

MCA

Summary of Legislation

July 2008

Separate Primes Waivers Suspended

Our efforts to stop the waiving of the separate primes requirement for school construction projects were successful as the Rendell Administration agreed to a 6-month moratorium on issuing waivers while a task force studies the issue. Unlike previous task forces that have examined school construction, this task force is not made up of special interest groups. Instead, the task force will be comprised of the chairs from both the Labor and Education committees from the House and Senate. Additionally, the Secretaries for the Departments of Education, Budget, Policy and Labor & Industry will also be part of the group.

Senator Tina Tartaglione helped broker the moratorium by refusing to drop the Separations Act piece of an amendment she was prepared to offer to a KOZ (Keystone Opportunity Zone) bill that the Governor wanted. The Senator agreed to drop the part of the amendment that would have required separate primes on KOZ projects only after she received assurances that the waivers would be suspended.

Senate Leadership refused to call the KOZ bill up for a vote as long as the Tartaglione amendment was to be offered. Eventually, Senator Tartaglione withdrew the other part of her amendment that would have required that KOZ projects comply with the Prevailing Wage law after she received additional concessions on a variety of other issues of interest to labor.

Infrastructure Investment Highlights State Budget

In addition to funding the usual State activities, the recently enacted Commonwealth budget includes authorization for a significant investment to rebuild Pennsylvania's aging infrastructure. The program appropriates \$350 million of bond funds to repair structurally deficient bridges statewide as well as funding rail and airport improvements.

The funds will be immediately directed to 411 bridges (list available at www.dot.state.pa.us, click on the Rebuild Pennsylvania button). The legislation also authorizes an increase in the Rail Transportation Assistance Program from \$10 million to \$30 million and includes \$3 million for the preservation of railroad bridges. The bill also doubles the aviation grant program to \$10 million from \$5 million and will underwrite more airfield safety improvements, hangar construction and terminal improvements.

The money is to be repaid over time from Motor License Fund revenue already earmarked for bridges. PennDOT estimates that the cost of bringing all state-owned bridges up to current engineering and safety standards exceeds \$11 billion and Governor Rendell made public statement that he will try to address this in the future. The governor also said the added investment in bridges will put "tens of thousands of people to work." Rendell was joined at the signing ceremony by state Rep. Joe Markosek, D-Monroeville, chairman of the House Transportation Committee, and state Sen. Barry Stout, D-Bentleyville, minority chairman of the Senate Transportation Committee.

Water and wastewater projects will also benefit from new funding. The legislature passed and the governor signed two bills related to water and waste water infrastructure funding:

SB 2 provides \$800 million to come from gambling revenues for repairs, improvements and upgrades to drinking and sewerage systems, flood control projects and to repair high-hazard dams.

SB 1341 places a referendum on the fall ballot asking voters to approve an additional \$400 million bond for construction, rehabilitation, and improvement of Pennsylvania's drinking water supplies and sewage treatment systems. If voters approve the ballot initiative and authorize the funding, the bond money will be administered through the Pennsylvania Infrastructure Investment Authority (PENNVEST). Financial assistance would be in the form of grants and low-interest loans.

Legislative Activity

HB 44 RE: Prohibits sale, installation, and disposal of mercury thermostats (by Rep. Carole A. Rubley et al)

The Mercury-Free Thermostat Act prohibits the sale, installation and disposal of mercury thermostats and prescribes penalties. Manufacturers of mercury thermostats would be required to establish and maintain a collection and recycling program for out-of-service mercury thermostats from wholesalers, contractors, retailers, service technicians and homeowners. The bill provides for duties of the Department of Environmental Protection and requires reporting by the manufacturers to the department. The bill also provides that a list of department-approved collection sites would also be distributed to wholesalers, retailers and contractors. In addition, no operator of a solid waste treatment, processing or disposal facility would be found to have knowingly disposed of a mercury thermostat if the facility has notified customers of the ban in writing and posted signs at the facility clearly noting the prohibition.

Reported as committed from House Rules Committee, 7/1/2008

Rereferred to House Appropriations Committee, re-reported as committed, 1 Floor amendment adopted, and read second time, 7/4/2008

HB 990 RE: Elevator Mechanic Licensing (by Rep. Ron Raymond et al)

The Pennsylvania Elevator Act states 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.

Amended in House Labor Relations Committee and held in committee, 7/1/2008

HB 2644 RE: Amends the Underground Utility Line Protection Law (by Rep. Joseph Preston, Jr. et al)

Amends the Underground Utility Line Protection Law providing for duties of facility owners by adding that a facility owner may identify the location of a known facility connected to its facilities, but not owned or operated by the facility owner, as a helpful guide to the excavator or owner.

Received in the Senate and referred to Senate Consumer Protection & Professional Licensure, 7/8/2008

SB 2 RE: H2O PA Act (by Sen. Jane Earll, et al)

Provides for the allocation of all money in the Pennsylvania Gaming Economic Development and Tourism Fund not previously allocated to the Commonwealth Financing Authority for distribution for water or sewer projects, storm water projects, flood control projects and high hazard dam projects. For a ten-year period beginning with the initial deposits, no loans or grants shall be distributed for any project located in a city or county of the first or second class (Philadelphia, Pittsburgh and Allegheny County). The authority would incur indebtedness of up to \$750 million to fund the projects. The bill provides for distribution of funds, project review, and requires an annual report to the General Assembly.

Removed from the table, rereferred to House Appropriations, 7/1/2008.

Re-reported as committed from House Appropriations, 1 floor amendment adopted, 7/2/2008.

Read second time, referred to Senate Rules and Executive Nominations Committee, 7/3/2008

Read third time, passed House (177-26), received as amended in the Senate and rereferred to Senate Rules and Executive Nominations Committee, re-reported on concurrence as committed, Senate concurred House amendments (50-0), 7/4/2008

Signed in the Senate and in the House, 7/4/2008.

Approved by the Governor, 7/9/2008. Act No. 63 of 2008

The House and Senate are in recess until fall.

2008 SENATE FALL SESSION SCHEDULE

The Senate has announced the following remaining session days for the 2007-08 session.

September 16, 17, 18, 22, 23, 24

October 1, 2, 6, 7

2008 House FALL SESSION SCHEDULE

September 15, 16, 17, 22, 23, 24

October 6, 7, 8

November 12, 13, 17, 18, 19, 24, 25

Copies of all bills of interest can be accessed via the Internet at:

<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>.