

MCA
Summary of Legislation
March 2007

Bills Coming Fast And Furious

The pace of bill introductions is at its highpoint as lawmakers scramble to propose both new and old ideas in the form bills. A good number of these bills impact the construction industry; many of them will look familiar, as they have been introduced in the past.

Apprenticeship Ratio Bill Is Back

A bill that would establish all apprenticeship ratios at 1 to 1 was reintroduced this month by Representative Scott Boyd. **House Bill 515** was introduced last session too, but never made it out of committee. At one point, the bill from last session had been scheduled for a vote in the House Labor Relations committee, but opposition caused it to be pulled from the agenda. Our lobbyists expect that the bill's proponents (non-union contractors) will try to get action on **House Bill 515**, but will again fall short. The Chairman of the Committee, Representative Bob Belfanti is believed to be opposed to the legislation.

Crane Operators and Home Improvement Certification Bills On The Move

Two bills that passed through the Senate Consumer Protection and Professional Licensure committee last year were voted out of that committee on March 13th. **Senate Bill 59** establishes a licensing requirement for operators of cranes. A very similar bill also passed the House last session before stalling in the Senate. While the Senate committee on licensure likes the bill, it remains to be seen if the full Senate will take up the issue this year.

Also reported by the Senate Consumer Protection and Professional Licensure committee was Senate Bill 100. That bill creates a registry of home improvement contractors. Contractors not registered, or that have their registration revoked, are not permitted to perform work in Pennsylvania. Virtually any contractor that performs work on a residential property would need to register. The Pennsylvania Attorney General's office would administer and police the act. This same legislation passed the Senate last year but failed in the House. As written presently, this state requirement would preempt all local registration requirements for home improvement contractors except for the licensing of plumbers and electricians where a test is involved. An amendment has been prepared to expand that exception to any trade where a test is required.

Highway Milling Issue Spurs Prevailing Wage Act Bill

Last Spring, the question of whether certain types of road resurfacing are covered by the prevailing wage act caused a flurry of news stories and a political tug of war. At that time, the Department of Labor and Industry was forced to withdraw its determination that road milling was covered by the Act when the Governor interceded on behalf of municipalities and prevailing wage opponents. The Governor agreed to study the issue, but no new official action has been evident since then.

In what appears to be a preemptive strike, some Senate Republicans are proposing to amend the Prevailing Wage law by redefining the term "maintenance". Maintenance construction work is not subject to prevailing wages. **Senate Bill 333**, introduced by Senator Mike Waugh (R.) of York County, further defines maintenance work to include:

**“Replacement in kind, or compliance with current Department of Transportation design criteria and standards, of guide rails, curbs, pipes, line painting and other related road equipment .
Repair of pavement service by:**

(A) laying bituminous material up to three and a half inches thick or up to four hundred twenty pounds per square yard on asphalt pavement, cement, concrete or other hard surface, including associated milling, and related work raising existing paved shoulders to new grade; or

(B) patching of a cement or concrete surface to include joint spalling and repair work.

(iii) Widening of existing alignment which does not result in additional lanes or new shoulders.

(iv) Bridge cleaning, washing, resurfacing with blacktop, minor non-structural repairs or improvements and painting except when combined with complete bridge rehabilitation.”

Senate Bill 333 has been referred to the Senate Labor and Industry committee.

Governor's Healthcare Reform Proposal Subject Of Hearings

The Governor's Prescription for Pennsylvania healthcare reform plan has already been the subject of numerous articles and questions at budget hearings. Expect that to increase as the proposal will now be the topic of public hearings held by the House Insurance committee. **The first public hearing on the health-care reform program (House Bill 700) will be held from 11 a.m. to 5 p.m. Monday, March 26.** The second hearing will be held from 10 a.m. to 4 p.m. Tuesday, March 27. Both hearings will take place in Harrisburg in the Capitol. There will be others added across the state later in spring.

Legislative Activity

No bills have been acted on yet of interest to the construction industry. House Committees are still being organized, and the House has not yet passed final rules for conducting business.

New Bills Introduced

HB 456 RE: (by Rep. Rob Kauffman, et al)

Amends The Second Class Township Code further providing for competitive bidding of contracts by adding that all contracts or purchases in excess of the required advertising amount of \$18,000 (increased from \$10,000) may not be made except with and from the lowest responsible bidder after due notice in one newspaper of general circulation in the township. Additionally, written or telephonic price quotations from at least three qualified and responsible contractors would be requested for all contracts that exceed \$7,000 (increased from \$4,000). The legislation provides for the annual adjustment of these amounts based on the Consumer Price Index for All Urban Consumers. **Referred to House Local Government Committee, 3/6/2007**

HB 472 RE: (by Rep. Steve Nickol, et al)

Amends the Public School Code further providing for work to be done under contract let on bid by adding that the department may approve a waiver of the provisions that require separate contracts for the construction, reconstruction, repairs, maintenance or work of any other nature upon a school building, school property or a building or portion of a building leased under the provisions of section 703.1.

Referred to House Education Committee, 2/26/2007

HB 515 RE: Apprenticeship and Training Act Standards (By Rep. Scott Boyd, et al)

Amends The Apprenticeship and Training Act further providing for powers and duties of the council by adding that the council would establish standards for apprenticeship in conformity with the provisions of this act and applicable statutes and regulations of the Federal Government. The numeric ratio of apprentice to skilled journeyman established by the program sponsor must be established in consideration of the necessary proper supervision, training, safety and continuity of employment of the apprentice throughout the apprenticeship. The standard ratio for all trades in all industries would be one to one, which would mean that a maximum of one apprentice may be employed for the first skilled journeyman and one additional apprentice may be employed for each additional skilled journeyman.

Referred to House Labor Relations Committee, 3/6/2007

HB 607 RE: Capital Projects Oversight Act (by Rep. Ron Waters, et al)

Establishes the Capital Projects Oversight Board to provide review and oversight of capital projects. The bill provides for the Board's powers and duties. The act would only apply to capital projects involving expenditures over \$5,000,000.

Referred to House State Government committee, 3/6/2007

SB 59 RE: Crane Operator Licensure Act (by Sen. Ted Erickson, et al)

Establishes the State Board of Crane Operators within the Department of State. The seven-member board would include: the Commissioner of the Bureau of Professional and Occupational Affairs; two public members appointed by the Governor; and four professional members appointed by the Governor who have been actively engaged in crane-related operations in PA for at least five years immediately preceding their appointment. The bill provides for the powers and duties of the board including establishing specialties for licensure and states an individual may not operate a crane, offer himself for employment as an individual who may operate a crane or hold himself out as a licensed crane operator unless licensed by the board. Also provides penalties for violations of the act and regulations and makes an appropriation.

Referred to Senate Consumer Protection & Prof. Licensure Committee, 2/8/2007

Reported from Senate Consumer Protection & Professional Licensure Committee, 3/13/2007

SB 437 RE: UCC Exclusions (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 and its successors are not a part of the Uniform Construction Code. Also provides for the provisions that would apply to the Uniform Construction Code regarding concrete and masonry foundation walls.

Referred to Senate Labor and Industry Committee, 3/5/2007

Reported from Senate Labor and Industry Committee, amended, and read first time, 3/13/2007

S Res. 41 RE: Strategic Sourcing Initiative Study (by Sen. Rob Wonderling, et al)

Resolution directing the Legislative Budget and Finance Committee to investigate the Department of General Services strategic sourcing initiative for State and local government procurement; to accurately measure actual saving and costs of strategic sourcing; to review alternative plans examined by the department; to examine the department's development and implementation of strategic sourcing, especially with regard to the impact on Pennsylvania small business; and to analyze procurement spending data.

Referred to Senate State Government Committee, 3/5/2007

2007 House Spring Session Schedule

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

March 19, 20, 21

April 16, 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:

March 19, 20, 21, 26, 27, 28

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>.