February 2013**

Governor's Office Publishes Regulatory Agenda for 2013

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 was published in the February 2, 2013, PA Bulletin. Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

Regulation Being Considered	Proposed Date of Promulgation	Need and Legal Basis for Action	Agency Contact
State Board of Landscape Architects—Continuing Education; Licensure without Examination—49 Pa. Code Chapter 15 (16A-6110)	Spring 2013, as Proposed.	This 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).	Terrie Kocher (717) 772-8528
—General Revisions—49 Pa. Code Chapter 15 (16A-6111)	Summer 2013, as Proposed	This proposed rulemaking implements updates to current practices of the Board with respect to qualifications and experience, examinations and continuing education. Statutory Authority: Section 4(9) of the Landscape Architects' Registration Law, 63 P.S. § 904(9).	Terrie Kocher (717) 772-8528
—Schedule of Civil Penalties—Landscape Architects 49 Pa. Code Chapter 43b. (16A-6120)	Summer 2013, as Proposed.	This proposed rulemaking 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.	Terrie Kocher (717) 772-8528
—Electronic Seals and Signing—49 Pa. Code Chapter 15 (16A-6121)	Summer 2013, as Proposed.	This proposed rulemaking will implement rules on electronic seals and signing from other design professional boards in Pennsylvania and other states. Statutory Authority: Sections 4 and 9 of the Landscape Architects' Registration Law, 63 P.S. §§ 904 and 909.	Terrie Kocher (717) 772-8528

Legislative Activity

The following bills of interest to the design professions have been introduced and acted upon in the past month.

BIDDING / CONTRACTING

[HB 201](#) RE: Bid Review by Former Employees (by Rep. George Dunbar, et al)

Amends Title 62 (Procurement) regarding the evaluation of competitive sealed proposals by providing no individual who has been employed by an offeror within the last two years may participate in the evaluation of proposals.

Reported as committed from House State Government Committee, read first time, and laid on the table, 2/13/2013

BUDGET RELATED BILLS

NONE

ENVIRONMENTAL BUILDING STANDARDS

[HB 34](#) RE: High-Performance, State Buildings Standards Act (By Rep. Kate Harper, et al)

Provides for the creation of high-performance building standards. All building projects or a renovation that is larger than 20,000 gross square feet and at least 90 percent total square feet of a building in facilities owned by a Commonwealth agency shall meet or exceed the prescribed level of achievement under the high-performance building standard outlined in the legislation. The Department of General Services shall promulgate rules and regulations for compliance and shall report annually to the legislature.

Reported as amended from House Environmental Resources and Energy Committee, read first time, and laid on the table, 2/4/2013

Removed from the table, 2/5/2013

Amended on House floor, read second time, and rereferred to House Appropriations Committee, 2/6/2013

Reported as committed from House Appropriations Committee, read third time, and passed House, 2/11/2013 (163-32)

Received in the Senate and referred to Senate Environmental Resources and Energy Committee, 2/26/2013

PROFESSIONAL EDUCATION

[HB 111](#) RE: Higher Education Planning (by Rep. Jim Roebuck, et al)

Amends the Public School Code further providing for the contents of the master plan that the board is required to adopt every five years. The legislation strikes the eight requirements of the plan and adds the following new requirements: (1) describe the current higher education landscape in Pennsylvania; (2) identify unmet needs and gaps with regard to career fields, geographic and financial access; (3) identify emerging higher education issues and recommend strategies and options designed to address the issues; (4) identify gaps and opportunities for collaboration with basic education, work force development programs, economic development and other related systems; and (5) outline a plan for action by the board to revise or update its higher education regulations.

Read Second time, and rereferred to House Appropriations Committee, 2/4/2013

LOCAL/STATE GOVERNMENT/REGULATIONS

[HB 107](#) RE: Military Service Waivers (by Rep. Doyle Heffley, et al)

Amends Title 51 (Military Affairs), in professional and occupational licenses, providing that military service and other related factors may be taken into consideration to determine whether a licensing or certification requirement has been met by or can otherwise be waived by reason of that military service, education, training or experience. A veteran shall only be required to meet a licensing or certification requirement which has not been met by or waived. The bill also provides for professional license transfer for military spouses under certain enumerated conditions.

Introduced and referred to House Veterans Affairs & Emergency Preparedness Committee, 1/14/2013

Reported as committed from House Veterans Affairs & Emergency Preparedness Committee, read first time, and laid on the table, 1/16/2013

Removed from the table, 1/22/2013

Amended on House floor, read second time, and rereferred to House Appropriations Committee, 2/5/2013

Reported as committed from House Appropriations Committee, read third time, and passed House, 2/6/2013 (195-0)

Received in the Senate and referred to Senate Veterans Affairs & Emergency Preparedness Committee, 2/8/2013

[HB 124](#) RE: Industrialized/ Commercial Modular Buildings (By Rep. Ryan Aument, et al)

Amends the Industrialized Housing Act regarding industrialized/ commercial modular buildings and industrialized/commercial building modules to provide the department with the power and authority to regulate the identification, inspection and assembly and certification in a similar manner as industrialized housing through the use of uniform standards. The bill also provides that the department has authority over installation standards.

Reported as committed from House Appropriations Committee, read third time, and passed House, 2/4/2013 (200-0)

Received in the Senate and referred to Senate Labor and Industry Committee, 2/7/2013

Reported as amended from Senate Labor and Industry Committee, and read first time, 2/12/2013

[HB 261](#) RE: Civil Penalties (By Rep. Harry Readshaw, et al)

Amends the act entitled, "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing

for civil penalties and license suspension," further providing for civil penalties by adding that the boards and commissions shall have the power to collect all fees, costs, fines and penalties assessed as a result of disciplinary proceeding before a licensing board or commission; and to deny, suspend or revoke a license, registration or certification for failure to pay any fine or fee assessed as a result of disciplinary proceeding before a licensing board or commission.

Introduced and referred to House Professional Licensure Committee, 1/23/2013

[HB 263](#) RE: Notice of Convictions (by Rep. Harry Readshaw, et al)

Amends "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," requiring license holders under professions licensed by boards under the Bureau of Professional and Occupational Affairs to provide notice within 30 days if the individual has convicted, found guilty or pleaded nolo contendere, or received probation without verdict or received accelerated rehabilitative disposition as to any felony or misdemeanor or any drug violation. Expunged criminal matters do not have to be reported.

Introduced and referred to House Professional Licensure Committee, 1/23/2013

[HB 336](#) RE: Expungement of Records (by Rep. Kate Harper, et al)

Amends "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," to provide a definition for "expunge" or "expungement" and to provide the Bureau of Professional and Occupational Affairs the power to expunge a record based upon certain enumerated conditions. The Commissioner of Professional and Occupational Affairs has the authority and duty to adopt a schedule of civil penalties for operating violations.

Introduced and referred to House Professional Licensure Committee, 1/24/2013

Reported as committed from House Professional Licensure Committee, read first time, and laid on the table, 2/6/2013. Removed from the table, 2/11/2013

Read Second time, and rereferred to House Appropriations Committee, 2/12/2013

Reported as committed from House Appropriations Committee, read third time, and passed House, 2/13/2013 (195-1)

Received in the Senate and referred to Senate Consumer Protection & Prof. Licensure Committee, 2/26/2013

[HB 484](#) RE: Swimming Pool Barriers (by Rep. Rob Kauffman, et al)

Amends Pennsylvania Construction Code Act stipulating a swimming pool or spa may not be filled with water until the barrier requirements of the act are met and during construction of a swimming pool, temporary barriers shall be erected as required by department regulations.

Introduced and referred to House Labor and Industry Committee, 2/4/2013

[HB 515](#) RE: Mailed Notice (by Rep. Dick Stevenson, et al)

Amends Pennsylvania Municipalities Planning Code further providing a definition for "Mailed notice" which is a notice given by a municipality by first class mail to a landowner or an owner of a mineral interest in land of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

Introduced and referred to House Local Government Committee, 2/5/2013

[HB 587](#) RE: Impersonating a Professional Licensee (By Rep. Matt Baker, et al)

Amends Title 18 (Crimes and Offenses), in falsification and intimidation, further providing for the offense of impersonating a notary public or a holder of a professional or occupational license by adding that if the intent of the actor is to impersonate a medical doctor and, in so doing, the actor provides medical advice or treatment to another person as a patient, regardless of whether or not the other person suffers harm from the medical advice or treatment, an offense is a felony of the first degree.

Introduced and referred to House Judiciary Committee, 2/8/2013

[SB 452](#) RE: Military Spouse License Portability Act (by Sen. Matt Smith, et al)

Provides definitions and allows spouses of military members to transfer a professional license to the Commonwealth if certain enumerated conditions outlined in the legislation are met.

Introduced and referred to Senate Consumer Protection & Prof. Licensure Committee, 2/8/2013

MANDATE WAIVERS

NONE

MECHANIC'S LIEN
NONE

TRANSPORTATION
See Budget Bills

Upcoming meetings of Interest

2013 HOUSE SESSION SCHEDULE

March	11, 12, 13, 18, 19, 20
April	8, 9, 10, 15, 16, 17, 22, 23, 24
May	6, 7, 8, 13, 14, 15
June	3, 4, 5, 10, 11, 12, 17, 18, 19, 20, 24, 25, 26, 27, 28

2013 SENATE SESSION SCHEDULE

March	11, 12, 13, 18, 19, 20
April	8, 9, 10, 15, 16, 17, 29, 30
May	1, 6, 7, 8, 9, 13, 14
June	3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, 27, 28

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

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