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Summary of Legislation

September 2008

Separate Primes Waivers to be Studied

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 is 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, and Labor & Industry are also be part of the group. The task force held its first meeting on September 18th in Harrisburg. The next meeting will be held on October 16th from 10:30 to Noon at the Department of Education headquarters in Harrisburg. Time is set aside at each meeting for public input.

Home Improvement Contractor Registration Bill to Move

Senate Bill 100 was reported from the House Consumer Affairs committee on September 23 and is now in the Appropriations committee. Legislation to create a registry of home improvement contractors has been around for at least 20 years, but has never been enacted. The general rule of the bill is that no person shall hold himself out as a contractor nor shall a person perform any home improvement without first registering with the bureau of Consumer Protection in the Office of the Attorney General. The bill includes numerous exclusions but if enacted it would represent the first state regulation of construction contractors of any kind by Pennsylvania. The bill is thought to be on the short list of issues to be resolved by the end of legislative session.

Tolling I-80 Rejected

The Commonwealth's petition to toll I-80 has been rejected by the Federal government. As a result, the issue of how to fund Pennsylvania's transportation needs is again up in the air. The application to toll route 80 could be resubmitted but that is unlikely until after the Bush Administration ends. In the meantime, the Pennsylvania legislature is contemplating various other options to generate replacement revenues. However, contemplation and action are not the same thing. That is particularly the case with the general election only a little more than a month away.

Proponents of leasing the turnpike are working feverishly to get a vote on that issue before the end of this legislative session. They have the support of Governor Rendell and Dwight Evans, Chairman of the House Appropriations committee. But, conventional wisdom suggests that the votes to move forward with the lease do not exist. Some of the other leaders in the House and Senate are promoting legislation to wean the State Police off the motor license fund, but that idea probably won't get serious consideration until next June during budget negotiations, if at all. In short, don't expect any final resolution on transportation funding during 2008.

Legislative Activity

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. 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

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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; (5) beer kegs; or (6) catalytic converters. The bill provides for law enforcement and penalties.

Reported as amended from Senate Appropriations Committee, 9/17/2008

HB 2559 RE: Guaranteed Energy Savings Contracts (by Rep. Tom Petrone, et al)

Amends Title 62 (Procurement) by stating that a guaranteed energy savings contract may provide for payments over a period of time up to 20 years (increased from 15 years).

Reported as amended from House Urban Affairs Committee, read first time, and laid on the table, 9/15/2008

Removed from the table and rereferred to House Appropriations Committee, 9/16/2008

HB 2638 RE: Commonwealth Financing Authority (By Rep. Keith McCall, et al)

Amends Title 64 (Public Authorities and Quasi-Public Corporations) further defining "private developer" and adding definitions relating to Commonwealth Financing Authority. The bill also establishes the Legacy Account Program, charged with designating five accounts for the purpose of providing financial assistance to eligible applicants, projects and expenses as determined for the Tourism Account, the Independent Higher Education Facilities Account, the Hospital Facilities and Medical Technology Account, the Vital Community Assets Account and the Economic Development Infrastructure Account, which includes high hazard dams and flood control. All money in the Pennsylvania Gaming Economic Development and Tourism Fund not previously allocated to projects under the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget Itemization Act of 2007, would be allocated to the authority for distribution. The bill details the method of appropriation for each legacy account, and provides for applications, eligibility, limitations, and an annual report.

Reported as committed from House Rules Committee, laid on the table, removed from the table, and rereferred to House Appropriations Committee, 9/15/2008

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.

Reported as committed from Senate Consumer Protection & Prof. Licensure Committee, and read first time, 9/17/2008

SB 1503 RE: Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2005-2006 (By Sen. Roger Madigan, et al)

Itemizes additional local and State bridge projects.

Reported as committed from Senate Transportation Committee, and read first time, 9/16/2008

Read Second time, rereferred to Senate Appropriations Committee, and re-reported as amended, 9/17/2008

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

SB 1504 RE: Highway Capital Budget Project Itemization Act of 2008-2009 (By Sen. J. Barry Stout, et al)

Provides for the highway capital budget project itemization for the fiscal year 2008-2009.

Reported as committed from Senate Transportation Committee, and read first time, 9/16/2008

Read Second time, rereferred to Senate Appropriations Committee, and re-reported as amended, 9/17/2008

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

New Bills Introduced

HB 2203 RE: Open Contracting Act (by Rep. Stan Saylor, et al)

Provides that contract specifications issued by public bodies soliciting bids on public works projects may not include any of the following: (1) a requirement that a successful bidder or any of its subcontractors utilize workers represented by a designated labor organization or referred by a designated labor organization; (2) a requirement that a successful bidder's existing work force or any of its subcontractors' work forces affiliate with or pay dues to a labor organization; or (3) a requirement that a successful bidder or any of its subcontractors recognize a labor organization as the exclusive representative of any of its employees on the public works project. No public body may consider or use as a criterion in its selection process the union or nonunion status of a bidder's work force.

Introduced and referred to House State Government Committee, 9/15/2008

HB 2508 RE: Prevailing Wage Thresholds (by Rep. Stan Saylor, et al)

Amends the PA Prevailing Wage Act defining "public work" as construction, reconstruction, demolition, alteration and/or repair work other than maintenance work, done under contract and paid for in whole or in part out of the funds of a public body where the estimated cost of the total project is in excess of \$185,000 (increased from \$25,000). The bill also provides that the Department of Labor and Industry may adjust the amount under this clause beginning July 1, 2009, and annually thereafter, by the rate of change in the Consumer Price Index for Urban Wage Earners for the immediately preceding calendar year.

Introduced and referred to House Labor Relations Committee, 9/15/2008

HB 1290 RE: Construction Worker Safety (by Rep. Tim Seip, et al)

Amends Title 62 (Procurement) providing for construction safety and health training, requiring all contracts entered into by a government agency in excess of \$250,000 contain a clause requiring all laborers, workers and mechanics be certified prior to performing any work on the project as having successfully completed a 10 hour or longer course in construction safety and health approved by the United States Department of Labor's Occupational Safety and Health Administration.

Referred to House State Government committee, 9/16/2008

2008 SENATE FALL SESSION SCHEDULE

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

October 6, 7, 8

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

2008 House FALL SESSION SCHEDULE

October 6, 7, 8

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:

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