

MCA
Summary of Legislation
April 2007

McGeehan and Belfanti Call for Sprinkler Systems at State Regulated Residential Institutions

Representatives Michael McGeehan (D-Philadelphia) and Bob Belfanti (D-Northumberland) held a press conference March 20 about two bills they have introduced that would require sprinkler systems in state-regulated institutions. They were joined by fire safety specialists Tom Savage, Director of the Pennsylvania Fire and Emergency Services Institute; Wayne Miller, business manager for Sprinkler Fitters Local 692; and the National Fire Sprinkler Association's Mid-Atlantic regional manager, Raymond W. Lonabaugh as well as by Auditor General Jack Wagner, whose office performed a Fire Safety at State Institutions Audit in 2004.

Rep. McGeehan explained that he and Rep. Belfanti were the primary movers behind the passage of the Dormitory Sprinkler System Act of 2001, which provides loans to colleges and universities to install fire protection systems in existing dormitories. The 2004 audit by then Auditor General Bob Casey was "an eye opener," he said, and led to the introduction of his bill, **HB 862**, which would do for citizens living in state regulated institutions what the Commonwealth has already done for college students – namely protect them from dying in fires. Rep. Belfanti's **HB 203** is similar in nature, though some of the details are different. Both bills would create a revolving fund for loans to retrofit existing facilities with fire protection sprinklers. Institutions required to participate would include hospitals and boarding facilities for the mentally ill, state veterans' homes, child and adult day care facilities, and boarding homes for children, seniors and the disabled. Institutions would have five years to come into compliance.

Bills take aim at Prevailing Wage law

Bills designed to narrow the scope of the Pennsylvania Prevailing Wage Act have been reintroduced in what has become a perennial event. In the House Representative Chris Ross introduced House Bill 1054 which removes school districts from the scope of the Act. Senate Bill 606 introduced by Senator Mike Waugh exempts all local governments from having to pay prevailing wages. That bill has been referred to the Senate Labor and Industry committee.

While the opponents of Prevailing Wage are vocal, they have not represented a majority in either the Pennsylvania House or Senate for many years. For that reason, bills amending the Prevailing Wage law rarely come before the full House or Senate. In fact, most recent floor votes on the issue typically take the form of amendments to the school code under which the law would not apply to school districts. It is anticipated that additional bills will be introduced amending both the Prevailing Wage Act, the Public School Code and possible other local government statutes. It is not anticipated that any of the bills will reach the Governor's desk.

Legislative Activity

HB 203 RE: Fire Safety Act (by Rep. Bob Belfanti, et al)

Provides for safety requirements for facilities, including automatic sprinkler systems, fire alarms and emergency use communications. The bill also creates the Fire Safety Fund, which would provide low-interest loans to facilities to install or retrofit automatic water sprinkler systems or automatic fire suppression or control systems and automatic and manually activated fire alarm systems installed to transmit an alarm automatically to a fire department and to procure alternate forms of emergency communication in facilities.

Press conference held, 3/20/2007

HB 507 RE: Home Improvement Consumer Protection Act (by Rep. Keith McCall, et al)

Provides that no person may hold himself out as a contractor nor would a person perform any home improvement without first registering with the Bureau of Consumer Protection. The bureau would maintain a toll-free telephone number from which a caller can obtain information as to whether a contractor is registered with the bureau. The bill provides for procedures for registration as a contractor. Each application for a certificate for a home improvement contractor or renewal of that certificate would include a fee of \$50. The bill also provides for home improvement contracts, stating that no contract would be valid or enforceable unless it contains required information. The bill creates that Home Improvement Guaranty Fund, from which an owner may be compensated for an actual loss that results from an act or omission or a violation of this act by a registered contractor.

House Consumer Affairs Committee Meeting set for 4/19/2007, 9:30 a.m., Room 205, Ryan Office Building

HB 700 RE: Cover All Pennsylvanians (by Rep. Todd Eachus, et al)

Amends Title 40 (Insurance) reforming the healthcare system by providing for access to affordable health insurance coverage for previously uninsured individuals. The **Cover All Pennsylvanians health insurance program (CAP)** would be established to assist certain small business employers to cover their uninsured employees and to provide access to affordable health insurance coverage for uninsured adults. Premiums of small low-wage employer participants and enrollees could not be increased higher than the average of the change in the medical care component of the Consumer Price Index and the change in the average wage for PA as determined by the Department of Labor and Industry. Premium discounts are further provided for. Each professional health service plan corporation and hospital plan corporation and their subsidiaries and affiliates doing business in PA would have to submit a bid or proposal to the department to carry out the purposes of this bill in the geographic area they cover. Other insurers could also submit a bid or proposal to carry out the purposes of this bill. The **basic CAP benefit package would include preliminary and annual health assessments, emergency care, inpatient and outpatient care, prescription drugs, medical supplies and equipment, emergency dental care, maternity care, skilled nursing, home health and hospice care, chronic disease management, preventive and wellness care, and inpatient and outpatient behavioral health services.** Pre-existing conditions would not exclude someone from enrollment. Each employer would be subject to a **fair share tax** as follows: (1) for fiscal years 2007-08 through 2009-10, **3% of the wages paid by the employer;** (2) for fiscal years commencing after June 30, 2010, **3.5% of the wages** paid by the employer. Tax credits are provided for beginning in FY 2007-08 at \$15,000 and reducing every year to \$0 in FY 2012-13 and every year thereafter. An employer that offers qualifying health care coverage to each of its employees who works 30 hours per week or more following no more than 90 days of continued employment could get a credit against the fair share tax in an amount equal to 3% of the employer's wages for fiscal years 2007-08 through 2009-10 and 3.5% of the employer's wages for fiscal years commencing after June 30, 2010. The Department of Labor and Industry, in consultation with the department, would have to determine whether the employer's offer is qualifying health care coverage. Standards to reduce healthcare acquired infections and medical errors would be established and a smoking plan in numerous public places is provided for with exceptions being provided for private homes, private residences and private automobiles, a hotel or motel room rented to one or more guests, retail tobacco businesses and cigar bars.

Referred to House Insurance Committee, 3/22/2007

Public hearings held in committee House Insurance Committee, 3/26, 3/27, 4/2, 4/3, 4/11, 4/12/2007

SB 437 RE: UCC Residential Exemptions (By Sen. Bob Regola, et al)

Amends the PA Construction Code Act further providing Section R404.1 and Tables R404.1(1), R404.1(2) and R404.1(3) of the 2006 International Residential Code are not a part of the Uniform Construction Code. Also provides for the provisions which would apply to the Uniform Construction Code regarding concrete and masonry foundation walls.

Passed Senate, 3/20/2007 (50-0)

House and Referred to House Labor Relations Committee, 3/22/2007

House Labor Relations Committee Meeting set for 4/17/2007, 205 Ryan Building, at call of the Chair

New Bills Introduced

HB 753 RE: Professional Licensees Illegal Employment Act (by Rep. Mark Mustio, et al)

Prohibits licensees from knowingly employing an unauthorized alien. If the licensing board or commission discovers that the licensee has violated this rule, the license of the offender would be revoked. Affirmative defenses are provided for in the bill.

Referred to House Professional Licensure Committee, 3/22/2007

HB 767 RE: Mechanics' Lien (by Rep. Rich Grucela, et al)

Amends the Mechanics' Lien Law by stating that every estate or title of the owner in the property would be subject to a lien for the payment of all debts due by the owner to the surveyor for the services of the surveyor pertaining to the land, provided that the amount of the claim would exceed \$500. The bill also states that a surveyor may waive his right to file a claim against property for the erection, construction, alteration or repair of a residential building by a written instrument signed by him or by any conduct which operates equitably to estop the surveyor from filing a claim.

Referred to House Judiciary Committee, 3/19/2007

HB 862 RE: Institutional Automatic Sprinkler System Act (by Rep. Mike McGeehan, et al)

The Department of Labor & Industry would establish a loan program to provide low-interest loans to institutions to install or retrofit automatic water sprinkler systems or automatic fire suppression or control systems. The bill would establish the Sprinkler Loan Fund to make loans under the program. The money in the fund is continuously appropriated to the fund. The bill also states that each institution would have to be equipped with an automatic sprinkler system that satisfies the requirements of Pamphlet 13 or 13R of the National Fire Protection Association.

Referred to House Appropriations Committee, 3/19/2007

Press conference held, 3/20/2007

HB 868 RE: Swimming Pool Barriers (by Rep. Rob Kauffman, et al)

Amends the PA Construction Code Act by adding that a swimming pool or spa may not be filled with water until the barrier requirements of the law are met. It further provides that during construction of a swimming pool, temporary barriers would have to be erected.

Referred to House Local Government Committee, 3/22/2007

HB 879 RE: Sales Tax on School Construction (by Rep. Paul Clymer, et al)

Amends the Tax Reform Code by adding that the sale at retail to or use by a construction contractor, employed by a nonprofit school would be exempt from the sales and use tax.

Referred to House Finance Committee, 3/22/2007

HB 884 RE: UCC Exemptions (by Rep. Ron Buxton, et al)

Amends the PA Construction Code Act further providing for the adoption of regulations. The bill specifically states that Section R404.1 and Tables R404.1(1), R404.1(2) and R404.1(3) of the 2006 International Residential Code would not be a part of the Uniform Construction Code. Concrete and masonry foundation walls would be selected and constructed in accordance with the provisions of Section 404 of the 2006 International Residential Code or in accordance with ACI 318, ACI 332, NCMA TR68-A or ACI 530/ASCE 5/TMS 402 or other approved structural standards.

Referred to House Labor Relations Committee, 3/22/2007

HB 894 RE: School Construction Costs (by Rep. Daylin Leach, et al)

Amends the Public School Code further providing for referendum or public hearing required prior to construction or lease. The bill stipulates that "building construction cost may not include the additional cost involved in the building construction of a school that meets the Leadership in Energy and Environmental Design standards as established and published by the United States Green Building Council." It also adds that an estimate of the "operating cost" of the building be included in the information required to be submitted to the Department of Education 30 days before the hearing.

Referred to House State Government Committee, 3/22/2007

HB 990 RE: Pennsylvania Elevator Act (By Rep. Ron Raymond, et al)

Provides that no person would erect, construct, alter, replace, maintain, remove or dismantle any conveyance contained within buildings or structures in PA unless an elevator mechanic license has been issued and is working under the direct supervision of a sole proprietor, firm or corporation that is an elevator contractor. The bill states that no license would be granted to any person who has not demonstrated the qualifications and abilities. Applicants for a mechanic license must demonstrate an acceptable combination of documented experience and education credits. The bill also creates that Elevator Safety Review Board and provides for its powers and duties. The bill also provides for new installations, annual inspections, registrations, liability, hazardous conditions and penalties.

Referred to House Commerce Committee, 4/2/2007

HB 1009 RE: Electrical Contractors Licensing Act (by Rep. Steve Cappelli, et al)

Creates the State Board of Electrical Contractors and provide for its powers and duties. The bill states it would be unlawful for any person to hold himself forth as a licensed electrical contractor unless he has obtained a license in accordance with the act. The bill provides for qualifications required for licensure. The bill includes an appropriation of \$85,000.

Referred to House Professional Licensure Committee, 4/5/2007

HB 1054 RE: Prevailing Wage (by Rep. Chris Ross, et al)

Amends the PA Prevailing Wage Act further providing for definitions; and providing for school districts to opt out.

Introduced, not yet referred, 4/10/2007

H Res. 145 RE: Pennsylvania One Call System Week (by Rep. Joe Preston, et al)

A Resolution designating the week of April 22 through 28, 2007, as "Pennsylvania One Call System Week."

Introduced as a non-controversial resolution, 3/20/2007

SB 9 RE: Proof of Citizenship for Receipt of Public Benefits Act (by Sen. Joe Scarnati, et al)

Requires anyone who is at least 18 years of age and applies for public benefits to provide one of a specified list of identifications and execute an affidavit stating that the person is a U.S. citizen or legal permanent resident or is otherwise lawfully present in the U.S. pursuant to Federal law. The agency receiving this affidavit would have to keep it on file. Agencies that administer public benefits have to verify, through the SAVE program that each applicant who has executed an affidavit is an alien legally present in the U.S. Penalties are further provided for in the bill.

Referred to Senate State Government Committee, 3/29/2007

SB 606 RE: Prevailing Wage (by Sen. Mike Waugh, et al)

Amends the PA Prevailing Wage Act excluding political subdivisions from the act and authorizing optional prevailing wage ordinances.

Referred to Senate Labor and Industry Committee, 3/20/2007

SB 607 RE: Prototypical School Facility Designs Clearinghouse (by Sen. Mike Waugh, et al)

Amends the Public School Code by requiring the Department of Education to establish a central clearinghouse for prototypical school facility designs. The bill would require the Department to establish a grading system to review and evaluate plans to meet certain specific standards before being included in the clearinghouse. The Legislative Budget and Finance Committee is required to conduct a study to determine the savings incurred by school entities that have participated in the program and to submit the results of the study to the Chairpersons of the Education Committees of the Senate and the House of Representatives.

Referred to Senate Education Committee, 3/21/2007

SB 660 RE: Plumbing Contractors Licensure Act (by Sen. Ted Erickson, et al)

Provides for plumbing contractor licensure, establishes the State Board of Plumbing Contractors and provides for their powers and duties, and establishes fees, fines and civil penalties. The State Board of Plumbing Contractors would be created within the Department of Labor & Industry and charged with various duties including regulating the licensing of individuals engaged in providing plumbing services, contracting with a professional testing organization to administer tests to qualified applicants for licensure, maintaining a registry of licensees and ensuring various reporting requirements are met. Individuals who are not licensed could not provide plumbing services and only master plumbers could use the title "licensed plumbing contractor" and the abbreviation "L.P.C.", subject to certain exceptions. Qualifications for various classes of plumbers are further provided for under the act as are

disciplinary options. Reciprocity with other states is also provided for subject to certain conditions. The sum of \$85,000 would be appropriated to the department of State for the payment of costs associated with this bill. This amount would have to be repaid by the board within three years of the beginning of issuance of licenses.

Referred to Senate Consumer Protection & Professional Licensure Committee, 3/29/2007

SB 665 RE: Dormitory Sprinkler System Act (by Sen. John Gormdner, et al)

Amends the Dormitory Sprinkler System Act further providing if the Pennsylvania Higher Education Facilities Authority finances a project, it must finance all costs associated with the sprinkler installation, including costs of modifying water supply sources and plumbing necessary for the sprinklers, costs of renovation work necessary for installation, cost of asbestos abatement necessary as a result of the installation and costs of integrated smoke detection and fire alarm systems.

Referred to Senate Education Committee, 3/21/2007

SB 666 RE: Independent Contractors WC (by Sen. John Gordner, et al)

Amends the Workers' Compensation Act defining "independent contractor" and further providing for subcontractors by adding that the provision requiring a contractor to be liable for the payment of compensation to employees of a subcontractor unless the subcontractor primarily liable for the payment of such compensation has secured its payment would not apply to a subcontractor that has certified that the subcontractor does not employ other individuals, operates as an independent contractor, and is not required to carry workers' compensation insurance. Any affidavit which is filed under this subsection would create a nonrebuttable presumption that the filing subcontractor is an independent contractor and that the filing subcontractor is prohibited from filing any claim for benefits under this act against the contractor or the contractor's insurer.

Referred to Senate Labor and Industry Committee, 3/22/2007

SB 672 RE: High-Performance, State-Funded Buildings Standards Act (by Sen. John Pippy, et al)

Requires facilities leased or owned by the state to comply with certain energy and environmental standards outlined in the Act.

Referred to Senate Environmental Resources and Energy Committee, 3/29/2007

SB 705 RE: Product Sellers Liability (by Sen. Lisa Baker, et al)

Amends Title 42 (Judiciary) providing for liability rules applicable to product sellers by stating that in a product liability action, a product seller other than a manufacturer would not be liable for damages resulting in death, injury to person or property or economic loss unless the plaintiff meets certain requirements. In a product liability action against a product seller, the product seller may file an affidavit certifying the correct identity of the manufacturer of the product which allegedly caused the injury, death or damage. The product seller would exercise due diligence in providing the plaintiff with the correct identity of the manufacturer.

Referred to Senate Judiciary Committee, 3/29/2007

SB 726 RE: Mechanics' Lien Law (by Sen. Pat Browne, et al)

Amends the Mechanics' Lien Law by stating that a contractor or subcontractor may waive his right to file a claim against residential property by a written instrument signed by him or by any conduct which operates equitably to estop such contractor from filing a claim. The bill defines "residential property".

Referred to Senate Labor and Industry Committee, 4/9/2007

2007 House Spring Session Schedule

The following are the scheduled session days for the House in 2007:

April 16 (non-voting), 17, 18, 23, 24, 25, 30 (non-voting)

May 7, 8, 21, 22, 23

June 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 28, 29, 30

2007 Senate Spring Session Schedule

The following are the scheduled session days for the Senate in 2007:

April 16, 17, 18, 23, 24, 25, 30

May 1, 2, 7, 8, 21, 22

June 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 28, 29

Copies of all bills of interest can be accessed via the Internet at:
<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>.