

MCA

Summary of Legislation

October 2008

Senator James Rhoades Dies

Senator James J. Rhoades died following a traffic accident that occurred on October 18th. Senator Rhoades a Republican from Schuylkill County had served in the Pennsylvania Senate since 1980. He was Chairman of the Senate Education committee and a tireless advocate for education in Pennsylvania. Senator Rhoades was also the champion for many construction related issues including prevailing wage and the separations act. In fact, Senator Rhoades served on the Task Force that is studying the waivers of separate primes for school districts. His leadership and support will be sorely missed.

Water Infrastructure Referendum on November Ballot

Among the many good reasons to go to the polls on November 4 is a referendum that will ask the voters to permit the borrowing of up to \$400 million for grants to municipalities and public utilities to upgrade outdated drinking water, storm water and wastewater infrastructure systems. Pursuant to Act 64 of 2008, the referendum will appear on the ballot next month. The text of the referendum is as follows:

WATER AND SEWER IMPROVEMENTS BOND REFERENDUM

Do you favor the incurring of indebtedness by the Commonwealth of \$400,000,000 for grants and loans to municipalities and public utilities for the cost of all labor, materials, necessary operational machinery and equipment, lands, property, rights and easements, plans and specifications, surveys, estimates of cost and revenues, prefeasibility studies, engineering and legal services and all other expense necessary or incident to the acquisition, construction, improvement, expansion, extension, repair or rehabilitation of all or part of drinking water system, storm water, nonpoint source projects, nutrient credits and wastewater treatment system projects?

Senate Says No More Votes This Session

The Pennsylvania Legislature has a constitutional deadline of November 30th on which the legislative session ends. However the Senate claims it will not take any other votes after passing a slew of bills on October 8th. Some good government activists and their allies in the press have called for an end to "lame duck" voting sessions. In apparent agreement with that sentiment, the Pennsylvania Senate announced that it will not hold any voting days following the election. Unless the Senate leadership changes its mind, that means that session has ended for most bills.

The only legislation that may still pass are bills that have already passed the Senate and are un-amended in the House. Those bills do not require a concurrence vote in the Senate and therefore can still be enacted if the House passes them un-amended. The House has scheduled a number of voting days for after the elections and has indicated that it will take up issues that remain unresolved. Both the House and Senate could alter their plans if they so choose.

New Law to Create UCC Advisory Task Force

The latest law to amend the Uniform Construction Code (UCC) establishes an advisory committee to review the International Building Code (IBC) triennial updates before they are adopted as Pennsylvania's building code. In the past, Pennsylvania would simply adopt by reference any changes included in the IBC updates that are made every 3 years. Now the task force will have the final determination on whether or not all of the changes are adopted in Pennsylvania. The task force may identify provisions within the triennial update that will be excluded from the update adopted by the Pennsylvania Department of Labor and Industry. The composition of the task force is made up mostly of engineers, architects, builders and local government officials.

Pashinski Scrap Metal Bill Signed by Governor

House Bill 1742, introduced by state **Rep. Eddie Day Pashinski, D-Luzerne**, which would provide law enforcement the tools it needs to investigate scrap metal thefts and bring the thieves to justice, passed both chambers and was signed into law on October 9. A large coalition of over 40 diverse organizations, from beer companies and fraternal organizations to contractor groups, local governments and law enforcement, worked together to support this legislation, which Pashinski hopes will stem the tide of recent thefts of copper wire and tubing, and other metals including building materials, manhole covers, automobile parts and beer kegs, which are reported stolen on a daily basis, and are being sold to scrap yards for money by thieves, many to support drug habits, or to take advantage of the recent surge in prices of these metals.

Under the legislation, scrap processors and recycling facilities would have to maintain records on all transactions over \$100, or those involving catalytic converters, and keep those records for two years. Information that would have to be retained includes a photocopy of the seller's driver's license, license plate number of the seller's vehicle, a description of the material purchased and the weight and amount paid for it. In addition, the processor or recycler, upon police notification, would have to hold for 48 hours any scrap metal that is reported stolen.

Violations under this measure would be punishable by a fine of up to \$2,500 for a summary offense. A subsequent violation would be considered a third-degree misdemeanor.

The new law (**Act 113**) takes effect 60 days after the date the governor signed the bill, October 9.

Crane Operators Bill Passes

With the passage of **House Bill 647**, Pennsylvania enacted licensing requirements for crane operators. This issue had been before the General Assembly for several years, but never passed. A few weeks before the bill was released from the Senate Appropriations committee, OSHA promulgated regulations that will require similar credentials for crane operators. The OSHA requirements are considered by many to be more stringent than the new State licensing standards. There has been speculation that the non-union contractors withdrew their opposition to House Bill 647 after the OSHA regulations were announced. Regardless, the State Board of Crane Operators will be established under the Department of State's Bureau of Professional and Occupational Affairs just like the other licensing boards for engineers, architects, landscape architects, accountants and the rest of the regulated professions in Pennsylvania.

Legislative Activity

HB 647 RE: Crane Operator Licensure Act (by Rep. Mario Civera, et al)

Establishes the State Board of Crane Operators within the Department of State. Composition of the Board, its operation and powers and duties are further provided for in the legislation. An individual may not operate a crane unless licensed by the board. For purposes of acquiring the experience necessary to obtain certification, a trainee who has passed a written examination of the national commission for the certification of crane operators or of a national association deemed equivalent by the board may operate a crane when under the immediate supervision of a crane operator. A license would only be valid in conjunction with certification and only in the specialty for which the crane operator is certified. The bill provides for a license without certification in certain circumstances. A license would be issued on a biennial basis. The bill provides for fines and penalties for violations and for revocation and suspensions of licenses. \$85,000 would be appropriated to the department for the administration of this act. Within 18 months of the effective date of the bill, the board would have to promulgate regulations to carry out the act.

Reported as committed from Senate Appropriations Committee, and read second time, 10/6/2008

Amended in Senate, 10/7/2008 Read third time and Passed Senate, 10/8/2008 (50-0)

Received as amended in House and rereferred House Rules Committee, Re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments, 10/8/2008 (180-19)

Signed in the House and Senate, 10/8/2008

Approved by the Governor 10/9/2008. Act No. 100 of 2008

HB 1096 RE: Uniform Construction Code Review and Advisory Council (by Rep. Ron Buxton, et al)

Amends the PA Construction Code Act defining "council," establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes, and for training of inspectors. The Council

would be charged with gathering information from municipal officers, building code officials, construction code officials, licensed design professionals, builders and property owners concerning issues with the Uniform Construction Code and evaluating this information in order to give recommendations to the Governor, Labor and Industry Committees in the Senate and House, the Secretary of Labor and Industry, President Pro Tempore of the Senate, Speaker of the House and the Code Development Councils of the International Code Council. The Council would also review new and amended provisions issued by the ICC to any of its codes and inform the department of any code provisions that should be excluded from the Uniform Construction Code by May 1 of the year of issuance of the latest triennial code issued by the ICC. The composition of the Council and meeting requirements are further provided for in the legislation.

Re-reported on concurrence as amended from Senate Rules and Executive Nominations Committee, 10/7/2008

Senate Concurred in House amends to Senate amendments, with further amendments, 10/8/2008 (50-0)

**Received as amended in House and rereferred House Rules Committee, Re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments, 10/8/2008 (188-0)
Signed in the House and Senate, 10/8/2008**

Approved by the Governor 10/9/2008. Act No. 106 of 2008

HB 1742 RE: Scrap Material Theft Prevention Act (by Rep. Eddie Day Pashinski, et al)

Requires scrap processors and recycling facility operators to collect certain identifying information relating to the purchase of scrap material; requires commercial accounts; and restricts scrap processors and recycling facility operators from purchasing certain materials from individuals. Scrap processors would be required to develop methods for tracking transactions and hold any materials that may be stolen, as directed by law enforcement. A scrap processor and recycling facility operator may purchase the following scrap material only if the purchase occurs with a commercial enterprise: (1) new production scrap or new materials that are a part of a manufacturing process that are being sold by an individual, not a company; (2) full sized, new materials, such as those used in construction, or equipment and tools used by contractors; (3) commercial metal property; (4) metallic wire that has been burned in whole or in part to remove insulation, unless the aggregate value is less than \$100; (5) beer kegs; or (6) detached catalytic converters. The bill provides for law enforcement and penalties. The bill takes effect in 60 days.

Read second time, 9/24/2008

Read third time and passed Senate, 10/6/2008 (48-)

Received as amended in House and rereferred House Rules Committee, 10/6/2008

Re-reported on concurrence as from committed House Rules Committee, and House concurred in Senate amendments, 10/7/2008 (195-2)

Signed in the House and Senate, 10/7/2008

Approved by the Governor, 10/9/2008. Act No. 113 of 2008

HB 2113 RE: Industrialized/Commercial Modular Building (By Rep. Marc Gergely, et al)

Amends the Industrialized Housing Act adding definitions for "industrialized/commercial modular building" and "industrialized/commercial building module". Additionally, the bill provides for regulations, insignia of certification required by authorizing the Department of Community and Economic Development to enter into a multi-state agreement for the purpose of regulating the construction of components of industrialized/commercial modular buildings. The department may adopt regulations to administer the program. Modules of industrialized/commercial modular buildings that are certified under the program would be deemed to meet the requirements of Pennsylvania Construction Code Act.

Reported as amended from Senate Labor and Industry Committee, and read first time, 10/6/2008

Bill dies November 30, if Senate does not take further action.

HB 2600 RE: Pennsylvania Housing Affordability and Rehabilitation Enhancement Program (by Rep. Peter Daley II)

Amends the Housing Finance Agency Law establishing for the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program. The program would provide funding for the following: (1) projects to provide safe and sanitary dwellings for sale or rent to low-income and moderate-income individuals or families; (2) projects to increase the availability or quality of housing for elderly persons; (3) projects to increase the availability or quality of accessible housing for individuals with disabilities; (4) projects to prevent or reduce homelessness; (5) projects to encourage the development and rehabilitation of distressed neighborhoods; (6) projects to provide

mortgage or rental assistance, including housing counseling, foreclosure prevention and refinancing products; and (7) projects to provide loans, low-interest loans or grants to low-income and moderate-income individuals or families who are owner-occupants for repairs and improvement to sustain or increase the conditions of the home. Money may be used for predevelopment activities, acquisition and disposition of real or personal property, site preparation, or construction, reconstruction, alteration and repair of existing structures, improvements and infrastructure. The Community Advisory Committee is created to participate in the development of guidelines, to recommend activities, identify funding priorities, and other such responsibilities. The agency would annually report to the General Assembly on the program.

Rereferred to House Appropriations Committee, 9/22/2008

Reported as committed from House Appropriations Committee, amended on House floor, and read second time, 9/24/2008

Read third time, and passed House, 10/6/2008 (159-41)

Received in the Senate and referred to Senate Urban Affairs and Housing Committee, 10/7/2008

Bill dies November 30, if Senate does not take further action.

HB 2644 RE: Underground Utility Line Protection Law (by Rep. Joe Preston, 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.

Read second time, 9/23/2008

Read third time, and passed Senate, 10/8/2008 (50-0)

Signed in the House and Senate, 10/8/2008

Approved by the Governor 10/9/2008. Act No. 121 of 2008

SB 1422 RE: Mini-COBRA Small Employer Group Health Policies (By Sen. Don White, et al)

Amends the Insurance Company Law adding a new section providing for Mini-COBRA Small Employer Group Health Policies. The bill states a group policy delivered or issued by delivery in PA by an insurer which insures employees or members and their eligible dependents for hospital, surgical or major medical insurance must provide that covered employee or eligible dependents whose coverage under the group policy would otherwise terminate because of a qualifying event would be entitled to continue their hospital, surgical or major medical coverage under that group policy subject to the terms and conditions outlined in the legislation.

Reported as amended from Senate Banking and Insurance Committee, and read first time, 9/22/2008

Read second time, and Rereferred to Senate Appropriations Committee, 9/23/2008 09-24-08 Reported as committed from Senate Appropriations Committee, read third time, and passed Senate, 9/24/2008 (50-0)

Received in the House and referred to House Insurance Committee, 9/24/2008

Reported as committed from House Insurance Committee, read first time, laid on the table, removed from the table, and rereferred to House Appropriations Committee, 10/6/2008

HB 1503 RE: Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2008-2009 (by Sen. Roger Madigan, et al)

Itemizes additional local and State bridge projects.

Read third time and passed Senate, 9/18/2008 (50-0)

Received in the House and referred to House Appropriations Committee, 9/18/2008

Reported as amended from House Appropriations Committee, read first time, and laid on the table, 9/22/2008

Removed from the table, 9/23/2008

Read second time, 9/24/2008

2 Floor amendments adopted on House floor, 10/6/2008

Read third time, and passed House, 10/6/2008 (201-0)

Received as amended in Senate and rereferred Senate Rules and Executive Nominations Committee, re-reported on concurrence as committed from Senate Rules and Executive Nominations Committee, and Senate concurred in House amendments (49-0)

Signed in the House and Senate, 10/8/2008

Approved by the Governor 10/9/2008. Act No. 96 of 2008

SB 1504 RE: Highway Capital Budget Project Itemization Act of 2008-2009 (by Sen. Barry Stout, et al) Provides for the highway capital budget project itemization for the fiscal year 2008-2009. Total authorization for capital projects is \$4,716,904,000.

Read third time and passed Senate, 9/18/2008 (50-0)

Received in the House and referred to House Appropriations Committee, 9/18/2008

Reported as amended from House Appropriations Committee, read first time, and laid on the table, 9/22/2008

Removed from the table, 9/23/2008

Read second time, 9/24/2008

2 Floor amendments adopted on House floor, 10/6/2008

Read third time, and passed House, 10/6/2008 (201-0)

Received as amended in Senate and rereferred Senate Rules and Executive Nominations Committee, re-reported on concurrence as committed from Senate Rules and Executive Nominations Committee, and Senate concurred in House amendments (50-0)

Signed in the House and Senate, 10/8/2008

Approved by the Governor 10/9/2008. Act No. 128 of 2008

2008 SENATE FALL SESSION SCHEDULE

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

The Senate will be in non-voting session on November 20 and 21

2008 House FALL SESSION SCHEDULE

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

Session ends officially on November 30.

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

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