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# WUC

Water Utility Council of the  
PA-Section, American Water  
Works Association (PA-AWWA)



## GOVERNMENT RELATIONS UPDATE

From Milliron & Goodman Government Relations, LLC.

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200 North 3<sup>rd</sup> Street ♦ Suite 1500 ♦ Harrisburg, PA 17101 ♦ Phone: 717-232-5322 ♦ Erik A. Ross, Senior Associate ♦ [www.millirongoodman.com](http://www.millirongoodman.com)

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Harrisburg, PA

[Erik@millirongoodman.com](mailto:Erik@millirongoodman.com)

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### Cutler, Benninghoff Make Statement on Plans for Remainder of Legislative Session

Speaker of the Pennsylvania House of Representatives Bryan Cutler (R-Lancaster) and Pennsylvania House Majority Leader Kerry Benninghoff (R-Centre/Mifflin) made the following statement about the plans for the Pennsylvania House of Representatives for the remainder of this legislative session:

"The Pennsylvania House of Representatives will not be returning to voting session before the constitutionally mandated end of session on Monday, Nov. 30.

"We are physically unable to consider any new legislation before the end of session. A simple resolution takes three legislative days for consideration and a concurrent resolution takes five legislative days to move through both chambers, which means we do not have the time needed to address any new resolutions in our current session.

"It is obvious Pennsylvania's election processes are in dire need of repair. Our work to ensure the chaos and confusion of the 2020 election are not repeated will continue in the next legislative session.

"The efforts of the House State Government Committee to further investigate the impacts of interventions by the activist Pennsylvania Supreme Court and the confusing and conflicting guidance by the Secretary of State will continue into next session. Additionally, our chamber voted to call for a complete audit of the election, a process we plan to see completed into the next session as well."

Source: Speaker Cutler's Office, 11/28/2020

### Gov. Wolf Signs Budget Bills

On November 23, 2020, Governor Tom Wolf signed into law **House Bill 2536** (Summary

<https://www.legis.state.pa.us/WU01/LI/BI/FN/2019/0/HB2536P4626.pdf>) and **Senate Bill 1350**

(Summary

<https://www.legis.state.pa.us/WU01/LI/BI/FN/2019/0/SB1350P2129.pdf>).

These bills, which provide funding for the Commonwealth of Pennsylvania's budget through June 30, 2021, sustain commonwealth services and programs during a critical time as COVID-19 cases continue to rise.

The 2020-21 budget prioritizes public education in the commonwealth, protecting more than \$1.2 billion that the Wolf Administration has invested in public education during Gov. Wolf's time in office.

Source: Governor Wolf's Press Office, 11/23/2020

# Governor Wolf Signs Renewal to COVID-19 Disaster Declaration

On November 24, 2020, Governor Tom Wolf signed a **third renewal** <https://www.governor.pa.gov/wp-content/uploads/2020/11/20201124-TWW-3rd-Amendment-COVID-19-Proclamation.pdf> of his 90-day Proclamation of Disaster Emergency for the COVID-19 pandemic. The first proclamation was signed on March 6, following the announcement of the first two presumptive positive cases of the virus in Pennsylvania.

"With cases and hospitalizations increasing, we cannot afford to let down our guard," said Governor Wolf. "This renewal will allow the commonwealth to maintain its response and support efforts as we face increasing case numbers and decreasing hospital capacity."

The emergency disaster declaration provides for increased support to state agencies involved in the continued response to the virus and recovery for the state during reopening. This includes expediting supply procurement and lifting certain regulations to allow for efficient and effective mitigation.

The disaster declaration has allowed for waivers and extensions to continue to provide for Pennsylvanians and businesses under the unprecedented circumstances of the pandemic, including the ability to waive the one-week waiting period to receive unemployment compensation, work search requirements, and the registration with PA CareerLink for applicants, and to provide relief from charges for employers; and allowing the commonwealth to suspend numerous training requirements and certification and licensure renewals for health care professionals, child care workers, direct care workers, direct support professionals, among other professional groups who provide life-sustaining services to our children, seniors, and vulnerable residents.

Through the disaster declaration, PEMA has been able to mission assign the National Guard to provide various types of support for long term care

facilities, including providing direct patient care support, ancillary support, and testing, and at community-based testing sites. It also provides PEMA with the ability to leverage continued federal support such as non-congregate sheltering.

The renewed disaster declaration will continue to support all of these efforts, as well as allow the commonwealth to rapidly scale response efforts and employ new intervention tactics, such as the administration of a vaccine.

The Department of Health's Department Operations Center at PEMA continues to be active, as is the Commonwealth Response Coordination Center there.

A Proclamation of Disaster Emergency is effective for a 90-day period unless sooner rescinded or extended by official action of the Governor.

**Source:** Governor Wolf's Press Office, 11/25/2020

## Mizgorski Transportation Bill Now Law

Rep. Lori Mizgorski's (R-Allegheny) comprehensive transportation bill has been signed into law as **Act 131 of 2020** <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=H&type=B&bn=2296>.

To improve safety on the state's highways, Act 131 of 2020 places more stringent incident reporting requirements on holders of commercial driver licenses (CDL). The law also expands driving opportunities for people with disabilities and assists homeless citizens by offering free state IDs.

"I was compelled to write this bill after learning about a tractor trailer driver who caused two fatal accidents within six months. By the time the driver was convicted in the first case here in Pennsylvania, he had already caused a second fatal accident in Ohio," Mizgorski said. "We need to make sure the employers of CDL holders are promptly informed when one of their drivers is cited for breaking the law."

Act 131 requires a driver of a commercial motor vehicle who is cited, arrested or charged with violating a federal or state law or local ordinance relating to motor vehicle traffic control, other than a parking violation, to notify his or her employer in writing within 30 days of the date of receiving the citation or being arrested or officially charged.

Mizgorski's bill was also amended to address other issues, including creating a learner's permit and driver's license for people with certain vision challenges, and providing free state ID cards to homeless citizens.

Specifically, the measure establishes a procedure for PennDOT to issue a bioptic telescope learner's permit or driver's license to people who meet specific visual acuity requirements and instruction in using a bioptic telescope. Bioptic driving is a method of driving that uses both the patient's general vision in combination with intermittent spotting through a small telescopic system that improves the sharpness of the patient's far vision. Pennsylvania would join 28 other states in offering a bioptic telescope license.

Additionally, the bill would codify mandatory CDL training requirements to comply with federal regulations, disqualify a CDL holder convicted of human trafficking and allow PennDOT to provide free state-issued ID cards to homeless citizens. Those applying for the free ID would still have to meet all proof of identification requirements.

Source: Rep. Mizgorski Press Release, 11/25/2020

## Governor Wolf Urged to Reconsider Possible Veto of HB 1737

*Rejection of General Assembly's Covid-19 Safe Harbor Legislation Will Hurt PA Healthcare and Jobs*

**R**esponding to press reports of a pending veto of **House Bill 1737**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=1>

[737](#), the Pennsylvania Coalition for Civil Justice Reform's Executive Director Curt Schroder issued the following statement:

The General Assembly understood that in the current environment, businesses and health care providers following government guidelines should be protected from opportunistic lawsuits. House Bill 1737 was well considered. The bill was drafted, debated and passed to protect the heroes of this pandemic, while still holding accountable bad actors engaged in intentional conduct or gross negligence. This reasonable approach is the right approach for Pennsylvania. It provides temporary, targeted liability relief now when it is needed most: at the height of Covid-19 cases and hospitalizations.

The Governor's office points to his recent <https://www.governor.pa.gov/wp-content/uploads/2020/11/20201123-TWW-mitigation-enforcement-immunity-orderpdf> as providing liability protection. This limited measure appears to only protect businesses, such as retail establishments and restaurants, when action is taken against them for enforcing the mask mandate. Thus far, courts have rejected lawsuits over enforcing mask requirements.

The minimalist protection in his Executive Order does not extend liability protection for Covid exposure, which is needed for businesses to recover and survive the restrictions imposed to protect the public. It does not protect those businesses who have re-tooled to make much needed personal protection equipment and sanitizer. It does not protect our health care facilities, and our front-line heroes taking care of Covid patients, from lawsuits brought by opportunistic lawyers.

A veto of HB 1737 would make us wonder, whose side is Governor Wolf on? With reports of restaurants closing almost daily, the Governor has the opportunity to protect restaurants and other businesses from additional devastation at the hands of lawyers. Governor Wolf should use this opportunity to show businesses and health care that he understands the pressures they are subjected to during this pandemic by signing the bill.

PCCJR asks the Governor to please reconsider any intent to veto HB 1737.

PCCJR thanks all of the members of the House and Senate who recognized the need for real protection from frivolous lawsuits brought by lawyers looking to get rich off the Covid pandemic.

*The Pennsylvania Coalition for Civil Justice Reform is a 501(c)(6), not-for-profit, nonpartisan advocacy organization comprised of a diverse group of organizations and individuals committed to bringing fairness to Pennsylvania's courts by raising awareness of civil justice issues and advocating for legal reform. Additional information is available at <http://www.paforciviljusticereform.org/>.*

**Source:** Pennsylvania Coalition for Civil Justice Reform Press Release, 11/25/2020

## Department of State Certifies Presidential Election Results

Following certifications of the presidential vote submitted by all 67 counties late Monday, Secretary of State Kathy Boockvar certified the results of the November 3 election in Pennsylvania for president and vice president of the United States on November 24, 2020.

Shortly thereafter, as required by federal law, Governor Tom Wolf signed the Certificate of Ascertainment for the slate of electors for Joseph R. Biden as president and Kamala D. Harris as vice president of the United States. The certificate was submitted to the Archivist of the United States.

The Certificate of Ascertainment included the following vote totals:

- Electors for Democratic Party candidates Joseph R. Biden and Kamala D. Harris - 3,458,229
- Electors for Republican Party candidates Donald J. Trump and Michael R. Pence - 3,377,674
- Electors for Libertarian Party candidates Jo Jorgensen and Jeremy Spike Cohen - 79,380

"Today's certification is a testament to the incredible efforts of our local and state election officials, who worked tirelessly to ensure

Pennsylvania had a free, fair and accurate process that reflects the will of the voters," said Gov. Wolf.

"We are tremendously grateful to all 67 counties who have been working extremely long hours to ensure that every qualified voter's vote is counted safely and securely. The county election officials and the poll workers are the true heroes of our democracy, enabling us to vote in record numbers, amid challenging circumstances, so that every eligible voter's voice could be heard," Sec. Boockvar said.

**Source:** PA Department of State Press Release, 11/24/2020

## EPA awards \$4.8 million to Pennsylvania to control polluted runoff, restore water quality

On November 24, 2020, the U.S. Environmental Protection Agency (EPA) announced a \$4,846,500 grant to the Pennsylvania Department of Environmental Protection to improve water quality in rivers and streams throughout the commonwealth. The grant is part of EPA's Nonpoint Source Implementation Grant Program, as outlined in Section 319 of the Clean Water Act to control water pollution.

"This grant supports preserving and protecting Pennsylvania's water resources and ensuring communities have clean water," said EPA Mid-Atlantic Regional Administrator Cosmo Servidio. "By working in partnership with Pennsylvania, we can help implement necessary best management practices to reduce nonpoint source pollution in communities throughout the commonwealth."

Nonpoint source pollution is caused when rainfall or snowmelt, moving over and through the ground, picks up and carries natural and human-made pollutants, depositing them into lakes, rivers, wetlands, coastal waters and groundwater.

Controlling nonpoint source pollution is especially important since one in three Americans get their drinking water from public systems that rely on seasonal and rain-dependent streams.

While the program provides statewide coverage, this funding will help Pennsylvania focus on priority watersheds with water quality impairments. The major sources of nonpoint source pollution in the state, including abandoned mine drainage, agriculture, and urban stormwater runoff, will be addressed through structural and non-structural best management practices, as well as through watershed planning, monitoring, and education/outreach programs and activities.

Learn more about successful nonpoint source reduction projects at: <https://www.epa.gov/nps>.

**Source:** U.S. EPA Press Release, 11/24/2020

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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.*