

MCA
Summary of Legislation
March 2008

Marsico Proposes Increase in Prevailing Wage Threshold

Rep. Ron Marsico (R-Dauphin), a leading opponent of the Prevailing Wage Act, announced that he has introduced legislation that would raise the threshold of the Prevailing Wage Act from \$25,000 to \$250,000. The Prevailing Wage Act of 1961 established "prevailing" minimum wage rates that must be paid on public construction projects. Current law requires that all public bodies pay a prevailing wage on all public works projects exceeding a total estimated cost of \$25,000. The bill has not yet been assigned a bill number or committee assignment, but it is likely to be referred to the House Labor Relations committee.

House Committee Gathers Information on Authorities Procurement Bill

The House Local Government Committee met on March to have an informational meeting on a bill that would establish a **Municipal Authorities Procurement Code**. House Bill 2016, sponsored by **Rep. Jennifer Mann (D-Lehigh)**, amends Title 62 (Procurement) establishes a procurement code for municipal authorities that is loosely based on the Commonwealth Procurement Code. It establishes selection procedures for all types of goods and services including for construction contractors, design build and design professionals. While the bill is supported by the municipal authorities association, it has drawn fire from both the construction and design community. The problem areas of the bill include:

- it allows for reverse on-line bidding for construction services
- it allows for competitive bidding for design services
- it raises public bidding and public advertising thresholds above those in current law

It is unclear if the bill will receive any further attention this session.

Legislative Activity

HB 816 RE: Uniform Construction Code (UCC) Appeals (by Rep. Scott Boyd, et al)

Amends the PA Construction Code Act further providing for board of appeals. The bill states that a board of appeals can consider an appeal if the Uniform Construction Code (UCC) was incorrectly interpreted by the code administrator, the UCC does not apply, the requirements of the UCC impose an unreasonable burden on the appellant to which a variance will not cause public harm, an equivalent form of construction can be used and the UCC imposes a requirement that violates the basic tenets of a recognized religious sect.

Reported as amended from House Labor Relations Committee, read first time, and laid on the table, 3/18/2008

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

Provides for identification requirements for sale of scrap materials to scrap processors and recycling facility operators. A scrap processor and recycling facility operator would be required to collect certain information for all transactions by a seller of restricted material and from all other sellers when the purchase of scrap material exceeds \$100 and for all transactions involving a catalytic converter. Additionally, every scrap processor and recycling facility operator must develop methods of tracking a transaction that obtains the seller's signature on a receipt for the transaction. Every scrap processor and recycling facility operator must also create and maintain a permanent record with a commercial enterprise in order to establish a commercial account. A scrap processor and recycling facility operator may purchase the following scrap material only if the purchase occurs with a commercial enterprise in conjunction with a contract or letter of authorization from the 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; or (5) beer kegs. The bill provides for law enforcement and penalties.

Passed House, 2/6/2008 (151-47)

Referred to Senate Environmental Resources and Energy Committee, 2/14/2008

HB 1821 RE: New Home Construction Consumer Protection Act (by Rep. Frank Andrews Shimkus, et al)

Provides for the regulation of home construction contracts and for the registration of certain home builders; prohibits certain acts; provides for penalties; establishes the Home Builder Guaranty Fund; and provides for claims against the fund.

Public hearing held in House Consumer Affairs Committee, 3/13/2008

HB 2016 RE: Municipal Authorities Procurement Code (by Rep. Jennifer Mann, et al)

Amends Title 62 (Procurement) establishing the Municipal Authorities Procurement Code. The bill provides that while an authority may adopt this addition to control procurement it would not apply to the disposal of properties, supplies and materials of authorities. Further provides for the powers and duties of the authority, source selection and contract formation and cancellation of bids. Multi-term contracts are provided for and contracts for supplies, construction or services may be entered into for a period of time deemed to be in the best interests of the authority. Specification for reporting requirements, supply management and legal and contractual remedies are also detailed.

Informational meeting held House Local Government Committee, 3/11/2008

HB 2028 RE: Health Care Cost Containment and Comparison Council (By Rep. Jerry Stern, et al)

Amends Health Care Cost Containment Act by renaming the Council as the Health Care Cost Containment and Comparison Council. The bill states under the declaration section that the continuing escalation of health care costs is attributable to a number of interrelated causes, including the need for consumers of health care to have access to charge information from physicians for common services and treatments. The Council would compile and establish an Internet database for the general public showing physician charge comparisons for common services and treatments. The bill states the Council's data abstraction and technology work group would develop a system of data collection and analysis on physician charges for common services and treatments working with council staff and outside third-party vendors as needed and authorized by the council. The physician charge comparison would contain data on reimbursement rates for adultBasic, CHIP, Medicaid, medical assistance, Medicare and insurer reimbursement rates by insurer. The physician charge comparison would be available to consumers by January 1, 2009. Lastly, the bill extends the expiration date of the act to June 30, 2011.

Removed from the table and rereferred to House Appropriations Committee, 2/13/2008

Reported as committed from House Appropriations Committee, 3/10/2008

HB 2380 RE: FY 2008-09 PA Budget (by Rep. Dwight Evans)

This is the budget bill providing for expenses of the Executive, Legislative and Judicial Departments, the public debt, for the public schools for the fiscal year July 1, 2008, to June 30, 2009.

Introduced and referred to House Appropriations Committee, 3/17/2008

Reported as committed from House Appropriations Committee, read first time, and laid on the table, 3/17/2008

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.

Rereferred to Senate Appropriations Committee, 3/12/2008

SB 359 RE: Home Inspectors (by Sen. Stewart Greenleaf, et al)

Amends Title 68 (Real and Personal Property) repealing provisions relating to home inspections and adding a new chapter providing for home inspections. The bill establishes the Pennsylvania Board of Home Inspectors within the Bureau of Professional and Occupational Affairs in the Department of State and provides for its composition, powers and duties. Additionally, provisions for the licensure of home inspectors are added, which outline licensure requirements and provide for the content of home inspection reports. Home inspectors would be required to carry a certain amount of liability insurance. The bill provides for penalties and disciplinary proceedings and adds provisions for a home inspector intern permit. \$85,000, or as much thereof as may be necessary, is appropriated from the Professional Licensure Augmentation Account to the Department of State for the payment of costs associated with processing licenses and renewing licenses, for the operation of the Pennsylvania Board of Home Inspectors and for other costs associated with the implementation the legislation. The appropriation would be repaid by the board within three years of the beginning of issuance of licenses by the board.

Reported as amended from Senate Consumer Protection & Professional Licensure Committee, and read first time, 3/11/2008

Rereferred to Senate Appropriations Committee, 3/17/2008

New Bills Introduced

HB 2348 RE: Pennsylvania Access to Basic Care (PA ABC) Program (by Rep. Todd Eachus, et al)

Amends Medical Care Availability and Reduction of Error (Mcare) Act the further providing for medical professional liability insurance, for the Medical Care Availability and Reduction of Error Fund and for actuarial

data; **establishing the Pennsylvania Access to Basic Care (PA ABC) Program Fund and the Continuing Access with Relief for Employers (CARE) Fund; further defining "health care provider";** further providing for the Health Care Provider Retention Program; establishing the Supplemental Assistance and Funding Account; further providing for expiration of the Health Care Provider Retention Program; **establishing the Pennsylvania Access to Basic Care (PA ABC) Program; providing for Continuing Access with Relief for Employers (CARE) Grants, for health care coverage for certain adults, individuals, employees and employers and for expiration of certain sections; and repealing provisions of the Tobacco Settlement Act.**
Referred to House Insurance Committee, 3/12/2008

SB 1318 RE: Prototypical School Facility Designs (By Sen. Mike Waugh, et al)
Amends the Public School Code providing for the establishment of a central clearinghouse of prototypical school facility designs for access by school entities. The Department of Education must review and evaluate submitted plans for inclusion in the clearinghouse using certain standards. The bill requires the Legislative Budget and Finance Committee after the fifth year of operation to conduct a study of the department's program to determine the savings incurred by school entities that have participated in the program.
Referred to Senate Education Committee, 3/19/2008

S Res. 263 RE: LBFC Study of Construction Fees (By Sen. Mike Waugh, et al)
Resolution directing the Legislative Budget and Finance Committee to conduct a study relating to the funds collected from the fee from construction or building permits and to report its findings to the General Assembly by June 30, 2008.
Referred to Senate Labor and Industry Committee, 3/14/2008

Upcoming Meetings of Interest

None

2008 HOUSE SPRING SESSION SCHEDULE

The House has announced the following session days for Spring 2008, subject to change

| | |
|--------------|---|
| March | 31 |
| April | 1, 2, 7, 8, and 9 |
| May | 5, 6, 7, 12, 13, and 14 |
| June | 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 26, 27, 28, 29, and 30 |

2008 SENATE SPRING SESSION SCHEDULE

The Senate has announced the following session days for Spring 2008, subject to change

| | |
|--------------|---|
| March | 31 |
| April | 1, 2, 7, 8, 9, 28, 29, 30 |
| May | 5, 6, 7, 12, 13, 14, 19, 20, 21 |
| June | 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 26, 27, 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>.