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Pennsylvania Society of Land Surveyors **Summary of Legislation** **June 2011**

Retired CE Bill Passes House

A bill that exempts retired engineers, land surveyors and geologists from having to meet the mandated continuing education requirements passed the Pennsylvania House by a vote of 199 to 2 on June 21st. House Bill 1054, introduced by Representative Mark Mustio (Republican, Allegheny County) establishes a process by which a retired licensee can notify the Board that he or she is no longer practices and wishes to be exempted from the mandatory continuing education hours. This new license category would allow an individual to continue to use the appropriate protected title followed by "retired". Presently, a licensee can choose between having an active license or placing their license in "inactive" status. However once a license is inactive, that individual may not use their professional title. If enacted, the bill provides this third option.

The bill has been referred to the Senate committee on Consumer Protection and Professional Licensure. The Senate is likely to consider the bill when it returns to session this fall.

Governor Signs Repeal of Joint and Several Liability

Gov. Tom Corbett signed into law the first of several bills this month that have been top priorities for legislative Republicans the last few years, and on which Corbett ran in the 2010 election. Departing from the tradition of bill signings in the Governor's Reception room, and surrounded by nearly 100 legislators and representatives of supporting business, health care and insurance groups in the Capitol Rotunda, Corbett signed **Senate Bill 1131**, which changes Pennsylvania's current policy of joint and several liability. SB 1131 levels the playing field by disallowing joint liability in cases where a defendant is less than 60 percent legally responsible. Under the new law, defendants could still be held fully responsible, regardless of the percentage of their legally-assessed responsibility if they intended to misrepresent or break the law; or they released a hazardous substance; or they violated the state liquor code. "The "Fair Share Act" is a key component in addressing one of the most important issues to Pennsylvania, jobs," Corbett said, before signing the bill.

Corbett Delivers First Budget On Time, By 15 Minutes

Gov. Tom Corbett achieved the primary goals that he and the Republican-controlled General Assembly set when he delivered his March budget address – an on-time, no-tax increase budget for the 2011-2012 fiscal year, that begins on July 1, when he signed the legislation at 11:45 PM on June 30. The budget and accompanying enabling legislation was basically a product of agreements between the Governor and the House and Senate Republicans, with Democrats generally locked out of the discussions, weighing in with fierce criticism of each piece in floor and committee debates and largely voting against the bills. The overwhelming Republican majorities were mostly able to ignore the input from the loyal opposition, pushing their agenda through and overcoming procedural motions that only required a simple majority. The major areas where "savings" are achieved in the new \$27.149 billion spending plan (**HB 1485**) are in the Human Services (DPW) and education programs.

Legislative Activity

The following bills were acted on by the General Assembly this month.

HB 285 RE: School Bidding Thresholds (by Rep. Mark Keller, et al)
(PN 238) Amends Public School Code increasing the amount of purchases that are subject to advertising requirements to \$25,000 from \$10,000. Additionally, written or telephonic price quotations from at least three qualified and responsible contractors would be requested for all contracts that exceed \$7,000 (increased from \$4,000). The legislation provides for the annual adjustment of these amounts based on the Consumer Price Index for All Urban Consumers.
Received in the Senate and referred to Senate Education Committee, 6/3/2011

HB 1054 RE: CE Exemptions (by Rep. Mark Mustio, et al)
Amends Engineer, Land Surveyor and Geologist Registration Law providing a licensee may request exemption from the continuing professional competency requirements if the licensee lists his occupation as retired and certifies to the board that he no longer receives any remuneration for their licensed profession. Further provides if the licensee intends to return active practice, then the licensee must complete the number of professional development hours required for each year exempted, not to exceed the annual requirement for two years. Requires retired licensees to hold themselves out as such.

Removed from the table 6/15/2011

Read second time and rereferred to House Appropriations Committee, 6/20/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 6/21/2011 (199-2)

Received in the Senate and referred to Senate Consumer Protection & Prof. Licensure Committee, 6/26/2011

HB 1485 RE: General Appropriation Act of 2011 (by Rep. Bill Adolph, 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, 2011, to June 30, 2012, 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, 2011; 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 Oil and Gas Lease 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, 2011, to June 30, 2012; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2011, to June 30, 2012, 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, 2011; and 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, 2010, to June 30, 2011, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2010.

Reported as committed from Senate Appropriations Committee, and read first time, 6/14/2011

Read second time, 6/15/2011

Rereferred to Senate Appropriations Committee, 6/22/2011

Reported as amended from Senate Appropriations 6/27/2011

Read third time and passed Senate, 6-/8/2011 (30-20)

Received as amended in House, rereferred to House Rules Committee, re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments 6/29/2011 (109-92)

Approved by the Governor 6/30/2011 Act No. 1A of 2011

HB 1602 RE: Mechanics' Lien (by Rep. Tom Killion, et al)

Amends the Mechanics' Lien Law further providing for formal notice by subcontractor to the prothonotary of the Court of Common Pleas of the relevant jurisdiction as condition precedent to beginning construction. Notice must be given within 15 days of commencement of the construction. Form of the notice is provided for and a model notice given. A petition for a claim from a lien for a construction project must be filed within four months after completion of the work.

Public hearing held in House Labor and Industry Committee 6/13/2011

SB 172 RE: Pennsylvania MESA (mathematics, engineering and science achievement) Initiative Act (by Sen. LeAnna Washington, et al)

Establishes the MESA Initiative as a program within the Department of Education, which shall seek to increase exposure, educational motivation and achievement of students in science, engineering and mathematics and build individual and regional capacity to compete for STEM-based jobs in the global market with a particular emphasis on students, parents, educators and employers from urban and rural groups who have historically had the lowest levels of high school degree attainment and participation in college and graduate education. The department, in consultation with the MESA Commission, commonwealth agencies, institutions of higher education, the Team PA foundation and the stem regions shall administer the MESA Initiative, including statewide MESA funding, operations, regional groups, programs and evaluations. The department shall work with the TEAM PA Foundation and the five established STEM regions in Pennsylvania to create in each STEM region an infrastructure for the MESA Initiative to support not fewer than four professional staff, 20 retired industry mentors, 20 certified MESA teacher-coordinators and school administrators. The State MESA Commission is established to oversee the advancement of mathematics, engineering, science and technology education.

**Reported as amended from Senate Education Committee, and read first time, 6/14/2011
Rereferred to Senate Appropriations Committee, 6/23/2011**

SB 263 RE: Data for Consideration by IRRC (By Sen. Ted Erickson, et al)

Amends the Regulatory Review Act to require the promulgating agency to submit to the Independent Regulatory Review Commission any data on which the information in the regulation is based and how that data was used. The agency has the burden of proving the acceptability of the data and the commission shall consider whether the regulation is supported by acceptable data in its determination of whether to approve a regulation.

Read third time and passed Senate, 6/6/2011 (49-0)

Received in the House and referred to House State Government Committee, 6/7/2011

Reported as committed from House State Government Committee, read first time, and laid on the table, 6/21/2011

Removed from the table, 6/22/1011

Read Second time and Rereferred to House Appropriations Committee, 6/27/2011

Reported as committed from House Appropriations, read third time, and passé House, 6/28/2011 (153-45)

Signed in the Senate and House, 6/29/2011

SB 330 RE: Taxpayer Relief Act Back End Referendum Exemptions (by Sen. Joe Scarnati, et al)

Amends the Taxpayer Relief Act to require the school directors in school districts of the second, third, and fourth classes to adopt a resolution allowing the payment of property taxes by small businesses to be made in installments. This does not include the payment of interim or delinquent taxes. A small business is defined as a business located in this commonwealth with fewer than 50 employees. Provides any property tax increase for school districts over the rate of inflation must be submitted for voter approval. Exceptions to this requirement are tax increases to pay for the costs associated with special education and payment of certain electoral debt only the amount to pay for the amount not covered by the increase allowed for in the index. Department approval is required for the exception to referendum.

Reported as committed from House Finance Committee, read first time, laid on the table, and Removed from the table, 6/28/2011

Amended on House floor with Grove amendment, and rereferred to House Appropriations Committee, 6/29/2011

Reported as committed from House Appropriations Committee, read third time, 24 hour Rule Suspended, and passed House, 6/30/2011 (109-86)

Received as amended in Senate and rereferred Senate Rules and Executive Nominations Committee, Re-reported on concurrence as committed Senate Rules and Executive Nominations Committee, and Senate concurred in House amendments, 6/30/2011 (32-17)

Signed in the Senate and House, 6/30/2011

Approved by the Governor, 6/30/2011. Act No. 25 of 2011

SB 552 RE: Industry Partnerships (By Sen. Mike Brubaker, et al)

Amends the Workforce Development Act adding a chapter providing for industry partnerships. The bill provides for the identification of industry clusters and targeted industry clusters and requires information to be published online annually by the Department of Labor and Industry along with a list of statewide and regional high-priority occupations which will guide workforce and educational investments by the department and participating agencies. The bill establishes a grant program to provide funding to industry partnerships. The grants could be used by industry partners to organize collaborative structures, identify training needs, facilitate economies of scale, and other such purposes. The bill provides for interdepartmental cooperation with the Departments of Agriculture, Community and Economic Development, Education, Corrections, and Public Welfare. The Department of Labor shall provide the necessary industry and labor market research to support and further develop the work of industry partnerships.

Reported as amended from House Labor and Industry Committee, read first time, and laid on the table, 6/27/2011

Removed from the table, 6/28/2011

Read second time and Rereferred to House Appropriations Committee, 6/29/2011

Reported as committed from House Appropriations Committee, read third time and passed House, 6/30/2011 (197-0)

Received as amended in Senate and rereferred Senate Rules and Executive Nominations Committee, Re-reported on concurrence as committed from Senate Rules and Executive Nominations Committee, and Senate concurred in House amendments 6/30/2011 (50-0)

Signed in the Senate and House, 6/30/2011

In the Hands of the Governor. Last day for action 7/10/2011

SB 637 RE: E-Verify (By Sen. Kim Ward, et al)

(PN 992) Amends Title 62 (Procurement), in contracts for public works, adding a subchapter requiring verification of the employment eligibility of all employees for purposes of wage reporting and employment eligibility in certain public works projects as a precondition of being awarded a contract. The bill prescribes penalties and establishes good faith immunity under certain circumstances. (Prior Printer Number: 645)

Received in the House and referred to House Labor and Industry Committee, 6/2/2011

SB 1054 RE: 2011-12 Capital Budget Act (by Sen. Jake Corman, et al)

Provides for the capital budget for the fiscal year 2011-2012. Provides \$1,662,000,000 for capital improvements: \$935 million for buildings and structures, \$10 million for furniture and equipment, \$212 million for transportation assistance projects, \$270 million for redevelopment assistance projects, \$35 million for flood control projects, and \$200 million for bridge projects.

Read third time and passed Senate, 6/6/2011 (49-0)

Received in the House and referred to House Appropriations Committee, 6/7/2011

SB 1131 RE: Fair Share Act (Sponsor withdrew)

Amends Title 42 (Judiciary and Judicial Procedure), in general provisions relating to civil actions and proceedings, to provide (with exception) for proportional liability. Exceptions include intentional misrepresentation, an intentional tort, where a defendant is at least 60 percent liable, a violation of section 702 of the Hazardous Sites Cleanup Act, and a violation of section 497 of the Liquor Code. Defendants found jointly and severally liable may seek contributions from defendants not paying their fair share and pursuant to a contractual agreement. Proportion of liability shall be determined by the trier of fact and shall not be admissible in any other proceeding or action for any purpose. Makes related repeals, further provides for definitions, and provides for a savings clause.

Read second time and rereferred to House Appropriations Committee, 6/26/2011

Prime Sponsor Withdrew 6/27/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 6/27/2011 (116-83)

Signed in the House and Senate, 6/27/2011

Approved by the Governor, 6/28/2011 (Act: 17 of 2011)

New Bills Introduced

The following bills were introduced and referred to committees this month.

HB 1688 RE: Highway Capital Budget Project Itemization Act of 2011-2012 (By Rep. Mark Keller, et al)

Provides for the highway capital budget project itemization for the fiscal year 2011-2012 to be financed from current revenue or by the incurring of debt.

Introduced and referred to House Appropriations Committee, 6/17/2011

HB 1698 RE: Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2011-2012 (by Rep. Doyle Heffley, et al)

Supplement to the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983, adding the Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2011-2012, which itemizes additional state and local bridge projects.

Introduced and referred to House Transportation Committee, 6/20/2011

SB 1136 RE: High-Performance State Government Buildings Standards Act (By Sen. John Rafferty, et al)

Requires the design, construction and renovation of certain state buildings to comply with specified energy and environmental building standards. The bill outlines minimum criteria for high-performance building standards. The Department of General Services, in consultation with the Department of Environmental Protection, shall develop and issue regulations for compliance.

Introduced and referred to Senate Environmental Resources and Energy Committee, 6/29/2011

Upcoming meetings of Interest

2011 SENATE SESSION SCHEDULE

The Senate is in recess until September 19.

2011 HOUSE SESSION SCHEDULE

The House is in recess until September 26.

The Fall Legislative Schedule has not been announced.

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

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