

GOVERNMENT RELATIONS

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**Berks County
Water & Sewer**
ASSOCIATION

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Revenue Department Releases Fiscal Year 2019- 2020 Collections

Pennsylvania ended the 2019-20 fiscal year with \$32.3 billion in General Fund collections, Revenue Secretary Dan Hassell reported. That total is **\$3.2 billion, or 9.1 percent, below estimate.**

General Fund collections for June totaled \$2.7 billion, which was **\$577.4 million, or 17.8 percent, less than anticipated.** The department estimates that approximately \$133 million of the \$577.4 million shortfall in June can be attributed to moving due dates for various taxes. It is estimated that the remaining \$444.4 million of the June shortfall is due to reduced economic activity during the COVID-19 pandemic.

"As expected, June was a month where the pandemic had a significant impact on the commonwealth's revenue collections," Secretary Hassell said. "We are also seeing the effects of extending tax filing deadlines to provide taxpayers with relief and more time to file. That includes the deadline for filing personal income tax returns, which is now July 15."

Below is a full overview of June revenues by tax type:

Sales tax receipts totaled \$974.2 million for June, \$60.5 million below estimate. Fiscal year-to-date sales tax collections total \$10.8 billion, which is **\$636.6 million, or 5.6 percent, less than anticipated.**

Personal income tax (PIT) revenue in June was \$1 billion, \$241.8 million below estimate. This brings the fiscal-year total PIT collections to \$12.8 billion, which is **\$1.7 billion, or 11.9 percent, below estimate.**

June corporation tax revenue of \$398.7 million was \$208.5 million below estimate. Fiscal year-to-date corporation tax collections total \$4.8 billion, which is **\$769.4 million, or 13.7 percent, below estimate.**

Inheritance tax revenue for the month was \$80.1 million, \$21.8 million below estimate, bringing the fiscal-year total to \$1.1 billion, which is **\$18.1 million, or 1.6 percent, below estimate.**

Realty transfer tax revenue was \$33.1 million for June, \$26.5 million below estimate, bringing the fiscal-year total to \$497.8 million, which is **\$58 million, or 10.4 percent, less than anticipated.**

Other General Fund tax revenue, including cigarette, malt beverage, liquor and gaming taxes, totaled \$136.8 million for the month, \$41.3 million below estimate and bringing the fiscal-year total to \$1.5 billion, which is **\$96.6 million, or 5.9 percent, below estimate.**

Non-tax revenue totaled \$35.5 million for the month, \$23 million above estimate, bringing the fiscal-year total to \$664.9 million, which is **\$92.7 million, or 16.2 percent, above estimate.**

In addition to the General Fund collections, the **Motor License Fund** received \$246.9 million for the month, \$6.2 million below estimate. Fiscal year-to-date collections for the fund - which include the commonly known gas and diesel taxes, as well as other license, fine and fee revenues - total \$2.7 billion, which is **\$186.4 million, or 6.5 percent, below estimate.**

Source: PA Department of Revenue Press Release, 7/1/2020

Gov. Wolf: Sec. of Health Signs Expanded Mask-Wearing Order

Masks Are Mandatory in All Public Spaces

Expanding on the **business safety order** <https://www.governor.pa.gov/wp-content/uploads/2020/04/20200415-SOH-worker-safety-order.pdf> signed by Secretary of Health Dr. Rachel Levine in April that requires the wearing of masks in businesses, Governor Tom Wolf today announced a **new order** <https://www.governor.pa.gov/wp-content/uploads/2020/07/20200701-SOH-Universal-Face-Coverings-Order.pdf> signed by Dr. Levine that takes the mask-wearing directive one step further.

With this order, signed under Dr. Levine's authority under the Disease Prevention and Control Act, masks must be worn whenever anyone leaves home. The order takes effect immediately.

"This mask-wearing order is essential to stopping the recent increase in COVID-19 cases we

have seen in Pennsylvania," Gov. Wolf said. "Those hot spots can be traced to situations where Pennsylvanians were not wearing masks or practicing social distancing - two practices that must be adhered to if we want to maintain the freedoms we have in place under our reopening."

The order outlines the situations when a mask must be worn and includes limited exceptions to the face-covering requirement.

Each of the state's mitigation efforts has helped to slow the spread of COVID-19, kept our health care systems from being overwhelmed, and allowed for Gov. Wolf's measured, phased reopening to proceed. But, with nearly every county in the green phase of reopening, complacency cannot be the norm.

"It is essential that Pennsylvanians wear masks to prevent the spread of COVID-19," Secretary of Health Dr. Rachel Levine said. "While cases increase in some areas, we cannot become complacent. My mask protects you, and your mask protects me. Wearing a mask shows that you care about others, and that you are committed to protecting the lives of those around you."

More and more health experts have called for mask wearing, including Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases, who said during a June 30 Senate hearing on COVID-19, "Americans who don't wear masks may 'propagate the further spread of infection.'"

The mask-wearing order will be sent to state and local officials, law enforcement and others tasked with education about the order for those not in compliance.

Source: Governor Wolf's Press Office, 7/1/2020

Governor Signs Bill to Increase River Safety, Gillespie Says

On July 1, 2020, Rep. Keith Gillespie (R-Hellam) announced that the governor has signed his bill, **House Bill 1003**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=H&type=B&bn=1003>, which strengthens the Pennsylvania Fish and Boat Commission's (PFBC) ability to enforce the marking of low head or run-of-the-river dams. The bill was signed into law as **Act 39 of 2020**
https://www.legis.state.pa.us/cfdocs/legis/CH/Public/ucons_pivot_pge.cfm?session=2020&session_ind=0&act_nbr=0039.&pl_nbr=0000.

The PFBC is charged with ensuring low head dams are properly marked both upstream and downstream with signage and buoys. Previously, the only way to enforce these provisions was through a civil process, which is prolonged, costly and often ineffective. This legislation allows the PFBC to directly issue citations to owners who fail to mark their dams. It would also update the definition of run-of-the-river dams to ensure every one of these structures is adequately marked for public safety.

"Forty-nine individuals have lost their lives in dam-related boating accidents since 1989. Most of these accidents take place near low head dams - small, private or municipally owned structures that span the entire width of a waterway. There are over 300 of these dams across the Commonwealth, many originally constructed to support a local mill or factory and are now obsolete," said Gillespie. "Boaters are often caught in the dangerous hydraulic boil behind the structure, which is often referred to as a 'drowning machine' It's far past time to strengthen our warnings for these dangerous structures and protect those who take advantage of the recreational opportunities that Pennsylvania's rivers offer."

Source: Rep. Keith Gillespie Press Release, 7/1/2020

Senate Leaders Issue Statement on Supreme Court Ruling against House Resolution 836

On July 2, 2020, Senate President Pro Tempore Joe Scarnati (R-25) and Senate Majority Leader Jake Corman (R-34) strongly criticized the Supreme Court's nullifying **House Resolution 836**
<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=H&type=R&bn=0836>, which was passed by the General Assembly with bi-partisan support. The Court issued their ruling today.

House Resolution 836, which was adopted by the Senate and House of Representatives on June 9, ended the executive order Wolf used to shut down employers. The executive order was originally issued on March 6, 2020, and amended and renewed on June 3. When Governor Wolf refused to terminate the declaration in accordance with House Resolution 836, the matter was taken up by the Court.

"Today's ruling by the Supreme Court fails to uphold the Constitutional balance of power between the three, co-equal branches of government," Senator Scarnati said. "We understand the need for a temporary suspension of civil liberties under dire circumstances - something we agreed needed to happen initially as we worked to flatten the curve. However, while we work to protect lives, we cannot continue to disregard the civil liberties of Pennsylvanians. Our government was established to be of the people, by the people and for the people. With this ruling the Court has elected not to uphold the foundation of our democracy."

"This decision represents a titanic shift in power which we believe is wrong and not in the best interest of justice," Senator Corman said. "The Court has essentially granted the Governor King status. As we approach the July 4th holiday when our Country celebrates the freedoms that our forefathers established and fought to uphold, the Court has returned an unchecked monarchy to Pennsylvania. The unilateral decisions made by the executive branch caused hardships for families and communities in every corner of the Commonwealth. Despite the challenges that can be seen across the state, the Governor repeatedly spurned attempts by the General Assembly to provide input through legislation."

Scarnati and Corman said that the Court's decision makes it all the more significant that the Legislature has already started the process to amend the Constitution in order to provide some balance to this unchecked power exerted and abused by Governor Wolf.

Source: Senate Republican Leaders Press Release, 7/2/2020

DEP Releases Draft Report on Statewide Water Quality

Public comment on draft report open until August 11, 2020

The Pennsylvania Department of Environmental Protection (DEP) has released the **draft 2020 Integrated Water Quality Monitoring and Assessment Report** [http://www.depgis.state.pa.us/2020 Integrated Report/](http://www.depgis.state.pa.us/2020_Integrated_Report/), detailing the health of Pennsylvania's 86,000 plus miles of streams and rivers and more than 160,000 acres of lakes. The draft report is open for public comment until August 11, 2020, and comments can be made through the DEP eComment system <https://www.ahs.dep.pa.gov/eComment/>.

"In a state as rich in water resources as Pennsylvania it is important to be able to show people how their local streams, lakes, and rivers are doing," said DEP Secretary Patrick McDonnell. "The online report lets people focus in on their local waterways to see how healthy they are or what is causing any impairments. Local input on impaired waters can help DEP restore those waterways."

In addition to the fully online report, required every two years under the federal Clean Water Act, the 2020 Draft Integrated Water Report also features a map viewer that allows users to zoom down to individual stream or river sections and export information. These tools can be useful for residents looking to learn more about their waters and for decision makers at the local level for planning purposes.

"In a world now shaped by the COVID-19 pandemic, it is even more important for DEP to make our informational resources available

digitally," said McDonnell. "The 2020 draft of the Integrated Water Report is another step towards making more DEP resources available and accessible."

The report also highlights specific efforts in Pennsylvania to restore impaired watersheds. Abandoned mine drainage and sediment pollution from runoff from agricultural, urban, and suburban landscapes have all degraded water quality in many parts of Pennsylvania, and intensive efforts have been made in several key watersheds to restore these natural resources. In Union County, local groups and DEP worked to restore the Turtle Creek watershed after it was impaired by sediment runoff.

DEP invites **public comments on the draft 2020 Integrated Water Report** [http://www.depgis.state.pa.us/2020 Integrated Report/](http://www.depgis.state.pa.us/2020_Integrated_Report/) and will accept comments through Tuesday, August 11, 2020. All comments, including comments submitted electronically, must include the originator's name and address. Those wishing to submit comments are urged to use the DEP's online **eComment system** <https://www.ahs.dep.pa.gov/eComment/>. Written comments should be submitted by email to ecomment@pa.gov, or by mail to Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

Source: DEP Press Release, 7/2/2020

EQB Virtual Meeting

The Environmental Quality Board meeting scheduled for Tuesday, July 21, 2020, will be held as a virtual meeting and will begin at 9 a.m. Information on how to join the meeting, as well as agenda and meeting materials, will be available **here** <https://www.dep.pa.gov/Pages/default.aspx>.

Questions concerning the July 21, 2020, meeting can be directed to Laura Edinger at ledinger@pa.gov or (717) 783-8727.

Source: Pennsylvania Bulletin, 7/4/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-27/861.html>

Citizens Advisory Council Meeting; Change to Meeting Start Time

The Department of Environmental Protection's Citizen Advisory Council meeting scheduled for Tuesday, July 21, 2020, will be held as a virtual meeting and will begin at 12:30 p.m.

Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Keith Salador at ksalador@pa.gov or (717) 787-8171. Information on how to join the meeting, as well as agenda and meeting materials, will be available here <https://www.dep.pa.gov/Pages/default.aspx>.

Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 7/4/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-27/854.html>

EPA Response to Coronavirus (COVID-19)

EPA's Coronavirus website provides key EPA resources and links to additional information about the coronavirus disease (COVID-19). Read the most up-to-date information about EPA actions, disinfectants, drinking water and waste water, and other resources at: <https://www.epa.gov/coronavirus>

Source: EPA, 7/1/2020

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This newsletter provides general information, not legal advice as to any specific matter. It should not be used as a substitute for appropriate legal advice.