

**MCA  
Summary of Legislation  
July 2014**

**Governor's Office Announces Regulatory Agenda**

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. Subsequent agendas will be published on the first Saturdays in February and July. The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process. Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments. This Agenda represents the Administration's present intentions regarding future regulations. The following list of upcoming regulations of interest to the construction industry was published in the July 19, 2014 PA Bulletin.

<b>Regulation Being Considered</b>	<b>Proposed Date of Promulgation</b>	<b>Need and Legal Basis for Action</b>	<b>Agency Contact</b>
<b><i>COMMUNITY &amp; ECONOMIC DEVELOPMENT</i></b>			
Industrialized Housing Act amendment	Summer 2014 as proposed.	Act 8-2013 expanded the current Industrialized Housing Act to establish a regulatory program for commercial modular buildings. Buildings produced under this program will be deemed to comply with the Uniform Construction Code.	Mark Conte (717) 720-7416
Local Earned Income Tax	Fall of 2014 as proposed	The proposed regulation interprets and makes specific the provisions of the Local Tax Enabling Act, as provided in Chapter 5 of the act (53 P. S. § 6924.501 et seq.). The proposed regulation establishes procedures to supplement the implementation of the act which will facilitate consolidated collection of local income taxes in this Commonwealth.	Sean Sanderson (717) 720-7384
<b><i>GENERAL SERVICES</i></b>			
Responsibility, 4 Pa. Code Chapter 60	Spring 2014, as proposed	This chapter will be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.	Ken Rapp (717) 787-5295 Chuck Anderson (717) 214-7739 Michael Barrett (717) 346-9781
Committee on Construction Contract Documents, 4 Pa. Code Chapter 62	Spring 2014, as final omitted	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Selections Committee,	Spring 2014,	These regulations should be rescinded since they have	Liz O'Reilly

4 Pa. Code Chapter 64	as final omitted	been superseded by the Commonwealth Procurement Code.	(717) 787-7095 Ed Olivieri (717) 783-3280
Emergency Construction Repairs 4 Pa. Code Chapter 67	Spring 2014, as final omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Contract Compliance 4 Pa. Code Chapter 68, Subchapter A, Prequalification of Vendors and Non-construction Contractors	Spring 2014, as final omitted	These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Methods of Awarding Contracts, 4 Pa. Code Chapter 69	Spring 2014, as final omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Ken Rapp (717) 787-5295 Chuck Anderson (717) 214-7739
Surplus State Property, 4 Pa. Code Chapters 41—47	Winter 2014, as final omitted	These regulations should be rescinded since they are outdated and have been superseded by new Commonwealth procedures.	Michael Richart Joshua Soreth- Harman

**LABOR AND INDUSTRY**

Boiler and Unfired Pressure Vessel Regulations, Title 34, Part I, Chapter 3a	Submit proposed rulemaking in Winter 2015	Update regulations based on Act 104 of 2013 and adopt certification standards for third party inspection agencies	Kim Peck 717- 783- 6304
Bureau of Labor Law Compliance, Title 34, Chapters 83 and 84, Apprentices	Submit proposed rulemaking in Summer 2015	Amend regulations to reflect federal requirements. Will need legislative change to statute first.	Rich Lengler 717-787- 4186

**Legislative Activity**

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

**BIDDING / CONTRACTING**

[HB 201](#) RE: Evaluation of Competitive Sealed Proposals (by Rep. George Dunbar, et al)

Amends Title 62 (Procurement) regarding the evaluation of competitive sealed proposals by providing no individual who has been employed by an offeror within the last two years may participate in the evaluation of proposals. The legislation also provides for Iran-Free Procurement by disallowing the procurement from any company having a relationship with the country

of Iran. The amendment of 62.Pa.C.S. Ch 35 shall take effect July 1, 2015, or immediately, whichever is later; and the remainder of the act shall take effect immediately.

**Rereferred to Senate Appropriations Committee, 7/8/2014**

[SB 1189](#) RE: Contractor Bonds (by Sen. John Eichelberger, et al)

Amends the Public Works Contractors' Bond Law further providing for duty of prime contractor to provide financial security in certain contracts involving public works and public improvements by requiring a contractor to furnish performance bond, payment bond, irrevocable letters of credit, or escrow account.

**Laid on the table, 7/8/2014**

## **BUDGET RELATED BILLS**

[HB 278](#) RE: Fiscal Code (by Rep. Matt Baker, et al)

Amends the Fiscal Code providing in Treasury Department, further providing for investment of moneys; in disposition of abandoned and unclaimed property, further providing for definitions, for property held by financial institutions, for property held by insurers, for property held by utilities, for property held by business associations, for property held by fiduciaries, for property held by courts and public officers and agencies, for miscellaneous property held for or owing to another and for report of property subject to custody and control of the Commonwealth, providing for certificate of finder registration, for revocation of finder registration and for appeals, further providing for examination of records, for proceeding to compel reporting or delivery and for penalties, and providing for relation to **Electronic Signatures in Global and National Commerce Act**; in inquisitorial powers of fiscal officers, further providing for examination and adjustment of public accounts and the collection of amounts due the Commonwealth; in oil and gas wells, providing for legislative findings and further providing for appropriation, for the Department of Conservation and Natural Resources and for additional transfers; in special funds, further providing for funding, establishing the H2O PA Account, and providing for other grants; in additional special funds, further providing for use of fund, providing for termination, for transfer to Public School Employees' Retirement System, and further providing for distributions from Pennsylvania Race Horse Development Fund; in general budget implementation, further providing for State Civil Service Commission; providing for the Environmental Quality Board, for surcharges and for other agencies; providing for rural regional college for underserved counties, for 2014-2015 budget implementation and for 2014-2015 restrictions on appropriations for funds and accounts; and making related repeals. The amendment of section 301.1 (i)(2) providing for the extension of the State Treasurer's prudent person investment authority effect in 60 days. The amendments of sections relating to report of property subject to custody and control of the Commonwealth; certificate of finder registration; revocation of finder registration and penalties shall take effect in 180 days. The repeal of sections 304 and 305 of the Tobacco Settlement Act shall take effect January 1, 2015. The remaining sections are effective immediately.

**Approved with Governor's line item veto, 7/10/2014**

[HB 2244](#) RE: Highway-Railroad and Highway Bridge Capital Budget (by Rep. Nick Micozzie, et al)

Supplement to the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983, itemizing additional State and local bridge projects.

**Approved by the Governor, 7/10/2014 (Act 127 of 2014)**

[HB 2328](#) RE: General Appropriation Act of 2014 (By Rep. Bill Adolph, et al)

Provides from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2014, to June 30, 2015.

**Approved with Governor's line item veto, 7/10/2014**

[HB 2355](#) RE: Capital Budget Act of 2014-2015 (by Rep. Bill Adolph, et al)

Provides for the capital budget for the fiscal year 2014-2015, totaling \$1,295,000,000; itemizing redevelopment assistance capital projects to be constructed or acquired or assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing 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 Community and Economic Development; and making appropriations.

**Approved by the Governor, 7/10/2014 (Act 128 of 2014)**

[HB 2425](#) RE: School Property Tax Reduction and Local Options Act (by Rep. Dave Reed, et al)  
Provides for an additional personal income tax and an additional sales and use tax; provides for funding distribution to school districts; imposes limitations on the earned income tax rate; authorizes certain increases on the earned income tax rate; and prohibits and limits real property tax in certain school districts.  
**Introduced and referred to House Finance Committee, 7/23/2014**

[SB 1384](#) RE: Highway Capital Budget Project Itemization Act of 2014-2015 (by Sen. John Gordner, et al)  
provides for the highway capital budget project itemization for the fiscal year 2014-2015 to be financed from current revenue or by the incurring of debt of \$19,154,285,000.  
**Approved by the Governor, 7/10/2014 (Act 129 of 2014)**

## **ENVIRONMENTAL BUILDING STANDARDS**

[SB 1255](#) RE: Storm Water Management (by Sen. Ted Erickson, et al)  
Amends Title 53 (Municipalities Generally), in municipal authorities, authorizing storm water authorities to establish programs that would allow property owners to reduce their storm water rates and charges by implementing and maintaining storm water best management practices that address their own contributions to the problems caused by storm water runoff.  
**Approved by the Governor, 7/9/2014 (Act 123 of 2014)**

## **LOCAL/STATE GOVERNMENT/REGULATIONS**

[SB 1096](#) RE: Eminent Domain Fees (by Sen. Don White, et al)  
Amends Title 26 (Eminent Domain) further providing for limited reimbursement of appraisal, attorney and engineering fees by adding that the limit of \$4,000 shall be per property, regardless of right title or interest, except where the taking is for an easement related to underground piping for water or sewer infrastructure, in which case the reimbursement is limited to \$1,000, regardless of right, title or interest.  
**Approved by the Governor, 7/9/2014 (Act 120 of 2014)**

## **LIABILITY** **N ONE**

## **MANDATE WAIVERS** **NONE**

## **MECHANIC'S LIEN**

[HB 473](#) RE: Notice By Subcontractor (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. Requires the Department of General Services to establish and maintain the database. Further, it provides that a searchable project means a commercial construction project costing a minimum of \$1,500,000, makes Notices of Commencement filing by owners a mandatory requirement.  
**Laid on the table in Senate, 7/8/2014**

## **MINIMUM WAGE** **NONE**

## **Licensure Bills**

**NONE**

## **PREVAILING WAGE**

NONE

**LOCAL/PROPERTY TAX REFORM**

NONE

**TRANSPORTATION**

NONE

**Upcoming meetings of Interest**

**2014 HOUSE SESSION SCHEDULE**

**August            4**

**2014 FALL SENATE SESSION SCHEDULE**

**September      15, 16, 22, 23, 24**

**October          6, 7, 8, 14, 15**

**November       12**

**2014 FALL HOUSE SESSION SCHEDULE**

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

**October          6, 7, 8, 14, 15**

**November       12**

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

<http://www.legis.state.pa.us/cfdocs/legis/home/session.cfm>