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**Pennsylvania Society of Land Surveyors
Summary of Legislation
October 2011**

CE Exemption for Retirees to Move in November

PSLS has had several recent discussions with Senate staff to resolve an issue with **HB 1054**. We believe the issue is resolved, and the bill should move forward in the Senate and be sent back to the House as early as next month. The proposed amendment clarifies that retired engineers would only qualify if they do not continue to perform any services that would otherwise require active licensure.

Agreement Reached on Bid Advertising Threshold Bills

Legislation to raise the thresholds for when local governments must advertise competitive bids for projects and services will now move forward, as the array of interested parties has reached agreement after several sessions to raise the bidding thresholds from \$10, to \$18,500, with an annual adjustment commensurate with the PCI. For years proponents sought to raise the threshold to \$25,000, but in the end relented and compromised at essentially the midway point.

Legislative Activity

The following bills were introduced by the General Assembly this month.

HB 244 RE: Professional construction management services (By Rep. Seth Grove, et al)
Amends Public School Code further providing for approved reimbursable rental for certain leases and approved reimbursable sinking fund charges on indebtedness to include the cost of employing or contracting with a construction manager, clerk-of-the-works or other construction administrator to provide professional construction management services; and improvements, including, but not limited to, capital improvements related to school safety to existing buildings. "Professional construction management services" is defined.

Reported as committed from House Education Committee, read first time, and laid on the table, 10/19/2011

Removed from the table, 10/26/2011

Read Second time and rereferred to House Appropriations Committee, 10/31/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 11/1/2011 (195-0)

HB 710 RE: Mechanics' Lien (By Rep. Bob Godshall, et al)
Amends the Mechanics' Lien Law adding language extending the right to lien to a subcontractor on real property. Provides if the contractor has been paid in full, a subcontractor may not file a claim against residential real property unless the owner provides a written waiver to the subcontractor to file a claim.

Reported from House Consumer Affairs Committee with request to re-refer to House Labor & Industry, and Rereferred to House Labor and Industry, 10/31/2011

HB 1054 RE: Retired Engineer Status (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.

On the Senate Calendar for November 14, 2011

HB 1349 RE: Regulatory Impact Statements (By Rep. Tina Pickett, et al)

**John D. Wanner, CAE
President**

**Ted Mowatt, CAE
Senior Associate**

**Alex Rahn
Senior Associate**

**Linda Rhinehart
Senior Associate**

Amends Regulatory Review Act requiring an impact statement for any proposed regulation that may have an adverse impact on small business; providing guidelines for regulatory flexibility analysis.

Read Second time, and Rereferred to House Appropriations Committee, 10/4/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 10/5/2011 (158-41)

Received in the Senate and referred to Senate State Government Committee, 10/12/2011

Reported as committed from Senate State Government Committee, and read first time, 10/25/2011

HB 1541 RE: Prevailing Wage (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.

Reported as committed from House Labor and Industry Committee, read first time, and laid on the table, 10/3/2011

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.

House Labor and Industry Committee Meetings cancelled for 10/24/11 and 10/31/2011

House Labor and Industry Committee Meeting set for 11-14-11, 11:00 a.m., Room 205, Ryan Office Building

HB 1901 RE: School Project Bidding (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 by requiring the school district to notify the Secretary of Education that an emergency has occurred and a bid has been selected under the emergency process. The bill removes the provision requiring approval of such bids by the secretary and instead they must be approved by the board of school directors.

Introduced and referred to House Education Committee, 10/18/2011

Reported as committed from House Education Committee, read first time, and laid on the table, 10/19/2011

Removed from the table, 10/25/2011

Read second time and Rereferred to House Appropriations Committee, 10/26/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 10/31/2011 (196-0)

Received in the Senate and referred to Senate Education Committee, 11/1/2011

HR 421 RE: Put the Brakes on Fatalities Day (By Rep. Stan Saylor, et al)

Resolution designating October 10, 2011, as "Put the Brakes on Fatalities Day" in Pennsylvania.

Adopted 10/4/2011 (201-0)

SB 282 RE: Bid Thresholds (by Sen. Bob Robbins, et al)

Amends the Third Class County Code increasing the minimum dollar amount of purchases that must be made via competitive bid, subject to certain conditions, from a threshold of \$10,000 to \$18,500. The bill provides for annual adjustment based on the CPI-U.

Reported as committed from House Local Government Committee, read first time, land on the table, removed from the table, and rereferred to House Appropriations Committee, 10/4/2011

Reported as committed from House Appropriations Committee, 10/17/2011

Read second time and Rereferred to House Appropriations Committee, 10/19/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 10/24/2011 (197-1)

In the hands of the Governor 10/26/2011. Last day for Governor's action, 11/5/2011

SB 283 RE: Bid Thresholds (by Sen. Lisa Baker, et al)

Amends The Second Class Township Code increasing the minimum dollar amount of purchases that must be made via competitive bid, subject to certain conditions, from a threshold of \$10,000 to \$18,500. Written or telephonic quotes shall be required for all contracts in excess of \$10,000 (increased from \$4,000). The bill provides for annual adjustment based on the CPI-U.

Reported as committed from House Local Government Committee, read first time, land on the table, removed from the table, and rereferred to House Appropriations Committee, 10/4/2011

SB 284 RE: Bid Thresholds (By Sen. John Eichelberger, et al)

Amends The First Class Township Code increasing the minimum dollar amount of purchases that must be made via competitive bid, subject to certain conditions, from a threshold of \$10,000 to \$18,500. Written or telephonic quotes shall be required for all contracts in excess of \$10,000 (increased from \$4,000). The bill provides for annual adjustment based on the CPI-U.

Reported as committed from House Local Government Committee, read first time, land on the table, removed from the table, and rereferred to House Appropriations Committee, 10/4/2011

SB 285 RE: Bid Thresholds (by Sen. Mike Folmer, et al)

Amends The Borough Code increasing the minimum dollar amount of purchases that must be made via competitive bid, subject to certain conditions, from a threshold of \$10,000 to \$18,500. Written or telephonic quotes shall be required for all contracts in excess of \$10,000 (increased from \$4,000). The bill provides for annual adjustment based on the CPI-U.

Reported as committed from House Local Government Committee, read first time, land on the table, removed from the table, and rereferred to House Appropriations Committee, 10/4/2011

Reported as committed from House Appropriations Committee, 10/17/2011

Read second time and Rereferred to House Appropriations Committee, 10/19/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 10/24/2011 (198-0)

In the hands of the Governor 10/26/2011. Last day for Governor's action, 11/5/2011

SB 286 RE: Bid Thresholds (By Sen. John Gordner, et al)

Amends "An act relating to and regulating the contracts of incorporated towns and providing penalties" increasing the minimum dollar amount of purchases that must be made via competitive bid, subject to certain conditions, from a threshold of \$10,000 to \$18,500. Written or telephonic quotes shall be required for all contracts in excess of \$10,000 (increased from \$4,000). The bill provides for annual adjustment based on the CPI-U.

Reported as amended from House Local Government Committee, read first time, land on the table, removed from the table, and rereferred to House Appropriations Committee, 10/4/2011

Reported as committed from House Appropriations Committee, 10/17/2011

Read second time and Rereferred to House Appropriations Committee, 10/19/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 10/24/2011 (198-0)

Received as amended in Senate and rereferred Senate Rules and Executive Nominations Committee, 10/25/2011

Re-reported on concurrence as committed from Senate Rules and Executive Nominations Committee, 10/26/2011

Senate concurred in House amendments, 10/3/2011 (49-0)

Signed in the Senate and House, 11/1/2011

In the hands of the Governor 11/2/2011. Last day for Governor's action, 11/12/2011

SB 287 RE: Bid Thresholds (By Sen. Jim Ferlo, et al)

Amends Titles 53 (Municipalities Generally) and 74 (Transportation) increasing the minimum dollar amount of purchases that must be made via competitive bid, subject to certain conditions, from a threshold of \$10,000 to \$18,500. Written or telephonic quotes shall be required for all contracts in excess of \$10,000 (increased from \$4,000). The bill provides for annual adjustment based on the CPI-U.

Reported as amended from House Local Government Committee, read first time, land on the table, removed from the table, and rereferred to House Appropriations Committee, 10/4/2011

SB 288 RE: Bid Thresholds (By Sen. John Rafferty, et al)

Amends the Second Class County Code increasing the minimum dollar amount of purchases that must be made via competitive bid, subject to certain conditions, from a threshold of \$10,000 to \$18,500. Written or telephonic quotes shall be required for all contracts in excess of \$10,000 (increased from \$4,000). The bill provides for annual adjustment based on the CPI-U.

Reported as committed from House Local Government Committee, read first time, land on the table, removed from the table, and rereferred to House Appropriations Committee, 10/4/2011

SB 289 RE: Bid Thresholds (By Sen. Jim Ferlo, et al)

Amends "An act to authorize and empower cities, boroughs, towns, and townships, separately or jointly, to provide for protection against floods by erecting and constructing certain works and improvements, located within or without their territorial limits, and within or without the county in which situate; and to expend moneys and incur indebtedness; to assess benefits against property benefited; to issue improvement bonds imposing no municipal liability; and to acquire, take, injure or destroy property for such purposes" increasing the minimum dollar amount of purchases that must be made via competitive bid, subject to certain conditions, from a threshold of \$10,000 to \$18,500. Written or telephonic quotes shall be required for all contracts in excess of \$10,000 (increased from \$4,000). The bill provides for annual adjustment based on the CPI-U.

Reported as committed from House Local Government Committee, read first time, land on the table, removed from the table, and rereferred to House Appropriations Committee, 10/4/2011

SB 290 RE: Bid Thresholds (By Sen. Mike Brubaker, et al)

Amends Political Subdivision Joint Purchase Law increasing the minimum dollar amount of purchases that must be made via competitive bid, subject to certain conditions, from a threshold of \$10,000 to \$18,500. Written or telephonic quotes shall be required for all contracts in excess of \$10,000 (increased from \$4,000). The bill provides for annual adjustment based on the CPI-U.

Reported as committed from House Local Government Committee, read first time, land on the table, removed from the table, and rereferred to House Appropriations Committee, 10/4/2011

Reported as committed from House Appropriations Committee, 10/17/2011

Read second time and Rereferred to House Appropriations Committee, 10/19/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 10/24/2011 (198-0)

In the hands of the Governor 10/26/2011. Last day for Governor's action, 11/5/2011

SB 291 RE: Bid Thresholds (By Sen. Jim Ferlo, et al)

Amends the Public Auditorium Authorities Law increasing the minimum dollar amount of purchases that must be made via competitive bid, subject to certain conditions, from a threshold of \$10,000 to \$18,500. Written or telephonic quotes shall be required for all contracts in excess of \$10,000 (increased from \$4,000). The bill provides for annual adjustment based on the CPI-U.

Reported as committed from House Local Government Committee, read first time, land on the table, removed from the table, and rereferred to House Appropriations Committee, 10/4/2011

SB 637 RE: E-Verify (by Sen. Kim Ward, et al)

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.

Reported from House Labor and Industry Committee, with request to re-refer to House State Government Committee, and Rereferred to House State Government Committee, 10/4/2011

Reported as amended from House State Government Committee, read first time, and Laid on the table, 11/1/2011

New Bills Introduced

The following bills have been introduced in the General Assembly this month.

HB 1946 (by Rep. Frank Farry, et al)

Amends the Pennsylvania Municipalities Planning Code adding an article providing for wastewater processing cooperative planning. The bill requires an applicant who files an application for development, plat approval or planned residential development or for waiver of land development under this act or who files an application for a construction permit under the Pennsylvania Construction Code Act, shall provide written notification of filing of application to any wastewater system serving the municipality in which the application is filed. A wastewater system shall, within 30 days, review the notification to determine the impact of the application on the wastewater system and notify the applicant and the municipality in writing of its findings, which shall include a statement regarding the expected impact of the application on the current system. If the application will cause an adverse impact on or is not in compliance with the requirements of the wastewater system, the wastewater system shall include specific reasons causing the adverse impact

and the actions required to be taken by the applicant to address such impact. A municipality shall not approve an application until the wastewater system has notified the municipality that the application is in compliance with the requirements of the wastewater system. The bill outlines criteria for review.

Introduced and referred to House Local Government Committee, 10/31/2011

SB 400 RE: Family and Business Healthcare Security Act (by Sen. Jim Ferlo, et al)

Creates a comprehensive Pennsylvania health care plan, creates and provides regulations and duties for a Pennsylvania Health Care Board consisting of members composed of by a diverse group with specified qualifications; establishes a Health Professional Quality Panel, Health Institution Quality Panel and Health Supplier Quality Panel comprised of individuals drawn from both the medical service community and providers, and establishes the Pennsylvania Health Care Agency along with pertinent duties and regulations, to administer the plan. The bill provides health care coverage for all residents of Pennsylvania and allows for the inclusion of all licensed health care providers in participation with the bill. The bill would be funded via the establishment of the Pennsylvania Health Care Trust Fund which is used solely to finance the plan and draws revenue dedicated sources specified by the general assembly including a three percent wellness tax on income. The bill also provides for transitional support and training for health care industry workers whose jobs are displaced as a result of the implementation and operation of the plan and a tax credit for volunteer emergency responders equal to \$1,000 towards State income tax.

Introduced and referred to Senate Banking and Insurance Committee, 10/12/2011

SB 1273 RE: Regulatory Impact Statements (by Sen. Chuck McIlhinney, et al)

Amends Regulatory Review Act requiring an impact statement for any proposed regulation that may have an adverse impact on small business; providing guidelines for regulatory flexibility analysis.

Introduced and referred to Senate State Government Committee, 10/4/2011

SB 1285 RE: Marcellus Shale Unconventional Well Job Training and Certification Act (by Sen. Jim Brewster, et al)

Requires job training and certification of workers at unconventional well sites in the Marcellus Shale formation allowing a 12-month transitional period from the effective date of the act for workers to obtain the necessary job training. Standards for job training and certification for workers shall be established by the Department of Labor and Industry in conjunction with the Marcellus Shale Industry Job Training Certification Advisory Board, which will be established by the bill. This Act does not include persons working in a clerical or administrative position.

Introduced and referred to Senate Labor and Industry Committee, 10/12/2011

Upcoming meetings of Interest

2011 SENATE SESSION SCHEDULE

November 1, 14, 15, 16
December 5, 6, 7, 12, 13, 14

2011 HOUSE SESSION SCHEDULE

November 1, 2, 14, 15, 16, 21, 22, and 23
December 5, 6, 7, 12, 13, and 14

The Spring 2012 Session Schedule has not yet 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>