

PMHA Legislative Review

December 2018

Harrisburg Happenings Compliments of Milliron & Goodman:

Democratic Governor Tom Wolf will present his 2019/20 state budget to the Republican-led General Assembly on Tuesday, February 5, 2019, with expected budget hearings to be held for three weeks following the address.

During the hearings, the heads of state departments and agencies will appear before the state Senate and House Appropriations Committees to defend Governor Wolf's budget proposal. After the hearings are over, it will be up to lawmakers to determine what will be in the final budget plan that moves through the legislative process. The new budget year starts July 1, 2019.

According to a recent report issued by the Legislature's nonpartisan Independent Fiscal Office (IFO), the state is facing a projected \$1.7 billion deficit for the fiscal year beginning July 1, 2019. The IFO says expenditures are expected to increase by \$2.7 billion in FY 2019-20, which is roughly \$1.7 billion more than the projected increase in net revenues.

2019 Legislative Session Schedule

The Pennsylvania Legislature – as required by the state constitution – convenes at noon on the first Tuesday of January for swearing-in, and then meets regularly throughout the year.

2019 SENATE SESSION SCHEDULE

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

2019-2020 Senate and House Leadership Election Results

Senate Republican Leadership:

Interim President Pro Tempore: Joe Scarnati (R-Jefferson)
Leader: Jake Corman (R-Centre)
Appropriations Chairman: Patrick Browne (R-Lehigh)
Whip: John Gordner (R-Columbia)
Caucus Chair: Bob Mensch (R-Montgomery)
Caucus Secretary: Richard Alloway (R-Franklin)
Caucus Administrator: To be appointed by the President Pro Tempore
Policy Chair: David Argall (R-Schuylkill)

House Republican Leadership:

Speaker-Nominee: Mike Turzai (R-Allegheny)
Leader: Bryan Cutler (R-Lancaster)
Appropriations Chairman: Stan Saylor (R-York)
Whip: Kerry Benninghoff (R-Centre)
Caucus Chair: Marcy Toepel (R-Montgomery)
Caucus Secretary: Mike Reese (R-Westmoreland)
Caucus Administrator: Kurt Masser (R-Northumberland)
Policy Chair: Donna Oberlander (R-Clarion)

Senate Democratic Leadership:

Leader: Jay Costa (D-Allegheny)
Appropriations Chair: Vincent Hughes (D-Philadelphia)
Whip: Anthony Williams (D-Philadelphia)
Caucus Chair: Wayne Fontana (D-Allegheny)
Caucus Secretary: Larry Farnese (D-Philadelphia)
Caucus Administrator: John Blake (D-Lackawanna)
Policy Chair: Lisa Boscola (D-Northampton)

House Democratic Leadership:

Leader: Frank Dermody (D-Allegheny)
Appropriations Chairman: Matt Bradford (D-Montgomery)
Whip: Jordan Harris (D-Philadelphia)
Caucus Chair: Joanna McClinton (D-Philadelphia)
Caucus Secretary: Rosita Youngblood (D-Philadelphia)
Caucus Administrator: Neal Goodman (D-Schuylkill)
Policy Chair: Mike Sturla (D-Lancaster)

2018 General Election Update

Gov. Wolf and US Sen. Casey Win; Democrats Pick-up Seats in PA House and Senate; Despite Gains GOP Keeps Control of PA Legislature; Democrats Pick-up PA Congressional Seats Making it 9-9

Voters across the nation and Keystone State headed to the ballot box yesterday for the general election to help decide the makeup of the US House and US Senate and decide who will sit in the governor's chair and occupy both chambers of our state legislature. Voter turnout in the 2018 midterm elections appears to have surpassed previous midterms significantly, but it will be a while before we know the full numbers.

Nationally, despite the enthusiasm for a blue wave, yesterday was more like a ripple – showing the divide that still exists on a number of policies and on the president. Both parties were energized and had some big successes. Democrats took control of the US House and captured key governorships in Wisconsin and Michigan, while Republicans added to their US Senate majority and won a closely watched Senate race in Texas and the Florida and Georgia races for governor.

Democratic Governor **Tom Wolf** and Democratic US Senator **Bob Casey** both won statewide.

All 203 state House seats and half the Senate (25 seats – even numbered districts) were on the ballot this year. Despite gains by Democrats, the Pennsylvania House of Representatives and Pennsylvania Senate will remain in Republican control. Let's take a look at the numbers according to unofficial election returns.

On the House side, Democrats won six open seats, defeated nine GOP incumbents, and lost three seats, for a net gain of **11 seats**. GOP Reps. Charlton, Corbin, Harper, Kampf, Milne, Quigley, Roe, and Santora LOST their seats (8). DEM Reps. Barbin and Tai LOST their seats (2). The open seats of GOP Reps. Corr, Godshall, Lewis, Miccarelli, Quinn and Taylor seats FLIPPED (6). The open seat of DEM Rep. Hanna FLIPPED (1). Republicans currently hold a 120-79 edge in the state House, with four vacancies (three seats held by Democrats, and one by a Republican). Next session, the House Republicans are expected to hold a **110-93** majority (*Please note: There will be two vacancies early next year due to the death of Sid Kavulich, D-Lackawanna, and the recent bribery conviction of Vanessa Brown, D-Philly*).

On the Pennsylvania Senate side, Democrats defeated two Republicans and won three open GOP seats for a net gain of **5 seats**. GOP Sens. McGarrigle and Rafferty LOST their seats (2). The open seats of GOP Sens. Greenleaf, McIlhinney and Vulakovich FLIPPED (3). As of this morning, the Bucks County race between Republican incumbent Robert "Tommy" Tomlinson and Democrat Tina Davis, is still too close to call. Tomlinson is leading Davis by 100 votes. Republicans currently hold a 33-16 majority, with one GOP vacancy. Next session, the Senate Republicans are expected to hold a **29-21** majority. (*Please note: There will be a vacancy early next year due to the election of Guy Reschenthaler, R-Allegheny, to Congress*).

The bulk of Democratic gains were in moderate-leaning GOP districts in the southeast. However, a seat in Allegheny County was also picked up. These gains will make Democrats more relevant, especially on the Senate side. It also gives them a path towards recapturing a state Senate majority – something that has eluded them since 1993.

There was no statewide ballot question this year in Pennsylvania. However, voters in 37 states were considering an array of ballot measures - ranging from marijuana legalization to boosting the minimum wage to civil rights protections for transgender people. Medicaid expansion was another multistate topic, on the ballot in states where GOP-led legislatures refused to take advantage of expanded coverage offered under President Obama's health care law.

Democrats Win the US House; Republicans Hold the Senate

In the US House, Democrats swept to power, having campaigned on the promise of providing a stronger check on the Trump administration. Democrats took control for the first time since 2010. The Democrats gained more than the 23 seats needed for a majority and could increase their lead further with some races yet to be decided.

With the two chambers of Congress now split, policy making could be heading for deadlock. Democrats will now have the authority to launch investigations into numerous aspects of the Trump administration. However, it may also open the door to cooperation. Both Trump and Democratic Leader Pelosi called for bipartisanship, and Pelosi identified reducing drug prices or improving infrastructure as priorities.

Democrats scored victories in key battleground states, including Pennsylvania, to win control of the US House. In Pennsylvania, Democrats netted three seats in the chamber; elected a record four women and ousted a three-term Republican. Aiding Democrats was a backlash against President Donald Trump, the most open seats in decades and new court-ordered district boundaries that made seats more competitive.

Democratic candidates **Mary Gay Scanlon**, a civil rights attorney; **Chrissy Houlahan**, an Air Force veteran and former chemistry teacher; and **Susan Wild**, a former solicitor – flipped seats previously held by Republicans. **Madeleine Dean**, a state representative, won an open congressional seat in Philadelphia's suburbs, effectively replacing retiring longtime Democratic Rep. Bob Brady. In western Pennsylvania, Freshman Democratic Rep. Conor Lamb defeated 3-term GOP Rep. Keith Rothfus. Republican **Guy Reschenthaler**, a state senator, won Lamb's vacated district. Republican incumbents held off strong challenges in four closely watched races from Erie County in the northwest to the midstate to Bucks County in the southeast. US Reps. **Mike Kelly** (PA-16), **Glenn Thompson** (PA-15), **Scott Perry** (PA-10), and **Lloyd Smucker** (PA-11) and **Brian Fitzpatrick** (PA-1) are all returning to Washington next year. This means Pennsylvania's congressional delegation will be 9(D)-9(R), giving Democrats their most seats in eight years.

In the US Senate, Republicans are expected to hold their seats and gain two (2). Pennsylvania Democratic US Senator **Bob Casey** won a third term defeating Republican Lou Barletta with nearly 56 percent of the vote. Lou Barletta is a four-term congressman who became a nationally known figure in the fight against illegal immigration while mayor of Hazleton. During the campaign, Barletta boasted Trump's agenda and attempted to paint Casey as out of touch with Pennsylvanians. Casey's message centered on protecting pre-existing conditions in the Affordable Care Act and holding the Trump administration accountable. Barletta gave up his congressional seat. Casey won his first six-year term against Republican US Sen. Rick Santorum in 2006.

Pennsylvania Governor Wins Second Term

With nearly 58 percent of the vote, Pennsylvania Democratic Governor **Tom Wolf** cruised to a second and final four-year term. Wolf spoke to supporters who gathered for a celebration in York, telling them they made a great future for Pennsylvania by voting for better lives, better schools, and a stronger economy. Wolf faced a challenge from Trump-backed Republican nominee and fellow York Countian Scott Wagner. Wagner was soft-spoken in his concession speech as he called on Wolf to lower taxes on the people of Pennsylvania. He thanked his supporters and vowed he's "not going away." Braddock Mayor **John Fetterman** will take the reins as Pennsylvania's new lieutenant governor. Fetterman defeated incumbent Lt. Gov. Mike Stack in a five-way Democratic primary in May.

Key State House and Senate Races

Below is a look at some of the key races across the state (seats changed parties). To view all races, visit the [Department of State website](#). Click on the "Offices" tab to select the Senator in the PA General Assembly or Representative.

Pennsylvania Senate

10th Senatorial District (GOP Open Seat Flipped)

Democrat **Steve Santarsiero** will fill Republican incumbent Republican State Sen. Chuck McIlhinney's 10th District seat. Santarsiero beat challenger Republican State Rep. Marguerite Quinn for the seat by more than 6,400 votes Tuesday. McIlhinney made the decision not to run for reelection. Santarsiero previously served as a state representative in Bucks County and ran an unsuccessful bid for congress in 2016. An attorney by training, he served as a lawyer with the Pennsylvania Attorney General's Office in 2017. Quinn is a state representative from Central Bucks County. She championed herself as a moderate who was willing to work with both parties to get solutions to Pennsylvania's problems. Quinn gave up her 143rd House District seat to make her Senate bid.

12th Senatorial District (GOP Open Seat Flipped)

Democrat **Maria Collett** beat Republican Stewart Greenleaf Jr. for the seat held since 1978 by Greenleaf's father. Collett, a nurse and former deputy attorney general in New Jersey, led Greenleaf Jr., an attorney and former Montgomery County Controller, by a margin of 53-47 percent. The 12th Senatorial District is located in parts of both Bucks and Montgomery counties and includes parts of Upper Southampton, Warminster and Warrington townships in Bucks County and Franconia, Hatfield, Horsham, Lower Gwynedd, Lower Moreland, Montgomery, Upper Gwynedd and Upper Moreland townships and Ambler, Bryn Athyn, Hatboro, Hatfield, North Wales, Souderton and Telford boroughs.

26th Senatorial District (GOP Incumbent Lost)

Democratic Swarthmore Mayor **Tim Kearney** pulled an upset against Republican state Sen. Tom McGarrigle. Unofficial results show Kearney with 63,279 votes to McGarrigle's 53,660 votes. McGarrigle thanked his supporters, saying the loss has to do with a very unpopular president in a very unpopular time in this country. Kearney has been mayor of Swarthmore for two terms and served on the borough's zoning hearing board and planning commission. He and his wife are partners in their architectural firm. McGarrigle is the current Republican chair of the Senate Urban Affairs and Housing Committee.

38th Senatorial District (GOP Open Seat Flipped)

Democrat **Lindsey Williams** has declared victory in the 38th state Senate District, but her Republican opponent Jeremy Shaffer, a software executive and township commissioner, has not conceded. Shaffer's campaign said they are still waiting for absentee and provisional ballots to be counted and that the race isn't over. Unofficial results show Williams with 61,455 votes to Shaffer's 60,906. The district includes the Pittsburgh neighborhoods in the East End, and parts of Allegheny County north of the city including Etna, Fox Chapel and O'Hara Township. Williams is the Communications Director of the Pittsburgh Federation of Teachers and formerly worked for the National Whistleblowers Center. This race has featured significant drama and clashes over education funding, healthcare costs, a hike to the minimum wage, government spending, abortion rights, and, most recently, campaign finance concerns and allegations of "dark money."

44th Senatorial District (GOP Incumbent Lost)

Democrat **Katie Muth** has unseated incumbent Republican John Rafferty in the state Senate's 44th District. Muth, 34, was neck-and-neck with Rafferty, who has been in office since 2003, for much of the night. She pulled away by a comfortable margin in the final hour of counting for an unofficial total of 62,444 votes to Rafferty's 57,733. Muth is an adjunct professor of kinesiology at Eastern University, where she also serves as an athletic trainer. She has previously worked in a similar capacity for Arizona State University and the Pittsburgh Steelers. Muth has been profiled for her hustle on the campaign trail. Republican Rafferty has represented the district since 2003 and is **currently the chairman of the Senate Transportation Committee**. He played a key role the passage of former Governor Tom Corbett's \$2.3 billion transportation funding package.

Pennsylvania House

House District 165: Democratic challenger **Jennifer O'Mara** defeated Republican incumbent Rep. Alex Charlton by an extremely thin margin of 163 votes in this Delaware County seat. She is a non-profit executive.

House District 155: Incumbent Becky Corbin (R-Chester) lost her seat to Democrat **Danielle Friel Otten** 55 to 45 percent. Friel Otten has been active in organizing opposition to natural gas pipeline development in Chester County, where the district is located.

House District 61: Eight-term GOP incumbent Kate Harper lost her Montgomery County seat to Democratic challenger **Liz Hanbridge** by 8 percentage points. Harper is the current Republican chair of the House Local Government Committee.

House District 157: Incumbent Warren Kampf (R-Chester), a perennial Democratic target in this Chesco/Montco seat, lost his seat to Democrat **Melissa Shusterman** 57 to 43 percent. She founded and runs a digital video production company.

House District 167: Democrat **Kristine Howard**, a Casework Specialist with the Chester County Department of Children, defeated six-term incumbent state Rep. Duane Milne (R-Chester) 52 to 48 percent.

House District 146: Democrat **Joseph Ciresi** defeated Republican incumbent Thomas Quigley 56 to 45 percent in this Montgomery County swing district. Ciresi is director of sales and promotions at the Kimmel Center for the Performing Arts.

House District 158: Democratic challenger **Christina Sappey** defeated freshman Republican Eric Roe 53 to 47 percent. Sappey is a longtime legislative aide to Chester County Democrats including Former Rep. Barbara McIlvaine Smith and Senator Andy Dinniman. She most recently served as chief of staff for Rep. Carolyn Comitta, who will now be her colleague.

House District 163: Challenger **Michael Zabel** defeated two-term Republican incumbent Jamie Santora 53 to 47 percent, moving the Delco seat into Democratic hands for the first time in 40 years. Zabel is a former Philly Assistant District Attorney and is currently is an Attorney at Rawle & Henderson.

House Democrat 178: State Rep. Helen Tai (D) lost a close rematch against Republican **Wendi Thomas** by about 1 percentage point. Tai defeated Thomas in a May special election in Bucks County to fill the seat of Scott Petri (R).

House Democrat 71: After 3 previous attempts, Republican **Jim Rigby** is going to Harrisburg. The former borough councilman and former police officer defeated incumbent Rep. Bryan Barbin (D-Cambria) after losing to him by 182, 187 and 700 votes in previous elections. He won 52 to 48 percent. Barbin is the current Democratic Chair of the House Game and Fisheries Committee.

Open Seats

There were a total of 38 open seats. Thirty lawmakers in all either retired, have already left the chamber, or are deceased. Four lawmakers lost their primary election and four lawmakers ran for a different office. Of those open seats, 8 flipped from Republican to Democrat and 1 flipped from Democrat to Republican.

Open Seat	Newly Elected Member
Rep. Bernie O'Neill (R-Bucks) – GOP House Finance Committee Chair	Meghan Schroeder (R)
Rep. Hal English (R-Allegheny)	Lori Mizgorski (R)

Rep. Michael Corr (R-Montgomery)	Joseph Webster (D)
Rep. Stephen Bloom (R-Cumberland)	Barbara Gleim (R)
Rep. Jim Christiana (R-Beaver)	Joshua Kail (R)
Rep. Rick Saccone (R-Allegheny)	Michael Puskaric (R)
Rep. Nick Miccarelli (R-Delaware)	David Delloso (D)
Rep. Dave Reed (R-Indiana) – GOP House Majority Leader	James Struzzi (R)
Rep. John McGinnis (R-Blair)	Louis Schmitt (R)
Rep. Curtis Thomas (D-Philadelphia) – DEM House Commerce Committee Chair	Malcolm Kenyatta (D)
Rep. William Keller (D-Philadelphia) - DEM House Transportation Committee Chair	Elizabeth Fiedler (D)
Rep. Mike Hanna (D-Clinton) – DEM House Whip	Stephanie Borowicz (R)
Rep. John Maher (R-Allegheny) – GOP House Environmental Resources & Energy Committee Chair	Natalie Mihalek Stuck (R)
Rep. Joe Markosek (D-Allegheny) – DEM House Appropriations Committee Chair	Brandon Markosek (D)
Rep. Mark Mustio (R-Allegheny) – GOP House Professional Licensure Committee Chair	Valerie Gaydos (R)
Rep. Kevin Haggerty (D-Lackawanna)	Kyle Mullins (D)
Rep. C. Adam Harris (R-Juniata) – GOP House Liquor Control Committee Chair	Johnathan Hershey (R)
Rep. Ron Marsico (R-Dauphin) - GOP House Judiciary Committee Chair	Andrew Lewis (R)
Rep. Bob Godshall (R-Montgomery) – GOP House Consumer Affairs Committee Chair	Steven Malagari (D)
Rep. Katharine Watson (R-Bucks) – GOP House Children & Youth Committee Chair	Todd Polinchock (R)
Rep. Will Tallman (R-Adams)	Torren Ecker (R)
Rep. Harry Lewis (R-Chester)	Dan Williams (D)
Rep. John Taylor (R-Philadelphia) – GOP House Transportation Committee Chair	Joseph Hohenstein (D)
Rep. Eli Evankovich (R-Westmoreland) – RESIGNED	Robert Brooks (R)
Rep. Marguerite Quinn (R-Bucks) – Unsuccessfully Ran for State Senate	Wendy Ullman (D)
Rep. Kristin Phillips-Hill (R-York) – Won State Senate Seat	Paul Jones (R)
Rep. Judith Ward (R-Blair) – Won State Senate Seat	James Gregory (R)
Rep. Madeleine Dean (D-Montgomery) – Won US House Seat	Ben Sanchez (D)
Rep. Paul Costa (D-Allegheny) DEM House Liquor Control Committee Chair	Summer Lee (D)
Rep. Emilio Vazquez (D-Philadelphia) – Lost Primary	Danilo Burgos (D)
Rep. Dom Costa (D-Allegheny) – Lost Primary	Sara Innamorato (D)
Rep. Mike O'Brien (D-Philadelphia) – DEM House Urban Affairs Committee Chair Deceased/VACANT	Mary Isaacson (D)
Rep. Flo Fabrizio (D-Erie) – Deceased/VACANT	Robert Merski (D)
Sen. Scott Wagner (R-York) - RESIGNED	Kristin Phillips-Hill (R) - Serves in PA House
Sen. Stewart Greenleaf (R-Montgomery) – GOP Senate Judiciary Committee Chair	Maria Collett (D)
Sen. Charles McIlhinney (R-Bucks) – GOP Senate Law & Justice Committee Chair	Steve Santarsiero (D)

Sen. Randy Vulakovich (R-Allegheny) – GOP Senate Vet Affairs & Emergency Preparedness Committee Chair	Lindsey Williams (D)
Sen. John Eichelberger (R-Blair) – GOP Senate Education Committee Chair	Judy Ward (R) – Serves in PA House

***Highlighted open seats flipped.

What's next?

The state House is expected to return to Harrisburg on November 13 and the state Senate on November 14 to vote on leadership positions for the upcoming 2019-2020 session.

There will be many new faces next session, new committee assignments and new committee chairs. If you have not done so already, we urge you to take the time to get to know your local House and Senate member. It is important to know him/her, but more important he/she know who you are. Now is the time to reinforce your relationship prior to the new session.

Advocacy

We will need to start all over again due to the new faces at both the State Capitol and in Washington DC. Let us know who you know! We will be updating our files to identify the new congressional districts. Do you have a current relationship with your legislator? Let us know by filling out an Industry Action Network form? If you don't, and would like to develop one, let us know and we will help.

For a copy of our Industry Action Network form email (mary@pmha.org) or call the association office (717-774-3440). This information is important when working on legislative initiatives. You may also be called upon to attend fundraisers or deliver PMH PAC contributions. Personal contact at the grassroots level is vital to a strong government relations program. Please take a moment and let PMHA know who you know at the state or federal level.

Final view of Acts of Interest to the Factory-Built Housing Industry:

ACT 3-2017 (SB 133) Pennsylvania REAL ID Compliance Act, will allow Pennsylvania to offer residents an optional REAL ID-compliant driver license or state identification card, which can be used to access airports, and federal facilities.

ACT 8-2017 (HB 267) Creates the offence of Theft of Secondary Metal to include water and wastewater pipe under the definition of "secondary metal" that is valuable for recycling or reuse as raw material. An offense constitutes a misdemeanor of the third degree when the value of the secondary metal unlawfully obtained is less than \$50. When the value of the secondary metal unlawfully obtained is \$50 or more but less than \$200, the offense constitutes a misdemeanor of the second degree. When the value of the secondary metal unlawfully obtained is \$200 or more but less than \$1,000, the offense constitutes a misdemeanor of the first degree. When the value of the secondary metal unlawfully obtained exceeds \$1,000, the offense constitutes a felony of the third degree. A third or subsequent offense constitutes a felony of the second degree when the offense is a third or subsequent offense, regardless of the value of the secondary metal.

ACT 20-2017 (SB 288) Amends Title 75 (Vehicles) to increase fines and penalties for violators of Pennsylvania's "Steer Clear" law, which requires drivers to slow down and move into a lane not adjacent to an emergency response area, if possible. Emergency responders include police, firefighters, tow truck operators, and highway workers. Drivers who ignore Pennsylvania's "Steer Clear" law will face harsher penalties beginning in September. The new law will maintain a fine of up to \$250 for a first offense but sets of a maximum fine of \$500 for a second violation. For a third or subsequent offense, drivers would face up to a \$1,000 fine, and a 90-day license suspension if a serious injury or death is involved.

ACT 24-2017 (HB 1426) Amends Title 75 (Vehicles), in size, weight and load, further providing for conditions of permits and security for damages, for permit for movement of construction equipment and for permit for movement of containerized cargo. A permitted vehicle, combination or load which does not exceed 135,000 pounds (increased from 107,000) gross weight and which does not exceed 10 feet in width or any height or length limitation under Subchapter B (relating to width, height and length) may be driven, hauled or towed 24 hours a day, seven days a week, if the vehicle or combination is operated at prevailing speeds. Movement under this subsection is not authorized during inclement weather. The holiday restriction is removed. Effective September 18, 2017.

Act 31-2017 (SB 589) Amends Title 75 (Vehicles), in fees, further providing for annual hauling permits; and, in size, weight and load, further providing for maximum gross weight of vehicles and for conditions of permits and security for damages and providing for permit for movement of freight via natural gas vehicles. A vehicle operated by an engine fueled primarily by compressed or liquefied natural gas may exceed the gross vehicle weight limits imposed under this section by an amount, not to exceed a maximum of 2,000 pounds, that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by the vehicle and the weight of a comparable diesel tank and fueling system. The annual fee for movement of freight via natural gas vehicles, as provided for in section 4979.7 (relating to permit for movement of freight via natural gas vehicles) shall be \$500. An annual permit may be issued authorizing the movement on specified highways of freight as allowed by law by a vehicle powered by natural gas, be it compressed or liquefied, which exceeds the maximum vehicle gross weight specified in section 4941 (relating to maximum gross weight of vehicles). The weight of any vehicle permitted under this section may not exceed 82,000 pounds overall gross weight and 21,000 pounds on any steering axle. Eliminates the annual permit and the annual fee for the movement of commercial vehicles powered by natural gas.

Act 35-2017 (HB 176) Amends the PA Construction Code Act, in preliminary provisions, further providing for definitions and for application. Defines "farmer." Excludes from the Act structures used for the direct, seasonal sale of agricultural, horticultural and food products which are open on at least one side, operated by a farmer whose products make up not less than 50 percent of the commodities being sold, is not located on the farmer's property, is temporary in nature, and has an area of less than 1,000 square feet.

Act 36-2017 (HB 409) Amends the Pennsylvania Construction Code Act, by extensively revising the code review process undertaken by the Department of Labor and Industry's Review and Advisory Council (RAC) for future updates. It immediately halts the RAC's current review of the 2018 International Code Council (ICC) Model Codes and requires a re-review of all code provisions contained in the 2012, and 2015 editions of the ICC Model Codes. On October 1, 2018 new regulations will be in effect codifying the RAC re-review the 2012 and 2015 ICC Model Codes providing

a reasonable "catch-up" on six years of codes that have not been adopted in Pennsylvania. Moving forward, all subsequent RAC review and adoption of future Model Code provisions will be delayed by a full three years. The 2018 ICC Model Codes will not be eligible for enactment in Pennsylvania until March of 2022. Other Key Provisions in Act 36 of 2017 include: 1- Increases the UCC permit fee from \$4.00 to \$4.50 while authorizing the Department of Labor and Industry to contract with the ICC for a "PA Custom Code Book", and 2- Authorizes the City of Philadelphia to propose an ordinance to adopt the 2018 ICC Commercial Codes (one-time jump ahead for Commercial only). Effective October 25, 2017.

Act 48-2017 (SB 181) Requires the Secretary of the Budget and the director of the Independent Fiscal Office (IFO) to establish a schedule of performance-based budget reviews for all agencies at least once every five years. The reviews will include:

- Detailed descriptions of all agency line item appropriations and programs.
- Descriptive information and data related to existing performance measures for appropriations and programs.
- An agency mission statement and goals and objectives for the budget year and successive planning years.
- Any other information as the IFO may require.

Performance reviews will also be required for all state tax credit programs.

Under the legislation, performance measures must include outcome-based measures, including efficiency measures, activity cost analysis, ratio measures, measures of status improvement of recipient populations, economic outcomes or performance benchmarks against similar state programs or similar programs of other states.

The bill also establishes an independent Performance-Based Budget Board to review the budget plans developed by the IFO and to make recommendations on how each agency's operations and programs may be made more transparent, effective and efficient.

Act 50-2017 (SB 242) Transfers enforcement of the One Call Law from the Department of Labor and Industry to the Public Utility Commission (PUC) and adds that the lawful start date for applicable projects is three business days following notification to PA One Call. Additionally, under this legislation, facility owners shall maintain existing records of main lines abandoned on or after the effective date and to mark, locate or identify the main lines if possible, based upon the existing records, but shall not be required to locate lines or facilities installed before the effective date unless there are existing maps which meet specifications. It places duties upon facility owners to maintain records of notice to the One Call system, verify where underground utility lines run in certain instances, report violations (Who are the bad actors?), and participate in One Call's member mapping system. \$2,500 or less in damage is exempt from reporting unless repeat offender. Establishes a Damage Prevention Commission, responsible for establishing a Damage Prevention Committee: 9 members appointed by PUC including representatives from utilities, municipalities, authorities, and excavators. The damage prevention committee will review reports of violations, issue warnings and determinations, submit an annual report on relevant data, and require persons to attend damage prevention educational programs. A warning or administrative penalty will be issued by the PUC. Up to \$2,500 per violation not resulting in death or injury. Up to \$50,000 per violation that results in injury, death or property damage of \$25,000 or more. Extends the sunset date of the Act from 2017 to December 31, 2024 (7 years). Enforcement costs shall be included in the PUC's proposed budget and subject to review and approval of the Governor and General Assembly. Added language requiring an owner or operator of pipelines associated with conventional oil and gas wells and a facility owner of pipelines associated with unconventional oil or gas wells to be represented on the PA One Call board of directors. Effective October 30, 2017.

Act 60-2017 (HB 1915) Amends the Unemployment Compensation Law, in contributions by employers and employees, further providing for contributions by employees and for Service and Infrastructure Improvement Fund. The bill establishes for calendar year 2018, the amount determined under this clause may not exceed \$20 million; for calendar year 2019, the amount determined under this clause may not exceed \$15 million; and for calendar year 2020, the amount determined under this clause may not exceed \$10 million. It also states moneys in the Service and Infrastructure Improvement Fund are appropriated on a continuing basis, to the department to pay for costs related to the implementation and deployment of technological upgrades to the unemployment compensation system to end reliance on transfers to the Service and Infrastructure Improvement Fund. Effective December 20, 2017.

Act 81-2017 (SB 751) – Amends Title 7 (Banks and Banking), providing for the licensure and regulation of non-bank mortgage servicing entities. Effective December 22, 2017.

Act 6-2018 (SB 354) Strengthens licensee reporting requirements to the Department of State's Bureau of Professional and Occupational Affairs' 29 licensing boards and licensee suspensions, by providing each licensing board and commission with authority to automatically suspend a licensee, under circumstances determined by the respective licensing board, to be an "immediate and clear danger to the public health and safety."

Act 17-2018 (HB 595) Amends Title 68 (Real & Personal Property), as follows: in general provisions, further providing for definitions; in management of the condominium, providing for alternative dispute resolution in condominiums and for complaints filed with Bureau of Consumer Protection; in protection of purchasers, further providing for effect of violations on rights of action; in general provisions, further providing for definitions; in management of cooperatives, providing for alternative dispute resolution in cooperatives and for complaints filed with Bureau of Consumer Protection; in general provisions, further providing for definitions; in management of planned community, providing for alternative dispute resolution in planned communities and for complaints filed with Bureau of Consumer Protection; and in protection of purchasers, further providing for effect of violations on rights of action. Effective July 3, 2018.

Act 18-2018 (HB 866) Amends the Local Tax Enabling Act, in local taxes, further providing for definitions, for payroll tax and for payment of tax to other political subdivisions or states as credit or deduction and withholding tax; in consolidated collection of local income taxes, further providing for definitions, for declaration and payment of income taxes, for tax collection committees, for powers and duties of department, for powers and duties of tax officer and for withholding and remittance; and, in collection of delinquent taxes, further providing for penalties and for costs of collection of delinquent per capita, occupation, occupational privilege, emergency and municipal services, local services and income taxes. The stated intent of the bill is to provide clarification that taxpayers with no income will not be required to file a local return, to insert clear and concise safe harbor language for estimated taxes, provide oversight of the local Tax Collection Committee, clarify tax withholdings for temporary job assignments, provide W2 reporting requirements, define non-resident, and provide that audits of taxes received and disbursed shall be on a calendar year basis only. Provides that beginning January 1, 2020, no political subdivision, tax collection committee or tax officer in administering this act may use any form other than that which is promulgated by the department. Effective July 3, 2018.

Act 31-2018 (SB 880) Amends Title 75 (Vehicles), in size, weight and load, further providing for operation of certain combinations on interstate and certain other highways, repealing provisions relating to operation of motor homes on interstate and certain other highways and further providing for width of vehicles and for length of vehicles. The stated intent of the bill is to allow 102-inch wide trailers on all Pennsylvania highways, while still allowing the department and municipalities the ability to restrict these vehicles where necessary on specific roadways. Effective June 12, 2018.

Act 32-2018 (HB 653) Amends Title 68 (Real and Personal Property), in real property, providing for real estate foreclosure of vacant and abandoned property and for sheriff's commission and credit or attorney fees. The bill states that after a creditor gives notice to an obligor of a delinquency or other default with respect to an obligation secured by a mortgage or initiates a foreclosure action or action for possession or to quiet title, a mortgaged property for which the notice is given, or proceedings are initiated shall be certified as vacant and abandoned if it meets requirements established in the bill. The stated intent is to limit the use of the expedited foreclosure process to vacant and abandoned properties. Effective December 16, 2018.

Act 34-2018 (HB 352) Amends Title 42 (Judiciary and Judicial Procedure), in limitation of time, providing for ten-year limitation, for mesne profits and for reimbursement and further providing for twenty-one-year limitation. The bill states title to real property may be acquired after no less than 10 years of actual, continuous, exclusive, visible, notorious, distinct and hostile possession of the real property. Effective June 19, 2019.

Act 38-2018 (SB 851) Amends the Real Estate Tax Sale Law, in short title and definitions, defining "delinquent property owner"; and, in sale of property, further providing for repurchase by owner and providing for limitation on trusteeship and for ownership interests and responsibilities of delinquent property owner. The bill states that if a property remains unsold after an upset sale and on the docket of a bureau, the bureau may accept full payment for the property from or on behalf of the owner, which receipt shall discharge the tax claims, tax liens or tax judgments entered against the property. The subject property shall be removed from further exposure to sale, and a note thereof shall be made on the docket and index. Further, regarding ownership and maintenance of property, a county or bureau shall hold property subject to sale only as trustee and shall exercise only such control over the property as may be necessary or implied in order to convey the property or otherwise further the purposes of the act. A county or bureau shall not have any civil or criminal liability or have any obligation for maintenance or for nuisance remediation of tax-delinquent property, unless the county or bureau purchases the property. A county or bureau may, at its discretion, rehabilitate and maintain property of which the county or bureau is a trustee without consent of the delinquent property owner. At the time a property that is tax delinquent is exposed to, but not sold at, an upset sale, legal title to the property shall remain with the delinquent property owner until the bureau transfers the deed as trustee grantor to a purchaser. Effective August 18, 2018.

Act 56-2018 (HB 1419) Amends Title 18 (Crimes & Offenses), in dissemination of criminal history record information, further providing for general regulations and for order for limited access, providing for clean slate for convictions of misdemeanors and for charges not leading to convictions, for effects of expunged offenses and offenses provided limited access and for employer immunity from liability and further providing for use of records by licensing agencies; and imposing duties on the Pennsylvania State Police and the Administrative Office of Pennsylvania Courts. The bill is intended to seal from public view low-level, nonviolent criminal records. For nonviolent misdemeanor convictions, sealing would occur after an individual has remained crime-free for 10 years. For non-conviction records, sealing would be done as a matter of course. Effective June 28, 2018.

Act 59-2018 (HB 1898) This legislation takes effect August 27, 2018, amends the Board of Vehicles Act (Act 84 of 1983) to do the following:

- Requires all new and used vehicle dealers permitted in PA to disclose in writing to used vehicle purchasers the existence of any open, unrecalled recalls.
- Requires manufacturers to compensate new vehicle dealers for recall repairs in the same manner currently established for warranty service. If a Stop-Sale or Do-Not-Drive order has been issued on a used vehicle held for sale by a franchisee dealer of the manufacturer and recall repair parts are not available within 30 days of the order, the manufacturer shall compensate the dealer at a rate of 1.5% of the value of the vehicle per month while the recall parts are unavailable.
- Prohibits manufacturers from requiring their franchisee dealers to significantly modify their dealership facilities (defined as an alteration that has a major impact on the features of a structure or lot) unless 10 years have elapsed since the construction or last major renovation of the facility. This prohibition shall not apply if the modification is necessary to comply with a health or safety law, or a technology requirement that is necessary to sell or service a vehicle.
- Establishes a 45-day temporary permit for new vehicle dealers. When an application is submitted, if the new vehicle dealer doesn't yet have the franchise approval letter, the telephone business line information, the certificate of occupancy or the lease or deed for the property available (elements that are necessary for the full permit), the Board shall issue a temporary permit that allows the dealer to operate for up to 45 days.
- Allows dealers to include costs associated with complying with federal and state laws relating to safeguarding customer information in the document preparation fee dealers are permitted to charge purchasers.

Act 72-2018 (SB 1056) Amends the Tax Reform Code, in corporate net income tax, further defining taxable income. The stated intent of the bill is to align state law with federal law's 100 percent bonus depreciation. Effective June 28, 2018.

Act 75-2018 (HB 863) Amends the Real Estate Licensing and Registration Act, in definitions, further providing for definitions; in qualifications and applications for licenses and registration certificates, further providing for qualifications for license; in duties of licensees, further providing for comparative market analysis disclosure and providing extensively for broker price opinion; and making related repeals. Applicants for a license shall complete 75 (increased from 60) hours in real estate instruction. Further, an applicant shall be a high school graduate or equivalent. Any fees charged for a comparative market analysis shall be paid to the broker. A broker price opinion must contain a conspicuously displayed statement and be prepared in accordance with the bill.

Act 81-2018 (HB 783) Amends Title 75 (Vehicles), in certificate of title and security interests, further providing for transfer of ownership of vehicles used for human habitation by exempting homes which have not been previously titled in Pennsylvania from the tax certification requirement. Effective December 18, 2018. Effective December 18, 2018.

Act 84-2018 (HB 1499) Amends Title 68 (Real and Personal Property), in management of the condominium, further providing for powers of unit owners' association, for executive board members and officers and for conveyance or encumbrance of common elements; in protection of purchasers, further providing for release of liens and for warranty against structural defects; in management of cooperatives, further providing for powers of association, for executive board members and officers and for conveyance or encumbrance of cooperative; in protection of cooperative interest purchasers, further providing for release of liens and for implied warranty against structural defects; in general provisions relating to

planned communities, further providing for definitions; in creation, alteration and termination of planned communities, further providing for construction and validity of declaration and bylaws and for contents of declaration and all planned communities; in management of planned community, further providing for power of unit owners' association, for executive board members and officers and for conveyance or encumbrance of common facilities; and, in protection of purchasers, further providing for release of liens and for warranty against structural defects. The bill establishes the association may, for any period during which assessments are delinquent or violations of the declaration, bylaws and rules and regulations remain uncured, suspend unit owners' rights, including, without limitation, the right to vote, the right to serve on the board or committees and the right of access to common elements recreational facilities or amenities. Also, in the event that the election of the executive board by the unit owners fails to take place not later than the termination of a period of declarant control, then a special meeting of the unit owners may be called for such purpose by any member of the executive board elected by the unit owners or, if there is no such member of the executive board, the unit owners entitled to cast at least 10 percent of the votes in the association. An interest in common facilities that is subject to the declaration prior to conveyance or encumbrance shall remain subject to the provisions of the declaration following the conveyance or encumbrance, unless the deed or agreement to convey the common facilities or subject them to a security interest specifically provides otherwise. Effective December 18, 2018.

Act 86-2018 (SB 172) Amends title 75 (Vehicles), in general provisions for definitions; for speed timing device and for automated speed enforcement system in active work zones and establishing a pilot program for automated speed enforcement on highways. Also allows for the use of LIDAR by the PSP.

Act 104-2018 (HB 1216) Amends Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure), in riot, disorderly conduct and related offenses, further providing for the offense of neglect of animal if a person fails to provide for the basic needs of each animal to which the person has a duty of care including water, shelter, and necessary veterinary care; and, in particular rights and immunities, providing for rescue from motor vehicle by waiving liability for a good-faith rescue of a dog or cat from a motor vehicle if the animal is believed to be in imminent danger. The rescuer must make an effort to locate the driver and contact emergency response. Further provides for the offense of attack of service, guide or support dog. Also provides for the offense of discrimination on account of service, guide or support dog or other aid animal. Effective December 23, 2018.

Act 107-2018 (HB 1284) The Pennsylvania Business Permitting Portal Act provides for the Pennsylvania Business Permitting Portal within the Department of Community and Economic Development; and establishing the Pennsylvania Business Permitting Portal Advisory Board. The Department of Community and Economic Development (DCED) shall establish the Pennsylvania Business Permitting Portal to provide a single online access point to aid existing and potential business owners in completing the necessary permit applications associated with establishing and operating a business in this Commonwealth. The Pennsylvania Business Permitting Portal Advisory Board is established in the department to advise the department on ways to ensure that the permitting portal system is operated in an effective and user-friendly manner for existing and potential business owners. Effective October 24, 2018.

Act 117-2018 (HB 1958) Amends Title 75 (Vehicles), in general provisions, further providing for definitions; in rules of the road in general, providing for platooning; and providing for autonomous vehicles. The bill states that nonlead vehicles in a platoon shall not be subject to the provisions of section 3310 (relating to following too closely). It also states the department or the Pennsylvania Turnpike Commission, as applicable, shall authorize the locations in Pennsylvania, on a periodic basis, to permit the deployment of a highly automated work zone vehicle. Effective April 22, 2019.

Act 118-2018 (HB 2049) The Service Animal Integrity Act outlines requirements for documentation of the need for an assistance animal or service animal in housing and for the offenses of misrepresentation of entitlement to assistance animal or service animal and misrepresentation of animal as assistance animal or service animal. Effective December 23, 2018.

Act 134-2018 (SB 764) Amends the Board of Vehicles Act clarifying the definitions of "motor home" and "recreational vehicles" and consolidating relevant language from multiple titles under a single chapter. Provides for territory and alteration of agreements between dealers and manufacturers, cancellation, termination or non-renewal of dealer-manufacturer agreements, repurchase of inventory, transfer of dealerships, warranty obligations, indemnification from warranty, coercion, and mediation. Effective October 24, 2019.

Act 138-2018 (SB 796) Amends Title 75 with regard to change of address fees currently charged to CDL licensees when their address changes solely as a result of a governmental action.

Act 155-2018 (SB 1007) Amends Title 53 (Municipalities Generally), in consolidated county assessment, further providing for definitions, requiring the chief assessor to compile a list of each taxing district in the county, for notices, appeals and certification of values by requiring written notice, for special provisions relating to countywide revisions of assessments, for board of assessment appeals and board of assessment revision, for regulations of board and for auxiliary appeal boards and alternates; and making editorial changes. Among the changes, the bill requires members of the board and each auxiliary appeal boards to undergo training before hearing appeals. Alternates are removed. The county commissioners may establish temporary auxiliary appeal boards for terms of existence necessary to hear and determine appeals in a manner consistent with this chapter and the regulations of the board. Lastly, the county commissioners may create a pool of qualified residents for potential service as auxiliary appeal board members. Effective January 1, 2020.

Resolutions:

Pamphlet Laws Resolution No. 1 - Joint resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for exemptions and special provisions by authorizing the legislature to authorize local taxing authorities to exclude from taxation an amount based on the assessed value of homestead property. The exclusions authorized shall not exceed 100% of the assessed value (changed from 50 percent) of each homestead property within a local taxing jurisdiction. Constitutional amendments require approval in two consecutive legislative sessions and then approval by the voters through a referendum.

PMHA is monitoring the following legislation....

November 30, 2018 is the official end to the 2017-2018 session. Bills that were introduced but not passed by both houses and signed by the Governor officially dies as of that date. Bills that were not passed this session can be re-introduced when the 2019-2020 session convenes.