

Pennsylvania Society of Land Surveyors

Summary of Legislation

May 2011

PSLS Supports Expansion of CE Exemption

Legislation that would exempt retired engineers from having to meet the new mandatory continuing education (CE) requirement was amended in committee, at PSLs's request, so that it also exempts retired land surveyors. House Bill 1054 creates a new provision in the law so that retired licensees can continue to use the protected title "Professional Land Surveyor" or "PLS" without meeting the continuing education mandate. The amendment also clarifies that a licensee who avails themselves to this newly established status must designate themselves as "retired". For example, a business card might read "Professional Land Surveyor (retired)".

The bill as originally written applied only to professional engineers. As amended, the bill now affords the same exemption for retired land surveyors and retired geologists. The retired license status is different than "inactive" status which does not allow for the use of title whatsoever. House Bill 1054 passed through the House Professional Licensure committee on May 11th. The bill has been laid on the table in the House. It is expected to be voted by the full House before the end of June.

Mechanics Lien Back on the Agenda

The Pennsylvania Mechanic's Lien law has long been a battlefield for the construction industry. Major changes were enacted in the law about 6 years ago and every session since there are attempts to reopen the Act to make further changes or undue the previous ones. **House Bill 1602** establishes a "notice of commencement" procedure in the law. That means that in order to have a valid lien, a contractor (potentially a land surveyor) would need to make formal notice that he is working on the job within 15 days of starting work. This type of provision has proven to be a major cause of invalidating lien claims in other states that have it in their law. House Bill 1602 is scheduled to be the subject of a public hearing before the House Labor and Industry committee on June 13th in Harrisburg.

Legislative Activity

The following bills were acted on by the General Assembly this month.

[HB 3](#) RE: Public-Private Transportation Partnerships (By Rep. Rick Geist, et al)

Amends Title 74 (Transportation) adding a chapter providing for public-private transportation partnerships and making a related repeal.

Laid on the table 5/10/2011

Removed from the table and Rereferred to House Transportation Committee, 5/23/2011

[HB 1054](#) RE: CE Exemptions (by Rep. Mark Mustio, et al)

Amends Engineer, Land Surveyor and Geologist Registration Law providing a licensee may request exemption from the continuing professional competency requirements if the licensee lists his occupation as retired and certifies to the board that he no longer receives any remuneration for their licensed profession. Further provides if the licensee intends to return active practice, then the licensee must complete the number of professional development hours required for each year exempted, not to exceed the annual requirement for two years. Requires retired licensees to hold themselves out as such.

Reported as amended from House Professional Licensure Committee, read first time, and laid on the table, 5/11/2011

[HB 1336](#) RE: "Home Improvement Retailer" (By Rep. Bob Godshall, et al)

Amends the Home Improvement Consumer Protection Act providing for the definition of "home improvement retailer"; and establishing the Home Improvement Account within the General Fund, into which the various fees in the Act will be paid. The funds of the account and interest earned will go towards administering and enforcing the provisions of the act and to protect consumers with respect to home improvements through consumer education and other means. The bill provides for prohibitions.

Reported as committed from House Consumer Affairs Committee, read first time and laid on the table, 5/4/2011

Removed from the table 5/11/2011

Read second time, and Rereferred to House Appropriations Committee, 5/23/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 5/24/2011 (201-0)

[HB 1485](#) RE: General Appropriation Act of 2011 (by Rep. Bill Adolph, et al)

Provides from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2011, to June 30, 2012, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Oil and Gas Lease Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2011, to June 30, 2012; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2011, to June 30, 2012, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2011; and to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2010, to June 30, 2011, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2010.

Introduced and referred to House Appropriations Committee, 5/9/2011

Reported as amended from House Appropriations Committee, read first time, laid on the table and removed from the table, 5/11/2011

Read second time, 5/23/2011

Read third time and passed House, 5/24/2011 (109-92)

Received in the Senate and referred to Senate Appropriations Committee, 5/26/2011

[SB 263](#) RE: Data for Consideration by IRRC (By Sen. Ted Erickson, et al)

Amends the Regulatory Review Act to require the promulgating agency to submit to the Independent Regulatory Review Commission any data on which the information in the regulation is based and how that data was used. The agency has the burden of proving the acceptability of the data and the commission shall consider whether the regulation is supported by acceptable data in its determination of whether to approve a regulation.

Rereferred to Senate Appropriations Committee, 5/3/2011

Reported as committed from Senate Appropriations Committee, 5/23/2011

Read Second time, 5/24/2011

[SB 308](#) RE: Sewage Disposal Systems (By Sen. John Pippy, et al)

Amends the act entitled "An act to provide for and regulate the accumulation, investment, and expenditure of funds by cities, boroughs, incorporated towns and townships for preparing plans for sewage disposal systems, and for the construction, improvement or replacement of sewage disposal systems for which plans have been approved by the Sanitary Water Board of the Commonwealth," further providing for definitions and allowing municipalities and municipal authorities to use public funds for the improvement, extension, repair or rehabilitation of private lateral sewer lines connected to public sewer systems; providing requirements and definitions.

Reported as committed from Senate Environmental Resources and Energy Committee, and read first time, 5/3/2011

Rereferred to Senate Appropriations Committee, 5/24/2011

[SB 405](#) RE: Mercantile or Business Privilege Taxes (by Sen. Pat Browne, et al)

(PN 1055) Amends the Local Tax Enabling Act to limit a local taxing authority's ability to levy a mercantile or business privilege tax to only if the privilege of doing business is exercised through a base of operations in the local taxing jurisdiction. No jurisdiction may charge this tax where the tax is levied by another jurisdiction. Pertinent definitions are provided. (Prior Printer Number: 395)

Rereferred to Senate Appropriations Committee, 5/11/2011

[SB 552](#) RE: Industry Partnerships (By Sen. Mike Brubaker, et al)

Amends the Workforce Development Act adding a chapter providing for industry partnerships. The bill provides for the identification of industry clusters and targeted industry clusters and requires information to be published online annually by the Department of Labor and Industry along with a list of statewide and regional high-priority occupations which will guide workforce and educational investments by the department and participating agencies. The bill establishes a grant program to provide funding to industry partnerships. The grants could be used by industry partners to organize collaborative structures, identify training needs, facilitate economies of scale, and other such purposes. The bill provides

for interdepartmental cooperation with the Departments of Agriculture, Community and Economic Development, Education, Corrections, and Public Welfare. The Department of Labor shall provide the necessary industry and labor market research to support and further develop the work of industry partnerships.

Reported as committed from Senate Appropriations Committee, 5/2/2011

Read Second time, 5/4/2011

Read third time and passed Senate, 5/9/2011 (49-0)

Received in the House and referred to House Labor and Industry Committee, 5/10/2011

[SB 637](#) RE: E-Verify (By Sen. Kim Ward, et al)

(PN 992) Amends Title 62 (Procurement), in contracts for public works, adding a subchapter requiring verification of the employment eligibility of all employees for purposes of wage reporting and employment eligibility in certain public works projects as a precondition of being awarded a contract. The bill prescribes penalties and establishes good faith immunity under certain circumstances. (Prior Printer Number: 645)

Rereferred to Senate Appropriations Committee, 5/4/2011

Reported as committed from Senate Appropriations Committee, 5/9/2011

Read Second time, 5/11/2011

Amended on Senate floor, 5/23/2011

Read Third time and passed Senate, 5/24/2011 (42-7)

[SB 1054](#) RE: 2011-12 Capital Budget Act (by Sen. Jake Corman, et al)

Provides for the capital budget for the fiscal year 2011-2012. Provides \$1,662,000,000 for capital improvements: \$935 million for buildings and structures, \$10 million for furniture and equipment, \$212 million for transportation assistance projects, \$270 million for redevelopment assistance projects, \$35 million for flood control projects, and \$200 million for bridge projects.

Introduced and referred to Senate Appropriations Committee, 5/10/2011

Reported as committed from Senate Appropriations Committee and read first time, 5/23/2011

Read second time, 5/24/2011

New Bills Introduced

The following bills were introduced and referred to committees this month.

[HB 1540](#) RE: Prevailing Wage Threshold (by Rep. Scott Perry, et al)

Amends the Pennsylvania Prevailing Wage Act raising the applicability threshold for "public work" to an estimated cost of \$500,000 on March 1 each year adjusted for changes in the Consumer Price Index.

Introduced and referred to House Labor and Industry Committee, 5/12/2011

[HB 1541](#) RE: Public Work Definition (by Rep. Scott Perry, et al)

Amends the Pennsylvania Prevailing Wage Act amending the definition of "public work" to require at least 51 percent of the monies be public funds.

Introduced and referred to House Labor and Industry Committee, 5/12/2011

[HB 1543](#) RE: Public Work Definition (by Rep. Duane Milne, et al)

Amends the Pennsylvania Prevailing Wage Act to exclude work on land held or owned by nonprofit historical organizations or land conservancies from the definition of "public work."

Introduced and referred to House Labor and Industry Committee, 5/12/2011

[HB 1556](#) RE: Sewer lines (By Rep. Harry Readshaw, et al)

Amends the Pennsylvania Infrastructure Investment Authority Act defining "private lateral sewer line" as a private sewer line serving a structure or dwelling, running from the structure or dwelling to a public sewer line. Private lateral sewer lines are added to the definition of "project". The legislation authorizes governmental units to use financial assistance received under this act for the improvement, extension, repair or rehabilitation of private lateral sewer lines connected to public sewer systems, where the government unit determines that such activities will benefit the public sewer system. No governmental unit which has completed such activities would be deemed to be the owner of such private lateral sewer lines, or to have any further responsibility to conduct such activities, unless a governmental unit makes an affirmative determination to accept such obligations.

Introduced and referred to House Environmental Resources and Energy Committee, 5/18/2011

[HB 1557](#) RE: Sewer lines (By Rep. Harry Readshaw, et al)

Amends the act entitled, "An act to provide for and regulate the accumulation, investment, and expenditure of funds by cities, boroughs, incorporated towns and townships for preparing plans for sewage disposal systems, and for the construction, improvement or replacement of sewage disposal systems for which plans have been approved by the

Sanitary Water Board of the Commonwealth," defining "private lateral sewer line" as a private sewer line serving a structure or dwelling, running from the structure or dwelling to a public sewer line. The legislation authorizes municipalities and municipal authorities to use public funds for the improvement, extension, repair or rehabilitation of private lateral sewer lines connected to public sewer systems, where the municipality or municipal authority determines that such activities will benefit the public sewer system. No municipality or municipal authority which has completed such activities would be deemed to be the owner of such private lateral sewer lines, or to have any further responsibility to conduct such activities, unless a municipality or municipal authority makes an affirmative determination to accept such obligations.

Introduced and referred to House Environmental Resources and Energy Committee, 5/18/2011

[HB 1602](#) RE: Mechanics' Lien (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.

Introduced and referred to House Labor and Industry Committee, 5/25/2011

[SB 1068](#) RE: Municipal Connection Funding Programs (by Sen. Lloyd Smucker, et al)

Amends the Pennsylvania Infrastructure Investment Authority Act establishing Municipal Connection Funding Programs for the purpose of authorizing financial assistance in the form of guaranteed low-interest loans to homeowners for tapping fees and eligible costs relating to the installation of a water or sewage lateral for homes constructed prior to the installation of a public water distribution system or a public sewage collection system servicing the property or relating to the replacement of water or sewage laterals to housing units as part of an upgrading or reconstruction of a public water distribution system or public sewage collection system. The bill also provides for the establishment of the Municipal Connection Funding Loan Guarantee Program, and sets out duties and responsibilities of the Authority relating to both programs.

Introduced and referred to Senate Environmental Resources and Energy Committee, 5/12/2011

Upcoming meetings of Interest

THURSDAY - 6/2/11

House Consumer Affairs Committee

9:00 a.m., Convention Center, Room 111, 1101 Arch Street, Philadelphia

Joint Public hearing with the House Transportation Committee on the "Right to Repair"

MONDAY - 6/13/11

House Labor and Industry Committee

10:00 a.m., Room 205, Ryan Office Building (Rescheduled from 6/6/11)

Public hearing on: [HB 1602](#) (Killion) - Amends the Mechanics' Lien Law further providing for formal notice by subcontractor as condition precedent and for filing and notice of filing of claim.

2011 SENATE SESSION SCHEDULE

June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 27, 28, 29, 30

2011 HOUSE SESSION SCHEDULE

June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 27, 28, 29, 30

The Fall Legislative Schedule has not been announced.

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

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