

MCA
Summary of Legislation
June 2013

Transportation Funding Crashes In House

Optimism that Pennsylvania would finally address its deteriorating transportation infrastructure was dampened this weekend as the funding bill stalled in the House. Even though that legislation enjoyed strong bipartisan support when it passed the Senate, the House Republican majority had additional priorities. It's been known for months that transportation funding had been tied to the liquor privatization legislation. And even though progress was made on both issues, the Senate didn't pass the privatization bill and the House didn't pass the transportation bill. In fact, the transportation bill, Senate Bill 1, never was brought to a vote in the House.

House Republicans were split on the transportation issue. They needed many Democratic votes if transportation funding were to be enacted. The House Democrats were prepared to vote for the version of the bill passed by the Senate which raised \$2.5 billion when fully implemented. The House Republicans, however, wanted a more modest funding increase. In the end, no middle ground was found and the issue was put off until this fall at the soonest.

Committee Moves Mechanic's Lien Forward

The PA Mechanic's Lien law was changed significantly in 2006 to eliminate waivers of liens in most cases and improve subcontractors' chances of getting paid. Since that time, general contractors have been lobbying heavily for changes to that law. Specifically, they have been advancing the idea of creating an on-line directory that would require subs to file a "notice of furnishing" within 20 days of the owner filing a "notice of commencement". Failure to file the notice of furnishing properly and on time would result in the loss of lien rights. The bill also creates a new filing called "notice of completion" that is a twist from previous versions of the legislation. In general, subcontractors have opposed these changes. Despite that, **House Bill 473** was reported from the House Labor and Industry committee in late June. All Republicans voted for it, all Democrats against. An anticipated floor vote did not take place before the House adjourned for the summer. The House passed similar provisions as part of a broader mechanic's lien bill last session, but the Senate had no appetite for it. Earlier this year the Senate sent the House **Senate Bill 145** that contained a number of agreed to amendments. Adding to the complexity is a court case that is pending before the PA Supreme Court that will decide whether to overturn a Commonwealth Court decision that allows employee benefit funds may file mechanic's liens. There is no clear indication as to what, if anything will happen next with these bills.

PLANCON Funded But Moratorium Still In Place

PLANCON, the Commonwealth funded program to reimburse school districts for construction projects, has been targeted by the Administration as an area for fiscal austerity. In other words, the program has been on the chopping block for the last few years and moratoriums have been placed on approval of new projects. A coalition of school interests, construction contractors and design professionals has lobbied to save the program. It is an important source of funding for much needed school projects, particularly poorer school districts. Last year, the PLANCON line item was level-funded at about \$300 million, and a moratorium began as of October 1st, 2012. The recently enacted budget left funding intact, but the moratorium date was not updated. That means no new applications for funding (those submitted after October 1, 2012) will qualify for reimbursement. The money appropriated will go for projects already in the pipeline, and there are a significant number of those. Meanwhile, language was also added to this year's legislation directing the Department of Education to conduct a statewide study of school infrastructure needs and report back to the legislature.

Prevailing Wage Votes a No-Show Again

Over the last month, House leadership threatened to attack the prevailing wage law as it had done numerous times last legislative session. Two bills passed out of committee earlier this session were awaiting action by the full House. As a vote on the transportation funding plan drew closer, an amendment was prepared to change the definition of maintenance so that local road repaving projects were not covered by the act. But the amendment clearly never had enough support to pass in the Transportation committee and the bill was advanced without it. Efforts to insert the same amendment on the floor of the House experienced a similar fate. Finally, House leadership put out the word that it would call up the stand alone bills for a vote. One of those dealt with the local roads

maintenance issue the other raised the prevailing wage threshold to \$100,000. In the end, the leadership's head count confirmed that they lacked sufficient votes to pass either and no votes were ever taken. The same thing occurred many times last year and the year before that.

Budget Deadline Met, Technically

Governor Tom Corbett's oft-stated goal to get the state budget passed "on time" became a reality about 3 hours before the midnight deadline on June 30. Corbett signed HB 1437 late Sunday night, though essential implementing legislation remained on the House calendar, and was not finalized until early in July. Left to the fall were bills dealing with transportation funding, liquor privatization/modernization, and Medicaid expansion. The slightly more than \$28 Billion spending plan holds the line on most funding levels across the board, providing only a modest increase over the now ended 2012/13 budget year.

Below are the highlights of the 2013-14 spending plan.

Public Safety and Corrections

The Attorney General's Office will see a \$9 million increase (11.7%) to \$87.3 million, including a newly appropriated \$2.5 million for a mobile street crimes unit and additional funds for Child Predator Interception Units.

Funding for state correctional institutions, at \$1.643 billion, is up \$63 million (4%) from 2012-13 and \$13.9 million (1%) from the Governor's proposal.

The State Police, which also derives funding from the Motor Vehicle License Fund, gets \$210 million in General Fund dollars, an increase of \$14.8 million (8%) from 2012-13.

Funding for Probation and Parole is up \$9.9 million (7.5%) from 2012-13 to \$141.5 million.

The Pennsylvania Emergency Management Agency is funded at \$17.1 million in the budget, a significant decrease (\$46.5 million, or 73%) from 2012-13. The previous year's budget saw increased funding levels as a result of a string of costly natural disaster relief efforts.

Community and Economic Development

Programs administered by the Department of Community and Economic Development get a \$6.9 million (3%) funding increase over 2012-13 in this plan. The increase mostly is to increase funding for Pennsylvania First, a job creation grant program, although a number of other programs see funding increases and decreases.

Legislative Activity

The following bills of interest to the construction industry were acted on by the General Assembly in the past month.

BIDDING / CONTRACTING

[HB 324](#) RE: Separations Act (by Rep. Garth Everett, et al)

Amends the Public School Code, in grounds and buildings, further providing for work to be done under contract let on bids and exceptions; in charter schools; in Thaddeus Stevens College of Technology and in State System of Higher Education, stipulating the Separations Act shall not apply to any person, entity, contract or activity provided for by the section. The bill provides for related repeals.

Removed from the table, laid on the table, 6/12/2013

[HB 784](#) RE: Development Permit Extension Act (by Rep. Eli Evankovich, et al)

Provides for existing permit extension approvals that are to be automatically suspended if they were in effect between the date of an extension and July 2, 2013. The suspension period shall last until July 2, 2016. The bill provides for different suspension requirements for Philadelphia and provides for limitations on the suspension power. The legislation provides for the effect of subsequent changes in law and their effect on the permits and for agency verification of enumerated information.

The bill also provides for exceptions, fees, and notice requirements. The legislation provides for automatic suspension of expiration dates when approval by a government agency is granted for or in effect during the extension period.

Reported as committed from Senate Local Government Committee, and read first time, 6/5/2013

Laid on the table, 6/12/2013

Removed from the table, 6/19/2013

Amended on Senate Floor, 6/25/2013

Read second time and rereferred to Senate Appropriations Committee, 6/26/2013

Reported as committed from Senate Appropriations, 6/28/2013

Read third time, and passed Senate, 6/29/2013 (50-0)

Received as amended in House and rereferred to House Rules Committee, re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments, 6/30/2013 (203-0)

Signed in the House and Senate, 6/30/2013

[HB 1527](#) RE: Steel and Blast Furnace Slag Aggregates Act (By Rep. Eli Evankovich, et al)

Amends Title 62 (Procurement), in contract clauses and preference provisions, to provide an additional chapter providing for the Steel and Blast Furnace Slag Aggregates Act, which requires the Department of Transportation to develop uniform standards in the use of slag aggregates in highway construction. The bill also requires department approval of the use of materials and suppliers as well as requires uniform inspection. The legislation outlines permitted uses of slag aggregates by contractors and provides for notice, restrictions, and prohibitions on the use of slag aggregates.

Introduced and referred to House State Government Committee, 6/13/2013

Reported as committed from House State Government Committee, read first time, and rereferred to House Rules Committee, 6/26/2013

[SB 583](#) RE: Bid Amount Thresholds for Authorities (by Sen. John Eichelberger, et al)

Amends the Economic Development Financing Law establishing bid amount thresholds for authorities operating under the Act. The legislation ensures that the base amount is tied to the consumer price index.

Reported as amended from House Local Government Committee, read first time, and laid on the table, 6/5/13

Removed from the table, 6/10/2013

Read Second time, and rereferred to House Appropriations Committee, 6/11/2013

Re-reported as committed from House Appropriations Committee, read third time, and passed House, 6/17/2013 (199-0)

Received as amended in Senate and rereferred Senate Rules and Executive Nominations Committee, 6/18/13

Re-reported on concurrence as committed from Senate Rules and Executive Nominations Committee, 6/25/2013

Senate concurred in House amendments, 6/26/2013 (48-0)

Signed in the Senate, 6/26/2013

Signed in the House, 6/27/2013

In the hands of the Governor, 6/28/2013

Last day for Governor's action, 7/8/2013

[SB 591](#) RE: Local Government Capital Project Loan Fund

Amends the Fiscal Code, in Local Government Capital Project Loan Fund provisions, further providing for assistance to municipalities by increasing certain monetary limits for equipment purchases. Loans made for the purchase of equipment shall be for a period not to exceed the useful life of the equipment and loans made for the purchase, construction, renovation or rehabilitation of facilities shall be for a period of not more than fifteen (increased from ten) years. In the ranking of applications, the department may give priority to projects that promote municipal cooperation.

Reported from House Local Government Committee, read first time, and laid on the table, 6/5/13

Removed from the table, 6/11/2013

Read Second time, and rereferred to House Appropriations Committee, 6/17/2013

BUDGET RELATED BILLS

[HB 1437](#) General Appropriation Act of 2013 (By Rep. Bill Adolph, et al)

The House FY 2013-14 budget. Spreadsheet: <http://jakecorman.com/PDF/2013/2013-2014-state-budget.pdf>

Reported as committed from House Appropriations Committee, read first time, and laid on the table, 6/3/2013

Removed from the table, 6/5/2013

Amended on House floor, read second time, and rereferred to House Appropriations, 6/10/2013

Reported as committed from House Appropriations Committee, 6/11/2013

Read third time, and passed House, 6/12/2013 (108-92)
Received in the Senate and referred to Senate Appropriations Committee, 6/13/2013
Reported as committed from Senate Appropriations Committee, and read first time, 6/17/2013
Read second time, and recommitted to Senate Appropriations Committee, 6/18/2013
Reported as amended from Senate Appropriations Committee, 6/29/2013
Read third time, and passed Senate, 6/30/2013 (33-17)
Received as amended in House and referred to House Rules Committee, re-reported on concurrence as committed from House Rules Committee, 6/30/2013
House concurred in Senate amendments, 6/30/2013 (111-92)
Signed in the House and Senate, 6/30/2013
Approved by the Governor, 6/30/2013

[HB 1491](#) RE: Keystone Opportunity Zone Tax Credit (By Rep. Jim Christiana, et al)
Amends the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone, and Keystone Opportunity Improvement Zone Act to allow a limited extension of the keystone opportunity zone tax credit for business entities meeting the requirements for the credit prior to the December 31, 2013 deadline. The legislation provides for a phase-out of the tax credit allowing a 100 percent credit in the first six years, in year seven allowing for an 80 percent credit, in year eight allowing for a 60 percent credit, in year nine allowing for a 40 percent credit, and in year ten allowing for a 20 percent credit.
Introduced and referred to House Commerce Committee, 6/5/2013

[HB 1547](#) RE: 2013-2014 Capital Budget (By Rep. Bill Adolph, et al)
Act providing for the capital budget for the fiscal year 2013-2014. The bill limits the maximum principle amount of additional debt to be incurred during the 2013-2014 fiscal year for public improvement projects, furniture and equipment, transportation assistance projects, redevelopment assistance projects, bridge projects, and flood control projects.
Introduced and referred to House Appropriations Committee, 6/18/2013
Reported as committed from House Appropriations Committee, read first time, and rereferred to House Rules Committee, 6/20/2013
Reported as committed from House Rules Committee, read second time, and rereferred to House Appropriations Committee, 6/26/2013

[SB 680](#) RE: Capital Budget Project Itemization Act of 2012-2013 (by Sen. Jake Corman, et al)
Provides for the capital budget for the fiscal year 2012-2013; itemizes public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, State forestry bridge projects, State ATV/Snowmobile Fund projects and Manufacturing Fund projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation, together with their estimated financial costs; authorizes the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation; states the estimated useful life of the projects; and makes appropriations.
Reported as amended from House Appropriations Committee, read first time, and laid on the table, 6/19/2013
Removed from the table, 6/20/2013
Read second time, and Rereferred to House Appropriations Committee, 6/24/2013
Reported as amended from House Appropriations Committee, 6/29/2013

[SB 1002](#) RE: Capital Budget Act of 2013-2014 (by Sen. Jake Corman, et al)
Provides for the capital budget totaling \$1,275,000,000 for the fiscal year 2013-2014.
Introduced and referred to Senate Appropriations Committee, 6/7/2013
Reported as committed from Senate Appropriations Committee, and read first time, 6/17/2013
Read second time, 6/18/2013
Read third time, and passed Senate, 6/20/2013 (48-0)
Received in the House and referred to House Appropriations Committee, 6/24/2013
Reported as committed from House Appropriations Committee, read first time and laid on the table, 6/28/2013
Removed from the table, 6/28/2013
Read second time, and Rereferred to House Appropriations Committee, 6/30/2013

ENVIRONMENTAL BUILDING STANDARDS

[HB 34](#) RE: High-Performance, State Buildings Standards Act (By Rep. Kate Harper, et al)

Provides for the creation of high-performance building standards. All building projects or a renovation that is larger than 20,000 gross square feet and at least 90 percent total square feet of a building in facilities owned by a Commonwealth agency shall meet or exceed the prescribed level of achievement under the high-performance building standard outlined in the legislation. The Department of General Services shall promulgate rules and regulations for compliance and shall report annually to the legislature. The bill also provides for cost recovery and application to Commonwealth owned and leased buildings.

Reported as committed from Senate Environmental Resources and Energy Committee, and read first time, 6/18/2013

Laid on the table, 6/27/2013

[HB 343](#) RE: Adoption of National Groundwater Association Standards (By Rep. Ron Miller, et al)

Amends Title 27 (Environmental Resources) providing for the adoption of National Groundwater Association standards. Provides for water well construction standards; decommissioning of abandoned wells; water well completion reports; and inspections. Also provides for the powers and duties of the EQB and DEP under this new chapter and for penalties for violations of this new chapter.

Reported as amended from House Environmental Resources and Energy Committee, read first time, and Rereferred to House Rules Committee, 6/11/2013

[HB 1325](#) RE: Anti-Degradation Requirements (by Rep. David Maloney, et al)

Amends the Pennsylvania Sewage Facilities Act adding language providing provide that onlot systems approved by DEP under current Act 537 requirements meet anti-degradation requirements of The Clean Streams Law and the regulations promulgated under that Act.

Removed from the table, 6/4/2013

Read second time, and rereferred to House Appropriations Committee, 6/5/2013

Reported as committed from House Appropriations Committee, read third time, and passed House, 6/10/2013 (118-80)

Received in the Senate and referred to Senate Environmental Resources and Energy Committee, 6/14/2013

Reported as committed from Senate Environmental Resources and Energy Committee, and read first time, 6/18/2013

Read second time, and Rereferred to Senate Appropriations Committee, 6/19/2013

Reported as committed from Senate Appropriations Committee, 6/25/2013

Read third time, and passed Senate, 6/26/2013 (41-8)

Signed in the House and Senate, 6/27/2013

In the hands of the Governor, 6/28/2013. Last day for Governor's action, 7/8/2013

[HB 1565](#) RE: Riparian Buffers (By Rep. Marcia Hahn, et al)

Amends the Clean Streams Law further providing for potential pollution by adding that the use or installation of riparian buffers and riparian forest buffers shall not be required under this section. Riparian buffers and riparian forest buffers may be used as a choice among best management practices, design standards and alternatives to minimize the potential for accelerated erosion and sedimentation and to protect, maintain, reclaim and restore water quality and for existing and designated uses.

Introduced and referred to House Environmental Resources and Energy Committee 6/20/2013

LOCAL/STATE GOVERNMENT/REGULATIONS

[HB 484](#) RE: Swimming Pools (By Rep. Rob Kauffman, et al)

Amends Pennsylvania Construction Code Act stipulating a swimming pool or spa may not be filled with water until the barrier requirements of the act are met and during construction of a swimming pool, temporary barriers shall be erected as required by department regulations.

Reported as committed from House Appropriations Committee, 5/6/2013

[HB 1052](#) RE: Recreational Fees (by Rep. Bob Freeman, et al)

Amends the Pennsylvania Municipalities Planning Code to allow municipalities to use funds collected from recreational fees for acquiring, operating, or maintaining park or recreational facilities anywhere within the municipality. This would be in addition to using the fees for providing park or recreational facilities accessible to the development.

Removed from the table, 6/3/2013

Read second time, and Rereferred to House Appropriations Committee, 6/4/2013

Reported as committed from House Appropriations Committee, read third time, and passed House, 6/5/2013 (195-0)

Received in the Senate and referred to Senate Local Government Committee, 6/10/2013

[HB 1253](#) RE: Board of Appeals (By Rep. Kate Harper, et al)

Amends the Pennsylvania Construction Code amending the definition of "board of appeals" to be the body created by a municipality or more than one municipality to hear appeals from decisions of the code administrator as provided for by the department through regulation. The bill provides for the department to establish regulations instead of utilizing the BOCA National Building Code.

Reported as committed from House Local Government Committee, read first time, and rereferred to House Rules Committee, 6/12/2013

Re-reported as committed from House Rules Committee, 6/25/2013

Read third time, and passed House, 6/26/2013 (200-0)

Received as amended in Senate and rereferred Senate Labor and Industry Committee, 6/28/13

[HB 1503](#) RE: Sewage Facilities Act Waivers (by Rep. David Maloney, et al)

Amends the Pennsylvania Sewage Facilities Act to require the Department of Environmental Protection develop and provide a form that waives the requirement of a municipality to revise its official plan to accommodate non-building subdivisions if there is no present need for sewage disposal facilities on a given parcel of land. The legislation provides requirements for the signing and nature of the form for waiver application.

Introduced and referred to House State Government Committee, 6/10/2013

[HB 1591](#) RE: Pennsylvania Construction Code Philly Provisions (by Rep. Bill Keller, et al)

Amends the Pennsylvania Construction Code Act adding language providing for additional review for cities of the first class (Philadelphia) Requires the Department of Labor & Industry to annually, or when reasonable cause exists, review construction code officials, code administrators and third party agencies concerning the enforcement and administration of the act and qualification of officials. Also requires the department to make a report to the city of Philadelphia providing the findings of the review including required actions or recommendations to address any deficiency observed by the department. Allows the department to require compliance with the act through proceedings in Commonwealth Court. Provides requirements to be met before a permit for the demolition of a commercial building or multiple single-family dwelling to be issued in the city of Philadelphia. Adds language allowing the city of Philadelphia to approve and enact an ordinance adopting standards and safeguards for demolition of commercial buildings or multiple single-family dwellings that equal or exceed the minimum requirements of the Uniform Construction Code. Also adds language providing for training and enforcement programs in the city of Philadelphia. A new section is added allowing a municipality to approve and enact an ordinance under the law to adopt the requirements for the city of Philadelphia under the act.

Introduced and referred to House Labor and Industry Committee, 6/27/2013

[HB 1601](#) RE: Pre-engineered Structures (by Rep. Sue Helm, et al)

Amends the Pennsylvania Construction Code to exempt pre-engineered structures at privately owned and public-use airports if certain enumerated conditions are met.

Introduced and referred to House Labor and Industry Committee, 6/29/2013

[SB 351](#) RE: Stormwater Management (By Sen. Ted Erickson, et al)

Amends Title 53 (Municipalities), in municipal authorities, to allow municipal authorities to engage in stormwater planning, management and implementation as defined in the articles of incorporation by the governing body.

Authorities already in existence and already operating storm water controls as part of a combined sewer system, sanitary sewer system or flood control project may continue to operate those projects.

Reported as amended from House Local Government Committee, read first time, and laid on the table, 6/12/2013

Removed from the table, 6/27/2013

Read second time, and rereferred to House Appropriations Committee, 6/28/2013

Reported as committed from House Appropriations Committee, read third time, and passed House, 6/29/2013 (135-66)

Received as amended in Senate and rereferred to Senate Rules and Executive Nominations Committee, 6/29/2013

Re-reported on concurrence as committed from Senate Rules and Executive Nominations Committee, and Senate concurred in House amendments, 6/30/2013 (49-1)

Signed in the Senate and House, 6/30/2013

[SB 802](#) RE: Boiler and Unfired Pressure Vessel Law (By Sen. Jake Corman, et al)

Amends the Boiler and Unfired Pressure Vessel Law to update the standards applied to boilers by adopting the 2010 and 2011 national codes and allowing the Department of Labor and Industry to update those codes in the future by regulation. Allows for private inspection of boilers and unfired pressure vessels and allows the code to expand the scope to include new types of technology. Also clarifies commissioned private inspectors may either inspect uninsured boilers and vessels, or insured boilers and vessels pursuant to a contract with the insurer.

Reported as amended from Senate Appropriations Committee, 6/3/2013

Read second time, 6/4/2013

Read third time, and passed Senate, 6/10/2013 (49-0)

Received in the House and referred to House Labor and Industry Committee, 6/11/2013

[SB 1023](#) RE: Pennsylvania Construction Code Review and Advisory Council (By Sen. Chuck McIlhinney, et al)

Amends the Pennsylvania Construction Code Act further providing for the duties of the council by adding that the annual report shall include those items specified for rejection (changed from adoption) and that the council shall, as part of its review of the 2015 ICC codes, also re-review the 2012 codes. Additionally, the council shall include a professor of engineering with a concentration or specialty in building energy efficiency and an architect specializing in building energy efficiency. Per diems paid to council member shall be \$60 and reasonable travel, hotel, and other necessary expenses incurred in performing their duties. The department shall promulgate regulations within 12 months (changed from three) of receipt of the report. A third account is established, the Review and Advisory Council Administration Account, which shall receive 25 percent of specified moneys collected shall be deposited; the remaining 75 percent shall be divided equally between the Municipal Code Official Training Account and the Construction Contractor Training Account. Moneys in the Review and Advisory Council Administration Account shall be transmitted quarterly to the Department of Labor and Industry for per diem and expenses of the Review and Advisory Council and administrative assistance as determined necessary by the council and the department.

Introduced and referred to Senate Labor and Industry Committee, 6/17/2013

LIABILITY

NONE

MANDATE WAIVERS

[HB 135](#) RE: Waivers (by Rep. Dan Truitt, et al)

Amends the Public School Code, in preliminary provisions, providing for mandate waiver program by adding that a board of school directors may adopt a resolution to apply to the Department of Education for a waiver of any provision of the code, the regulations of the State Board of Education, or the standards of the Secretary of Education if the waiver will enable the school district to improve its instructional program or operate in a more effective, efficient or economical manner. A board of school directors may contact the intermediate unit (IU) of which it is a member to propose that the intermediate unit apply for a on behalf of all of the intermediate unit's member school districts. The bill outlines the duties of the department in developing the waiver application process and approving applications and provides for adoption of waiver by school districts or IUs. After five years, a waiver applicant shall submit an evaluation to the department and when the evaluation indicates an improvement in student performance, instructional program or school operations, the waiver shall be renewed. The bill provides for provisions which cannot be waived

Removed from the table, Laid on the table, 6/12/2013

MECHANIC'S LIEN

[HB 473](#) RE: Formal Notice by Subcontractors (by Rep. Tom Killion, et al)

Amends the Mechanics' Lien Law further providing for formal notice by subcontractor to the prothonotary of the Court of Common Pleas of the relevant jurisdiction as condition precedent to beginning construction. Notice must be given within 15 days of commencement of the construction. Form of the notice is provided for and a model notice given. A petition for a claim from a lien for a construction project must be filed within four months after completion of the work.

Reported as amended from House Labor and Industry Committee, read first time, and rereferred to House Rules Committee, 6/26/2013

06-28-13 H Reported as committed from House Rules Committee, read second time, and rereferred to House Appropriations Committee, 6/28/2013

Reported as committed from House Appropriations Committee, 6/29/2013

[SB 145](#) RE: Mechanics' Lien Subcontractors Rights (by Sen. Kim Ward, et al)

Amends the Mechanics' Lien Law to detail instances where subcontractors do not have the right to the lien and further details when a lien may be discharged against a residential property owner.

Removed from the table, 6/5/2013

Amended on Senate floor, 6/11/2013

Read third time, and passed Senate, 6/12/2013 (48-0)

Received in the House and referred to House Labor and Industry Committee, 6/13/2013

MINIMUM WAGE

NONE

PLUMBERS LICENSING

[HB 1499](#) RE: Plumbing Contractors Licensure Act (By Rep. Jim Christiana, et al)

Creates a state plumbers licensing program; establishes minimum standards that individuals must meet in order to obtain a state license and a Plumbing Contractors Licensure Board to issue licenses, develop regulations, and administer the provisions of the Act. Provides for other guidelines including reciprocity with other states, renewals, violations and penalties.

Introduced and referred to House Labor and Industry Committee, 6/10/2013

[SB 441](#) RE: Plumbing Contractors Licensure Act (by Sen. Ted Erickson, et al)

Creates a state plumbers licensing program; establishes minimum standards that individuals must meet in order to obtain a state license, and a plumbing contractors licensure board to issue licenses, develop regulations, and administer the provisions of the Act. Provides for other guidelines including reciprocity with other states, renewals, violations and penalties.

Read third time, and passed Senate, 6/4/2013 (47-3)

Received in the House and referred to House Labor and Industry Committee, 6/10/2013

PREVAILING WAGE

[HB 665](#) RE: Combination Maintenance/Rehabilitation/ Reconstruction Projects (by Rep. Ron Marsico, et al)

Amends the Pennsylvania Prevailing Wage Act by adding that "public work" includes combination maintenance/rehabilitation/ reconstruction projects where non-maintenance items exceed fifteen percent of the total project cost; and "maintenance work" includes the following actions taken on roads: (1) 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; (2) repair of pavement service by laying bituminous material up to three and a half inches thick or up to 420 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 patching of cement concrete surface to include joint spalling and repair work; (3) widening of existing alignment which does not result in additional lanes or new shoulders; and (4) bridge cleaning, washing, resurfacing with blacktop, minor non-structural repairs or improvements and painting except when combined with complete bridge rehabilitation. Provides anti-retaliation protection for workers, and prohibits dividing projects to circumvent the act.

Removed from the table, 6/11/2013

Read second time, and rereferred to House Appropriations Committee, 6/28/2013

Reported as committed from House Appropriations Committee, 6/29/2013

[HB 796](#) RE: \$100,000 Threshold (By Rep. David Millard, et al)

Amends the Prevailing Wage Act raising the threshold from \$25,000 to \$100,000. Provides anti-retaliation protection for workers, and prohibits dividing projects to circumvent the act.

Read second time, and rereferred to House Appropriations Committee, 6/28/2013

Reported as committed from House Appropriations Committee, 6/29/2013

TRANSPORTATION

[SB 1](#) RE: Transportation Infrastructure (by Sen. John Rafferty, et al)

Amends Titles 20 (Decedents, Estates & Fiduciaries), 74 (Transportation) and 75 (Vehicles), comprising a comprehensive transportation funding plan that raises approximately \$1.961 billion in annual funding by fiscal year 2017-18. **Uncaps the Oil Company Franchise Tax over a five-year period. Increases the fine for failure to obey traffic control devices \$75.** Requires a consolidation and cooperation study of transit agencies by PennDOT and creates Shared Ride Service Delivery Pilot Program. Increases the local match for operating assistance to transit

agencies from 15 percent to 20 percent and incrementally increasing it five percent each year until the 20 percent is reached. Also increases the local match for capital assistance to transit agencies from 15 percent to 20 percent and incrementally increasing it five percent each year until the 20 percent is reached. **Adds language enabling municipalities to impose local taxes for mass transit in order to achieve the increased local matches including an up to 0.5 percent increase in the realty transfer tax;** up to 0.2 percent increase in the earned income tax; and up to 0.25 percent increase in the sales and use tax. Creates a multi-modal fund. Provides for a \$500 fee in lieu of license suspension for an insurance lapse and directs the revenue to mass transit. Stops the \$200 million per year portion of the Turnpike's Act 44 annual debt obligation. Continues the \$250 million annual Act 44 debt obligation for mass transit for eight years and after the eight years replaces the transit funding by directing \$250 million annually from vehicle sales tax revenue. Requires the Auditor General to conduct a performance audit every two years of the Pennsylvania Turnpike Commission and requires the Commission to appear before the General Assembly each June. Provides for the abrogation of the Commission's 50-year lease authorized by Act 44 upon mutual consent with PennDOT. Strengthens toll collection enforcement and provides for all-electronic tolling. Establishes toll collection reciprocity with other states. Adds language allowing counties the option to impose a \$5 fee on each vehicle registered to an address located in the county with the revenue being deposited into the new Fee for Local Use Fund to be used to supplement local transportation needs. Increases the tax on aviation jet fuel by two cents per gallon. **Carves out \$8 million from the \$35 million dedicated to dirt and gravel roads to be used for paving of low-volume roads.** Adds provisions to streamline the collection of appropriate alternative fuel taxes. Adds language relating to dairy freight hauling. Provides for posted and bonded road exemptions. Also provides for the consolidation of the PennDOT deputes. Further provides for the department's bridge bundling program. Adds language providing for a traffic signal agility program between the department and municipalities. The legislation provides for a subchapter related to a First Class City consolidated car rental facility. Also provides for a rebate to the Fish and Boat Commission from the Oil Company Franchise Tax that is paid on fuel used to power motorboats. **Reported as amended from Senate Appropriations Committee, 6/3/2013**
Amended on Senate floor, 6/4/2013
Read third time, and passed Senate, 6/5/2013 (45-5)
Received in the House and referred to House Transportation Committee, 6/10/2013
Reported as amended from House Transportation Committee, read first time, and laid on the table, 6/27/2013
Removed from the table, 6/28/2013

Other Legislation of Interest

[HB 1493](#) RE: False Claims Act (By Rep. Brandon Neuman, et al)

Adopts the intent of Congress in enacting the Federal False Claims Act on September 13, 1982, including the amendments enacted October 27, 1986. A person who commits certain prohibited acts shall be liable to the Commonwealth for three times the amount of damages which the Commonwealth sustains because of the act. Prohibited acts include knowingly presenting a false or fraudulent claim for payment or approval, making a false record or statement material to a false or fraudulent claim, and buying or receiving as a pledge of an obligation or debt, public property from any person who lawfully may not sell or pledge the property. The bill provides for Attorney General investigations and prosecutions; powers of prosecuting authority; and civil actions by individuals as qui tam plaintiff as a private citizen and for jurisdiction of courts.

Introduced and referred to House Judiciary Committee, 6/10/2013

UNEMPLOYMENT/WORKERS COMP

[HB 1473](#) RE: Keystone Works Program Graduates (By Rep. W. Curtis Thomas, et al)

Amends the Workforce Development Act, in Keystone Works Program, defining "graduate" and adding that a graduate may voluntarily enroll in the program and shall be qualified for training if the department determines that the graduate's education background is an appropriate match with a job opening at a participating business and the claimant certifies to the department that he will provide information and documentation to the department as requested and will cooperate with requests from the department for evaluation of aspects of the program. Graduates are added to the scope of the act.

Introduced and referred to House Labor and Industry Committee, 6/3/2013

Upcoming meetings of Interest

2013 HOUSE SESSION SCHEDULE

September	23, 24, 25, and 30
October	1, 2, 15, 16, 17 (Non-Voting), 21, 22, and 23
November	12, 13, 18, 19, and 20
December	9, 10, 11, 16, 17, and 18 (Non-Voting)

2013 SENATE SESSION SCHEDULE

The Fall Legislative Schedule has not yet been published.

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

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