

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1737 Session of 2013

INTRODUCED BY MARSICO, CAUSER, BAKER, MALONEY, ROCK, DUNBAR, SACCONI, SAYLOR, AUMENT, HICKERNELL, CUTLER, KNOWLES, TALLMAN, MENTZER, LUCAS, MILLARD, COX, SWANGER, GROVE, WATSON, TURZAI, KAUFFMAN, ROSS AND EVERETT, OCTOBER 2, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, OCTOBER 2, 2013

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," providing for the definition of "locally  
 6 funded"; and further providing for the definitions of  
 7 "maintenance work" and "public work."

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

10 Section 1. Section 2 of the act of August 15, 1961 (P.L.987,  
 11 No.442), known as the Pennsylvania Prevailing Wage Act, amended  
 12 August 9, 1963 (P.L.653, No.342), is amended to read:

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

14 (1) "Department" means Department of Labor and Industry of  
 15 the Commonwealth of Pennsylvania.

16 (2) "Locality" means any political subdivision, or  
 17 combination of the same, within the county in which the public  
 18 work is to be performed. When no workmen for which a prevailing  
 19 minimum wage is to be determined hereunder are employed in the

1 locality, the locality may be extended to include adjoining  
2 political subdivisions where such workmen are employed in those  
3 crafts or trades for which there are no workmen employed in the  
4 locality as otherwise herein defined.

5 (2.1) "Locally funded" means a project that is funded  
6 entirely by funds:

7 (i) paid to counties under 75 Pa.C.S. § 9010(b) (relating to  
8 disposition and use of tax), including borrowed funds under 75  
9 Pa.C.S. § 9010(b) (2) (ii) whether expended by the county or  
10 allocated or apportioned to political subdivisions;

11 (ii) allocated or apportioned to municipalities under the  
12 act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the  
13 Liquid Fuels Tax Municipal Allocation Law;

14 (iii) allocated from municipal budgetary sources using  
15 revenues derived through municipal taxes or fees; or

16 (iv) allocated to municipalities under 58 Pa.C.S. (relating  
17 to oil and gas).

18 (3) "Maintenance work" means the repair of existing  
19 facilities when the size, type or extent of such facilities is  
20 not thereby changed or increased. The term includes the  
21 following actions taken on locally funded road projects:

22 (i) Replacement in kind with current Department of  
23 Transportation design criteria and standards of guide rails,  
24 curbs, sidewalks, pipes, walkways, painted lines and other  
25 related road equipment.

26 (ii) Repair of pavement surface by:

27 (A) laying material up to three and a half inches thick or  
28 up to four hundred twenty pounds per square yard on asphalt  
29 pavement, cement concrete or other hard surface, including  
30 associated milling, and related work raising existing paved

1 shoulders to new grade; or

2 (B) patching of cement concrete surface to include joint  
3 spalling and repair work.

4 (iii) Widening of existing alignment which does not result  
5 in additional lanes or new shoulders.

6 (iv) Bridge painting, except when combined with bridge  
7 rehabilitation, bridge cleaning, bridge washing, bridge  
8 resurfacing with blacktop or minor nonstructural improvements or  
9 repairs.

10 (4) "Public body" means the Commonwealth of Pennsylvania,  
11 any of its political subdivisions, any authority created by the  
12 General Assembly of the Commonwealth of Pennsylvania and any  
13 instrumentality or agency of the Commonwealth of Pennsylvania.

14 (5) "Public work" means construction, reconstruction,  
15 demolition, alteration and/or repair work other than maintenance  
16 work, done under contract and paid for in whole or in part out  
17 of the funds of a public body where the estimated cost of the  
18 total project is in excess of twenty-five thousand dollars  
19 (\$25,000), but shall not include work performed under a  
20 rehabilitation or manpower training program. When applied to  
21 locally funded road projects, the term includes projects that  
22 utilize a combination of maintenance, rehabilitation and  
23 reconstruction on existing alignment in which nonmaintenance  
24 items exceed fifteen percent of the total project cost.

25 (6) "Secretary" means the Secretary of Labor and Industry or  
26 his duly authorized deputy or representative.

27 (7) "Workman" includes laborer, mechanic, skilled and semi-  
28 skilled laborer and apprentices employed by any contractor or  
29 subcontractor and engaged in the performance of services  
30 directly upon the public work project, regardless of whether

1 their work becomes a component part thereof, but does not  
2 include material suppliers or their employes who do not perform  
3 services at the job site.

4 (8) "Work performed under a rehabilitation program," means  
5 work arranged by and at a State institution primarily for  
6 teaching and upgrading the skills and employment opportunities  
7 of the inmates of such institutions.

8 (9) "Advisory Board" means the board created by section 2.1  
9 of this act.

10 (10) "Appeals Board" means the board created by section 2.2  
11 of this act.

12 Section 2. This act shall apply to contracts entered into on  
13 or after the effective date of this act.

14 Section 3. This act shall take effect in 60 days.