

American Society of Landscape Architects

Summary of Legislation

May 2013

Transportation Funding Reaching Critical Stage

It's June in Harrisburg which means it's time for the Legislature to get serious about enacting the Commonwealth Budget. It's not unusual for other issues to get tied into budget negotiations and this year is no exception. In fact, the budget sets the backdrop for possible passage of a number of titanic legislative issues that have spent years clamoring for attention. The fate of transportation funding, liquor privatization, pension reform and education funding are all in the mix. It may be one of the worst kept secrets on the Hill, but rumors have it that the House won't pass transportation funding if the Senate doesn't pass liquor privatization. There is no clear answer if that deal will get done. There is also concern over whether the House can find enough votes regardless of any trades that may be made. Further complicating matters is that the Senate proposal includes fee increases that the House and Governor haven't exactly embraced. How all this works out will determine if the Commonwealth's transportation system gets a boost, be it \$1.9 billion, \$2.5 billion, something less or nothing at all. The deadline for the budget is June 30th. In practical terms, that is D Day for transportation funding too. Stay tuned...

Senate Approves Comprehensive Plan to Fund State's Transportation Needs

By an overwhelming majority, a bill providing for a comprehensive proposal to fund Pennsylvania's transportation needs, was approved by a vote of 45 to 5 and now moves to the House of Representatives for consideration. Sponsored by Senate Transportation Committee Chairman John Rafferty (R-44), [Senate Bill 1](#) will invest more than \$2.5 billion in the Commonwealth's highways and bridges, transit agencies, railways, airports and ports. It follows the major recommendations made by the Governor's Transportation Funding Advisory Commission.

"I am very pleased by the collaborative effort of members from rural, suburban and urban communities in crafting this legislation," Rafferty said. "It received such strong bipartisan support because it will benefit residents in every area of our state."

Rafferty said the bill represents a bipartisan effort to fund transportation projects throughout the state and address critical safety issues. Pennsylvania has more structurally deficient bridges – nearly 4,400 – than any other state in the nation, and 23 percent of its 44,000 miles of state-owned roads are in poor condition.

Senate President Pro Tempore Joe Scarnati (R-25) praised Transportation Secretary Barry Schoch for his efforts to gain passage of the bill.

Senate Majority Leader Dominic Pileggi (R-9) said the measure is crucial not only to public safety but to economic growth.

"Transportation funding is a core responsibility of state government, and it has been 16 years since Pennsylvania enacted a meaningful transportation funding program," Pileggi said. "The time for action is now."

Senate Bill 1 will raise revenue through a number of sources, including adjusting outdated vehicle driver fees for inflation, increasing fines, uncapping the Oil Company Franchise Tax over three years and modernizing many PennDOT services for cost savings.

Key elements of the legislation that passed the Senate are:

PHASE OUT

- Phases out the \$1.25 cap on the oil company franchise tax over a three-year period; at today's price, that would add 28.5 cents per wholesale gallon;
- Temporarily reduces the 12 cents per gallon flat tax at the pump to 11 cents per gallon in 2013-14 and 10 cents per gallon in 2014-15.

FINES

- Imposes a \$100 surcharge on drivers who violate traffic laws, like speeding or running a red light;
- Increases fines for violation for failure to obey traffic control devices from \$25 to a sliding scale of \$100 to \$300.

FEES

- Imposes \$50.50 licensing fee for six years, instead of a \$29.50 fee for four years;
- Imposes \$104 registration fee for two years, instead of a \$36 fee annually.

REIMBURSEMENTS

- After eight years, ends an annual Pennsylvania Turnpike Commission transfer of \$200 million for highways and \$250 million for mass transit; replaces it with a transfer of \$450 million a year from a vehicle sales tax beginning in 2021.

SPENDING

- \$1.9 billion a year for state and local highways and bridges;
- \$510 million a year for Pennsylvania's 36 mass transit agencies, including \$60 million to help them convert fleet vehicles to alternative fuels, such as compressed natural gas;
- \$115 million a year for railways, airports, ports and bicycle and pedestrian programs, including \$20 million to \$35 million a year for related highway or bridge projects picked by the transportation secretary.

Legislative Activity

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

BIDDING / CONTRACTING

[HB 1451](#) RE: Centralized Design of Physical Plants (by Rep. Tom Caltagirone, et al)
Amends the State Public School Building Authority Act to require contracts between the Authority and school districts to be conditioned upon the preparation of general plans for the centralized design of physical plants.
Introduced and referred to House Education Committee, 5/28/2013

BUDGET RELATED BILLS

[HB 1437](#) General Appropriation Act of 2013 (By Rep. Bill Adolph, et al)
The House FY 2013-14 budget. Spreadsheet: <http://www.pabudget.com/Display/SiteFiles/154/2013-14%20HRC%20Budget%20Proposal.pdf>
Introduced and referred to House Appropriations Committee, 5/29/2013
Reported as committed from House Appropriations Committee, read first time, and laid on the table, 6/3/2013

[SB 680](#) RE: Capital Budget Project Itemization Act of 2012-2013 (by Sen. Jake Corman, et al)
Provides for the capital budget for the fiscal year 2012-2013; itemizes public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, State forestry bridge projects, State ATV/Snowmobile Fund projects and Manufacturing Fund projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation, together with their estimated financial costs; authorizes the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation; states the estimated useful life of the projects; and makes appropriations.
Read third time, and passed Senate, 5/1/2013 (49-0)
Received in the House and referred to House Appropriations Committee, 5/6/2013

ENVIRONMENTAL BUILDING STANDARDS

[HB 1325](#) RE: Anti-Degradation Requirements (by Rep. David Maloney, et al)
Amends the Pennsylvania Sewage Facilities Act adding language providing provide that onlot systems approved by DEP under current Act 537 requirements meet anti-degradation requirements of The Clean Streams Law and the regulations promulgated under that Act.
Introduced and referred to House Environmental Resources and Energy Committee, 5/6/2013
Reported as committed from House Environmental Resources and Energy Committee, read first time, and laid on the table, 5/15/2013

PROFESSIONAL LICENSURE/EDUCATION

[HB 107](#) RE: Military Waiver for CE (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.

Rereferred to Senate Appropriations Committee, 5/7/2013

[HB 261](#) RE: Payment of Fines and Fees (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.

Read second time, and rereferred to House Appropriations Committee, 5/6/2013

Reported as committed from House Appropriations Committee, read third time, and passed House, 5/7/2013 (197-0)

Received in the Senate and referred to Senate Consumer Protection & Prof. Licensure Committee, 5/24/2013

[HB 1447](#) RE: Title Protection (by Rep. Marc Gergely, et al)

Amends the Engineer, Land Surveyor and Geologist Registration Law further providing for a definition of "engineer". Eliminates certain exemptions from licensure and registration. Adds language allowing each licensee to register his seal electronically so that a digital signature can be used to seal electronic plans and documents. Further provides the signature will be offered with the seal using asymmetrical cryptography. Any person performing activities prior to the effective date of the legislation that did not require licensure shall continue to practice those same duties without obtaining licensure under the Act.

Introduced and referred to House Professional Licensure Committee, 5/28/2013

LOCAL/STATE GOVERNMENT/REGULATIONS

[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.

Read third time, and passed Senate, 5/7/2013 (50-0)

Received as amended in House and rereferred House Rules Committee, 5/8/2013

Re-reported on concurrence as committed from House Rules committee, and House concurred in Senate amendments, 5/13/2013 (197-0)

Signed in the House 5/13/2013

Signed in the Senate, 5/14/2013

In the hands of the Governor, 5/16/2013

Approved by the Governor, 5/21/2013 (Act No. 8 of 2013)

[HB 484](#) RE: Swimming Pools (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.

Reported as committed from House Appropriations Committee, 5/6/2013

LIABILITY

NONE

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NONE

TRANSPORTATION

SB 1 RE: Transportation Infrastructure (by Sen. John Rafferty, et al)
Amends Titles 20 (Decedents, Estates & Fiduciaries), 74 (Transportation) and 75 (Vehicles), comprising a comprehensive transportation funding plan that raises approximately \$2.5 billion in annual funding by fiscal year 2017-18. Adjusts vehicle and driver fees for inflation, surcharges fines for drivers who violate traffic laws, uncaps the Oil Company Franchise Tax over three years and provides for the modernization of various PennDOT services. Funds raised would be allocated \$1.9 billion for state and local highways and bridges; \$510 million for the commonwealth's 36 urban and rural transit agencies; and \$115 million for railways, airports, ports and bicycle and pedestrian programs.

Reported as committed from Senate Transportation Committee, and read first time, 5/7/2013

Read second time, and rereferred to Senate Appropriations Committee, 5/14/2013

Discussed at House Budget press conference, 5/29/2013

Upcoming meetings of Interest

MONDAY - 6/3/13

Off the Floor, Rules Committee Conference Room

To consider:

SB 1 (Rafferty) - Amends Titles 20 (Decedents, Estates & Fiduciaries), 74 (Transportation) & 75 (Vehicles) providing for definitions, public-private partnerships, highway maintenance, allocation of proceeds; directs JSGC to study replacement funds.

TUESDAY - 6/4/13

House Environmental Resources and Energy Committee

9:00 a.m., Room 39, East Wing

To consider: **HB 343** (R. Miller) - Amends Title 27 (Environmental Resources), in conservation and natural resources, providing for water well construction standards.

WEDNESDAY - 6/5/13

House Local Government Committee

10:00 a.m., Room 39, East Wing

To consider:

SB 583 (Eichelberger) - Amends the Economic Development Financing Law further providing for competition in award of contracts.

SB 591(Vulakovich) - Amends the Fiscal Code, in Local Government Capital Project Loan Fund provisions, further providing for assistance to municipalities.

And others

2013 HOUSE SESSION SCHEDULE

June 3, 4, 5, 10, 11, 12, 17, 18, 19, 20, 24, 25, 26, 27, 28

2013 SENATE SESSION SCHEDULE

June 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, 27, 28

The Fall Legislative Schedules have not yet been published.

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

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