



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1465

PRINTER'S NO. 2161

PRIME SPONSOR: DELLOSO

COST / (SAVINGS)

FUND	FY 2023/24	FY 2024/25
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY:

House Bill 1465 Printer's Number 2161 provides minimum wage standards for underground infrastructure work and applies provisions of the Prevailing Wage Act to underground infrastructure projects.

ANALYSIS:

This legislation would require that underground infrastructure projects performed by public utilities, excluding electric distribution companies, as defined in Title 66 (Public Utilities) Section 102 (Definitions), would have to meet certain standards regarding minimum workplace safety standards and make them subject to Pennsylvania's Prevailing Wage Act.

Any covered public utility must ensure that all contractors and subcontractors engaging in underground infrastructure work certify that all workmen they employ have completed a 10-hour construction safety course established by the Occupational Safety and Health Administration (OSHA) of the federal Department of Labor, an adult first-aid course deemed acceptable to the Department of Labor and Industry in consultation with the Department of Health, any other workplace safety or hazard mitigation training required by statute or regulation, and, if the project includes public roadways, onsite traffic control training deemed acceptable to the Department of Labor and Industry in consultation with the Department of Transportation.

Additionally, any covered public utility must ensure that all contractors and subcontractors engaging in underground infrastructure work pay no less than the prevailing minimum wages and fringe benefit rates that would apply to a public works project under the Prevailing Wage Act. Public utilities covered by the legislation must comply with all applicable provisions of the Prevailing Wage Act and maintain records to demonstrate that compliance for no less than two years.

The Department of Labor and Industry will have the authority to enforce the provisions of this legislation and apply the same remedies and penalties contained in the Prevailing Wage Act.

The legislation also prohibits retaliation or discrimination by a covered public utility or their contractors and subcontractors against employees cooperating with investigations or other actions for alleged violations of the legislation. Employees who suffer retaliation or discrimination would be entitled to bring action in court seeking remedies including reinstatement, restitution equal to three times the amount of lost wages and benefits, and reasonable attorney fees.

The Public Utility Commission would be required to consider and request information and include conditions pertaining to this legislation in its actions and decisions.

FISCAL IMPACT:

The fiscal impact of enacting this legislation is indeterminate at this time. It is expected that the existing staff and resources of the Public Utility Commission will be sufficient to absorb the responsibilities assigned to it by the legislation. The Department of Labor and Industry may experience increased costs to carry out its enforcement responsibilities regarding the Prevailing Wage Act, however the scale of potential enforcement activities is currently unknown.

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House Appropriations Committee (D)

DATE: October 17, 2023

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.