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Testimony of John C. Busse
Board Member, General Contractors Association of Pennsylvania
Presented to
The House Labor Relations and Professional Licensure Committees
August 4, 2008

Chairman Belfanti, Chairman DiGirolamo, Chairman Sturla, Chairman Adolph and Members of the House Labor Relations Committee and Professional Licensure Committee:

My name is John Busse, and I am President of the F.J. Busse Company. I am also a Board Member for the General Contractors Association of Pennsylvania (GCAP). On behalf of GCAP, thank you for inviting me to appear before you to share our view on state licensure for commercial general contractors. I appreciate the opportunity to discuss our industry's focus on achieving the highest standards of quality in commercial construction and how this focus frames our position on the licensing of general contractors and/or their employees.

GCAP represents the member interests of the Master Builders Association of Western PA (MBA), the Keystone Contractors Association (KCA) and the General Building Contractors Association (GBCA). As such, we are the statewide voice for more than 500 union-affiliated general and specialty contractors and their affiliates throughout the Commonwealth.

Member companies include large general contractors such as the Dick Corporation which recently completed a multi-million dollar repair and renovation of the U.S. Post Office and Courthouse in Pittsburgh. GCAP also represents respected specialty contractors, including Caretti, Inc., which did the stone work for the Cabela's store in Berks County. Regardless of what they do in the commercial building process, GCAP members are dedicated to skill, integrity and responsibility.

While GCAP appreciates the Committees' efforts to ensure that consumers – whether they be a homeowner or a local government entity – engage with contractors who are qualified to do the work requested, we believe licensure of commercial contractors by itself is not the appropriate answer. And, requiring licenses for individual employees of general contractors is especially problematic.

In our view, the best solution for improved safety and quality is not widespread licensure. Rather, we believe the goals of the legislature will be better accomplished by first strengthening the building code permitting, inspection and enforcement process (i.e. House Bill 1096) and additional efforts related to enforcement such as increasing the number of inspectors available to review the quality of construction in the commercial sector.

Clearly, not every commercial construction project is completed without incident. However, for the vast majority of work done in our industry, the current system of

procedures and safeguards – including the close involvement of highly skilled architects and engineers – is sufficient to ensure the very best workmanship.

Respectfully, it seems the question before the Committees is whether or not licensure will prevent or fix the select number of problems in commercial construction that have been identified by various parties during these hearings. We believe the answer to that question is no. Simply having a license to do work won't guarantee anything. Being thorough on permits, meeting all the requirements of the Code and passing a rigorous inspection by well-trained professionals can.

If – in addition to improving the Pennsylvania Building Code and the process by which it is implemented – the General Assembly seeks to license commercial contractors, GCAP recommends the legislature establish a licensure program that includes the following components.

First, GCAP strongly believes that any licensure requirements created by the Commonwealth should be imposed only on contractors, and not on the individual employees of those firms. Meaningful licensure is about ensuring quality and maintaining accountability. On any project, it is the contractor who is ultimately accountable for the work completed for its customers, and it is the contractor who should be the one to meet a strict regiment of criteria in order to get a license. Therefore, it is redundant to also license individual employees.

Next, we believe any board created to govern the licensing of general contractors – or any contractors for that matter – should reside in the Pennsylvania Department of State as is the case for all other professional groups licensed by the Commonwealth. Of course, the board should have ample representation from the commercial construction industry.

To ensure that licensure is more than a just a process of registration, the legislature should empower the Board to create a comprehensive testing instrument to evaluate the qualifications of an applying contractor. The board should also have the authority to establish appropriate training opportunities for any contractor preparing to take the test and to dictate any continuing education requirements for those contractors who already have their license. Likewise, the Board must have the ability to determine suitable penalties for licensed contractors who fail to live up to the standards imposed by the Board and control the length and renewal requirements of licensure.

In addition, GCAP does not support reciprocity of licenses between states or from one level of government to another. If the legislature decides to pursue licensure for contractors, we believe a contractor must meet Pennsylvania's state criteria directly. In other words, they should be able to actually pass our test – not just get credit based on their experience in another jurisdiction. Again, if the primary purpose of licensure is to ensure quality, safety and accountability, then every contractor should be held to the standards set by the Commonwealth. After all, we have no role in determining how other states administer their licensing programs, nor can we guarantee that they impose their requirements with the strictest of scrutiny.

Finally, GCAP strongly believes that the Board should not only be empowered to establish appropriate licensing fees, but also to decide how those fees are dedicated beyond the necessary operating costs of the board, administration of the licensing program, etc. As I mentioned earlier, GCAP believes that improved enforcement of existing building code standards and requirements is as likely to help the General Assembly achieve the goals sought through licensure. We would support using the funds generated through license fees to improve the building code process by using these new state monies to hire additional building inspectors, increase their training, etc.

In closing, GCAP members are committed to skill, integrity and responsibility in the work we do for our commercial customers. As such, we look forward to working with you to determine the best way to ensure that these same traits are found in all construction in the Commonwealth.

Thank you again for the opportunity to be here today. I would be pleased to answer any questions you may have.