



# GOVERNMENT RELATIONS

UPDATE

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ASSOCIATION

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## Senate President Pro Tempore Corman, Speaker Cutler Unveil New Transparency, Ethical Standards for Lobbyists

Lobbyists would be subject to new openness, transparency and ethical conduct requirements and would have less influence in state government under a **legislative proposal** <https://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=S&SPick=20210&cosponId=35655> unveiled by Senate President Pro Tempore Jake Corman (R-Bellefonte) and Speaker of House Bryan Cutler (R-Lancaster).

The lobbying reform package would deliver on an important promise that both legislative leaders made when they were elected to their posts by their colleagues in January. The bills would build on the state's Lobbyist Disclosure Act and close existing loopholes that have been exploited by lobbying and

campaign consulting firms since the last significant update to the law in 2006.

"There is a tangled web of money and influence between the people who lobby the General Assembly and the people who run political campaigns," Corman said. "This package of bills would help untangle that web and sever the ties between those two entities, while ensuring the public has more access to information about the individuals and organizations who are seeking to influence public policy."

"Every Pennsylvanian, whether they realize it or not, has a lobbyist working for them inside the Capitol," Cutler said. "The voters elected us to carry their voices and their interests, we are their lobbyists. The voices of the people we represent cannot be shouted down by those with power and influence, and these reforms will help ensure all voices are on an equal playing field in Harrisburg."

In order to promote greater openness and transparency, the package would include measures to require lobbyists to disclose more information, including any client conflicts and equity they may

hold in any entity they are representing. In addition, campaign consultants would also be required to register with the Department of State.

The package also includes measures to limit the influence of lobbyists by prohibiting campaign consultants from being registered lobbyists or engaging in lobbying elected officials for two years. The bills would also prohibit lobbyists from receiving or paying referral payments to another individual, lobbying firm or campaign consultant - essentially preventing kick-backs from one firm or individual to another.

Lobbyists and campaign consultants would also be prohibited from being hired or employed by a state entity for the purpose of influencing any branch of government.

New ethical conduct standards for lobbyists are also included in the package, such as mandatory annual ethics training, new registration requirements for lobbyists whose clients are seeking financial assistance or grants, and prohibitions on collecting an inducement or performance bonus through a third-party affiliate when securing taxpayer-funded grants.

The bills are expected to be introduced in the General Assembly in the weeks ahead.

**Source:** Senator Corman and Rep. Cutler Press Release, 5/17/2021

## **Cutler, Benninghoff Comment on Voters Approving Constitutional Amendments**

**P**ennsylvania Speaker of the House Bryan Cutler (R-Lancaster) and House Majority Leader Kerry Benninghoff (R-Centre/Mifflin) commented on Pennsylvania voters approving three amendments to the Pennsylvania Constitution:

"The people of Pennsylvania have exercised their vote and resoundingly reaffirmed their desire

for a government with strong checks and balances that works in their interests and not for its own power. In doing so, they have rejected the mutation of emergency authority into unilateral, one-person control that seeks expediency over the rule of law.

"We stand ready to reasonably and responsibly manage Pennsylvania through this ongoing global pandemic, the scourge of opioid addiction, and other long-term challenges that may come to face this Commonwealth.

"To those contemplating litigation to stop the enforcement of the emergency disaster-related amendments: Think twice before again ignoring the voice of the people. To use the courts to continue to grasp on to power is to ignore a fresh mandate from those you represent and will confirm the worst fears of a public that wants to change course in the management of emergency periods.

"By adopting greater protections from discrimination, Pennsylvania voters continue to ensure this Commonwealth remains a place where all families can grow and thrive."

**Source:** House Republican Caucus, 5/19/2021

## **Senate Republican Leaders Issue Statement on Passage of Constitutional Amendments on Emergency Declarations**

**O**n May 18, 2021, a majority of Pennsylvanians voted yes on the ballot questions that will amend the Pennsylvania Constitution to limit how long emergency declarations can last without legislative approval. These results illustrate that our government works better when we work collaboratively.

Their yes vote means that a majority of state lawmakers - elected by the people to represent their voices - can vote to end emergency declarations and restrictions on citizens. Their yes vote means that

communication and checks and balances will be restored in our government.

This is a responsibility that I, and the Senate Republican Caucus as a whole, take very seriously.

Senate President Pro Tempore Jake Corman (R-Bellefonte) and Senate Majority Leader Kim Ward (R-Westmoreland) issued the following statement today in response to passage of two constitutional amendments that will improve the way the state responds to emergencies:

"The primary election results demonstrate our system of government works better when we work together. We took our case to the people of Pennsylvania, and the people voted 'yes' to restore liberty and ensure the fundamental principles of our democracy remain in place even during times of an emergency. This decision by the people is not about taking power away from any one branch of government, rather it's about re-establishing the balance of power between three equal branches of government as guaranteed by the constitution."

"Pennsylvanians have made their choice clear - they want to see more collaboration and better results from their state government when responding to emergencies. This is a responsibility that the Senate Republican Caucus takes seriously, and as leaders we are all committed to working together in the best interests of our Commonwealth. In the weeks ahead, we encourage Governor Wolf to come back to the table and discuss not only how we can better manage emergencies like the current pandemic, but also how we can help our state recover from COVID-19."

**Source:** Senate Republican Communications, 5/19/2021

## Senate Republicans Welcome Senator-elect Chris Gebhard

Senate President Pro Tempore Jake Corman (R-34) and Senate Majority Leader Kim Ward (R-39) welcomed Senator-elect Chris Gebhard of the 48th Senatorial District to the Senate Republican caucus.

The 48th District includes all of Lebanon County and parts of Dauphin and York counties.

For 25 years, Gebhard worked in the insurance industry, both as an insurance carrier and an agent. Currently, he owns a business employing more than 10 people: Hoaster Gebhard & Co. He is a lifelong resident of the 48th District and graduated from Vanderbilt University with a Bachelor of Arts degree in psychology.

As a community leader, he is serving on the board of the Lebanon Lions Club, the Lebanon Community Library, Mt. Gretna Theatre and Lebanon County Health Facilities Authority. He previously served as a chairman and board member of the Lebanon Valley Chamber of Commerce.

During his time in office, Gebhard wants to ensure Pennsylvania has fair and honest elections; reopen the Commonwealth's economy and schools; help small business owners recover from Gov. Tom Wolf's draconian lockdown orders; and replace the governor's tax-and-spend budget proposal with a fiscally responsible budget that puts families and taxpayers first.

Gebhard was elected to serve the 48th District in a special election following the passing of Senator Dave Arnold. The current term will conclude in December of 2022.

With the addition of Gebhard, voters have given Senate Republicans a 28-21 majority in the State Senate, with one independent member who caucuses with Senate Republicans.

**Source:** Senate Republican Communications, 5/19/2021

## Pennsylvania's Unemployment Rate at 7.4 Percent in April

On May 25, 2021, the Pennsylvania Department of Labor & Industry (L&I) released its employment situation report for April 2021.

Pennsylvania's unemployment rate was up one-tenth of a percentage point over the month to 7.4 percent in April. The U.S. rate also increased one-tenth of a percentage point from March to 6.1 percent. The commonwealth's unemployment rate was 8.8 percentage points below its April 2020 level and the national rate was down 8.7 points over the year.

Pennsylvania's civilian labor force – the estimated number of residents working or looking for work – increased 2,000 over the month as unemployment rose slightly more than employment declined.

Pennsylvania's total nonfarm jobs were down 4,400 over the month to 5,666,500 in April. Jobs increased in 6 of the 11 industry supersectors with the largest volume gain in construction (+3,400). The largest decline from March was in professional & business services (-6,500). Over the year, total nonfarm jobs were up 703,600 with gains in 9 of the 11 supersectors. Leisure & hospitality had the steepest gain from last April, adding back over 200,000 of the nearly 340,000 jobs lost in March and April 2020.

Additional information is available on the L&I website at [www.dli.pa.gov](http://www.dli.pa.gov).

**Note:** The above data are seasonally adjusted. Seasonally adjusted data provide the most valid month-to-month comparison.

**Source:** L&I Press Release, 5/25/2021

## PA Senate Democrats Hold Policy Hearing on OSHA Protections for Public Employees

**A**t the request of Senator Tina Tartaglione (D- Philadelphia), Democratic Chair of the Senate Committee on Labor & Industry, the Pennsylvania Democratic Policy Committee held a virtual public hearing to discuss **Senate Bill 310** <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo>

[.cfm?sYear=2021&sInd=0&body=S&type=B&bn=310](#) and OSHA protections for public employees.

"For more than 50 years, America's private-sector employees and federal employees have benefitted from the safeguards and the peace of mind provided by the Occupational Safety and Health Act (OSHA). It is a travesty that Pennsylvania's public employees don't have the same protections," Senator Tartaglione said. "All workers have the right to a safe and healthy workplace, and they have a right to know they won't face retribution when they speak out about deficient and dangerous conditions. My Senate Bill 310 would extend critical OSHA protections to all Pennsylvania workers."

Senate Bill 310 would establish the Pennsylvania Occupational Safety and Health Review Board within the Department of Labor and Industry. Currently, Pennsylvania workers at state and local government agencies do not have Occupational Safety and Health Administration (OSHA) protection. This proposed legislation would extend OSHA safety rules to public employees of the commonwealth, all legal political subdivisions, public schools, public transit systems, and non-profit organizations in Pennsylvania.

"Workers deserve to know that when they come to work, their health and safety is a priority and not an afterthought. No one should have to accept that life threatening conditions are just part of a job, and workers in every profession and field should have OSHA protections. I am proud to support Senate Bill 310, and I am so grateful to Senator Tartaglione for championing this bill in the Senate and making workplace protections a priority in our caucus," Sen. Katie Muth (D- Berks/Chester/Montgomery), chair of the Senate Democratic Policy Committee, said.

"According to the AFL-CIO Death on the Job Report, 8.1 million public sector workers lack OSHA protection nationwide. In 2019, their injury and illness rate were 64 percent higher than employees in the private sector," Mike Maguire, Director of Political & Legislative Affairs at AFSCME Council 13, said. "Since the establishment of OSHA in 1971, more than 627,000 worker's lives have been saved. Let's extend those

protections to our commonwealth's public sector workforce."

In opposition to the Senate Bill 310 were Keith Wentz, Manager of Risk Management & Underwriting at the County Commissioners Association of Pennsylvania (CCAP), and Stuart Knade, Esq., Chief Legal Officer of the Pennsylvania School Boards Association.

Wentz noted in his testimony that he and his organization do not believe that further OSHA protections are needed for public employees because there are already voluntary safety boards and random inspections of facilities.

Knade said that implementing OSHA protections for public employees in Pennsylvania would be difficult because OSHA was not written with them in mind, creating issues with implementation. He also said that the implementation would be cost prohibitive.

Both Wentz and Knade agreed to continue further conversations with Senator Tartaglione on Senate Bill 310 and public employee protections.

"Costs actually go down when you make your workplace more safe," Rick Bloomingdale, President of the Pennsylvania AFL-CIO, said. Bloomingdale said in his testimony that the same arguments that Wentz and Knade gave today were used in the 1970s when OSHA was first enacted. However, over the years, OSHA has proven to be a draw for employees and employers in the private sector.

Bloomingdale said that there is less employee turnover, higher morale, and less incidents leading to injury and need for workplace compensation because of OSHA regulations in private sector workplaces.

"According to the National AFL-CIO's Annual Death on the Jobs report, in 2016, state and local public-sector employers reported an injury rate of 4.7 per 100 workers, which is significantly higher than the reported rate of 2.9 per 100 among private-sector workers," Bloomingdale said.

Jeff Ney, Treasurer of the Pennsylvania State Education Association (PSEA), explained in his testimony that teachers are also excluded from OSHA protections.

"Like me, so many public employees are shocked to learn that these basic protections don't apply to them or to their place of employment," Ney said. "The common-sense protections contained in SB 310 will also ensure that our students have a safe and healthy educational environment - which is the most basic and indispensable factor in fostering academic excellence. School employees' working conditions are students' learning conditions."

Maguire, of AFCME said in his testimony that workers are more than just resources, they are human beings and they deserve workplaces that treat them that way.

"This is the most important bill to AFCME," concluded Maguire.

Below are all who participated in today's hearing:

- Keith Wentz, Manager of Risk Management & Underwriting, County Commissioners Association of Pennsylvania (CCAP)
- Stuart Knade, Esq., Chief Legal Officer, Pennsylvania School Boards Association
- Rick Bloomingdale, President of the Pennsylvania AFL-CIO
- Mike Maguire, Director of Political & Legislative Affairs, AFSCME Council 13
- Jeff Ney, Treasurer, Pennsylvania State Education Association
- Dr. David Levine, UC Berkeley, Haas School of Business

Senate Democratic Leader Jay Costa (D-Allegheny) also attended this hearing, as did Senators Anthony H. Williams (D-Philadelphia/Delaware), Lisa Boscola (D-Lehigh/Northampton), Lindsey Williams (D-Allegheny), John Kane (D-Chester/Delaware), and Amanda Cappelletti (D-Delaware/Montgomery).

The full recording of this roundtable, as well as the written testimony from participants, can be found at [www.senatormuth.com/policy](http://www.senatormuth.com/policy).

Source: Senate Democratic Policy Committee Press Release, 5/20/2021

## IRRC Approves Final Chapter 91 & 92 Water Quality Permit Fee Increases

On May 20, the Independent Regulatory Review Commission <http://www.irrc.state.pa.us/> voted to approve the Environmental Quality Board's final Chapter 91 and 92 Water Quality Permit fee increases which were made necessary by cuts in funding by the General Assembly.

The package will raise an estimated \$6.5 million to support DEP administration of these water quality protection programs.

DEP began the process to update Chapter 91 and 92a wastewater and NPDES water quality permit and administration fees in 2016.

Chapter 91 wastewater facility fees have not been increased since 1971 and NPDES permit fees were last increased in 2010.

The Water Quality permit fee increases (Chapter 91) would cover from 500 to 600 applicants annually and the NPDES permit fee increases (Chapter 92a) would cover approximately 4,000 facilities.

The final fee package for most categories of permits has fees that continue to be significantly less than those of most neighboring states.

Since 2007, DEP's Clean Water Program staff has been reduced by 25 percent due to cuts in state General Fund appropriations.

DEP believes 25 additional staff are necessary in the Bureau of Clean Water to adequately carry out its responsibilities.

The U.S. Environmental Protection Agency has told DEP several times since 2010 the agency does not have adequate resources to carry out its federally mandated responsibilities for the NPDES Program, including the **MS4 Stormwater Pollution Prevention Program**

[https://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2018/December%202018/05\\_7-533\\_WQMandNPDESfees\\_Proposed/04\\_7-533\\_WQMandNPDESfees\\_Proposed\\_RAF.pdf](https://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2018/December%202018/05_7-533_WQMandNPDESfees_Proposed/04_7-533_WQMandNPDESfees_Proposed_RAF.pdf).

DEP's changes would increase permit fees to make up for cuts in General Fund appropriations a total of \$6.5 million -- Chapter 92a NPDES -- \$4.5 million -- and Chapter 91 Water Quality -- \$2 million -- permit fees.

Documents related to this draft final regulation are posted on the **EQB webpage** <https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/2021-Meetings.aspx>.

Source: PA Environmental Digest Blog, 5/21/2021

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