

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 947 Session of
1997

INTRODUCED BY MARSICO, WAUGH, BUNT, TULLI, CLARK, FLICK,
HENNESSEY, VANCE, ARMSTRONG, MASLAND, McNAUGHTON, MILLER,
NAILOR, SCHULER, FAIRCHILD, GODSHALL, RUBLEY, FARGO, BARLEY,
DEMPSEY, BIRMELIN, ZUG, BROWN, CLYMER, E. Z. TAYLOR,
L. I. COHEN, CHADWICK, MAJOR, DRUCE, HERSHEY, EGOLF, STEIL,
LYNCH, BARD, PLATTS, MAITLAND, STEVENSON, LEH, CORNELL, WILT,
SCHRODER, ROHRER, BENNINGHOFF, SEYFERT, HUTCHINSON, STERN,
SAYLOR, ROSS AND C. WILLIAMS, MARCH 18, 1997

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 18, 1997

AN ACT

1 Amending the act of August 15, 1961 (P.L.987, No.442), entitled
2 "An act relating to public works contracts; providing for
3 prevailing wages; imposing duties upon the Secretary of Labor
4 and Industry; providing remedies, penalties and repealing
5 existing laws," excluding political subdivisions from the
6 act; and authorizing optional prevailing wage ordinances.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 2(4) and (5), 2.1(c) and 2.2(c) of the
10 act of August 15, 1961 (P.L.987, No.442), known as the
11 Pennsylvania Prevailing Wage Act, amended or added August 9,
12 1963 (P.L.653, No.342), are amended to read:

13 Section 2. Definitions.--As used in this act--

14 * * *

15 (4) "Public body" means the Commonwealth of Pennsylvania,
16 [any of its political subdivisions,] any authority created by
17 the General Assembly of the Commonwealth of Pennsylvania and any

1 instrumentality or agency of the Commonwealth of Pennsylvania,
2 but shall not include a political subdivision or any authority,
3 agency or instrumentality created by one or more political
4 subdivisions.

5 (5) "Public work" means construction, reconstruction,
6 demolition, alteration and/or repair work other than maintenance
7 work, done under contract directly with a public body and paid
8 for in whole or in part out of the funds of a public body where
9 the estimated cost of the total project is in excess of twenty-
10 five thousand dollars (\$25,000), but shall not include work
11 performed under a rehabilitation or manpower training
12 program[.], nor work funded by a public body but contracted by
13 another entity.

14 * * *

15 Section 2.1. Advisory Board, Powers and Duties.--* * *

16 (c) Of the seven members, one shall be a representative of
17 an association of general contractors engaged full-time in the
18 building construction industry, one shall be a representative of
19 an association of heavy and highway contractors engaged full
20 time in the heavy and highway construction industry, one shall
21 be a member of an historically established union representing
22 labor in the building construction industry, one shall be a
23 member of an historically established union representing labor
24 in the heavy and highway construction industry, one shall be a
25 [member of an association representing a political subdivision,]
26 representative of the Commonwealth appointed by the Governor,
27 one shall be learned in the law and employed by the secretary,
28 and one shall not be engaged in or employed by the building
29 industry or by a public body but shall represent the general
30 public.

1 * * *

2 Section 2.2. Appeals Board Powers and Duties.--* * *

3 (c) Of the seven members, one shall be a representative of
4 an association of general contractors engaged full-time in the
5 building construction industry, one shall be a representative of
6 an association of heavy and highway contractors engaged full
7 time in the heavy and highway construction industry, one shall
8 be a member of an historically established union representing
9 labor in the building construction industry, one shall be a
10 member of an historically established union representing labor
11 in the heavy and highway construction industry, one shall be a
12 [member of an association representing a political subdivision,]
13 representative of the Commonwealth appointed by the Governor,
14 one shall be learned in the law and employed by the secretary,
15 and one shall not be engaged in or employed by the building
16 industry or by a public body but shall represent the general
17 public. No member of the Advisory Board created by this
18 amendatory act shall be appointed to the Appeals Board.

19 * * *

20 Section 2. The act is amended by adding a section to read:

21 Section 13.1. Local Option.--Notwithstanding any provision
22 of this act, a political subdivision or an authority, agency or
23 instrumentality thereof may elect, by ordinance or resolution,
24 to place itself within the jurisdiction of this act.

25 Section 3. All acts and parts of acts are repealed insofar
26 as they are inconsistent with this act.

27 Section 4. This act shall take effect in 60 days.