

LEGISLATIVE BULLETIN

COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA THE VOICE OF PENNSYLVANIA COUNTIES

COUNTY PRIORITIES SPOTLIGHT: PREVAILING WAGE BILL RECEIVES VOTE IN HOUSE COMMITTEE

On April 17, the House Labor and Industry Committee **approved** a bill (**HB 2153**) sponsored by state Rep. Jason Dawkins (D-Philadelphia) that would update the Pennsylvania Prevailing Wage Act to address the issues of split rates and custom fabrication. This legislation would prohibit the practice of paying “split rates” on publicly funded construction projects and ensure that custom fabrication work done by tradespeople away from the main job site is paid to the prevailing wage. However, this bill fails to address a longstanding concern for counties and local governments, which is the outdated threshold for paying prevailing wages under the act. Counties joined their other local government partners in opposing the legislation, arguing that the bill should first address their longstanding concern regarding the outdated threshold for paying prevailing wage rates under the Act. Currently, prevailing wages must be paid on public projects of more than \$25,000, an amount which has not been updated since the 1960s and now captures virtually all public construction projects across the commonwealth.

Prevailing wage requirements can increase the cost of many middle-range projects, such as construction of prisons, courthouses, schools, and other vital infrastructure, generally by 10 to 15 percent depending on the region in which the project is being done. Some local governments have reported even higher cost increases, upward of 20 to 30 percent in some rural areas, since prevailing wages are typically based on metropolitan areas where costs and wages are comparatively higher. Expanding the scope of a public project under the Prevailing Wage Act to include custom fabrication off-site further compounds the existing struggles local governments have in stretching limited tax dollars on critical public projects. For local governments today, finding enough revenue to provide basic services is challenging enough. Adding another 10 or 15 percent estimated cost to some projects because they require prevailing wages, means some simply will not get done.

Increasing the prevailing wage act threshold is a top **priority** for counties in 2024. Counties and their local government partners stand ready to work together with the Shapiro Administration and the General Assembly to finally address this longstanding concern for local governments across Pennsylvania.

CODIFICATION OF COUNTY CODE CROSSES FINISH LINE

This week, **SB 945**, introduced by Sen. Rosemary Brown (R-Monroe), was considered on the House floor and was approved **unanimously** by members on April 17. This bill is the culmination of several sessions of work amongst numerous local government stakeholders to codify the County Code into Title 16 of the Consolidated Statutes. It follows the multi-year effort to consolidate 2A counties into the County Code, which was enacted in 2018.

While SB 945 is substantively the same as the current County Code, the bill does provide several modifications to conform to case law developments, remove obsolete provisions, and incorporate other minor substantive changes. Counties worked closely with the Local Government Commission over several sessions to move this process and bill forward. The bill will now go to Governor Shapiro for his approval.

LEGISLATIVE PROPOSALS MOVING IN LEGISLATURE

The House Children & Youth recently considered **HB 321**, introduced by Rep Craig Staats (R- Bucks), which would create a child welfare case management subsystem of the enterprise case management system of DHS, effective immediately. Counties oppose any legislation that will put a deadline on the implementation for the statewide enterprise case management system. Furthermore, counties are concerned that the child welfare system

could lose federal funding through immediate implementation, resulting in the collapse of an already struggling system. The bill was unanimously reported as amended.

In addition, the committee considered [HB 1059](#), sponsored by Rep. Delozier (R-Cumberland), which amends definitions in the Child Protective Services Law to include the offenses or trafficking in minors and involuntary sexual servitude. The bill was unanimously reported as committed.

In the House Veterans Affairs and Emergency Preparedness Committee, [HB 1463](#), introduced by Rep Benham (D- Allegheny), was voted favorably from committee as amended. HB 1463 aims to create a universal definition for dispatchers and codify 911 workers, or telecommunicators, as first responders. This classification allows these individuals to qualify for federal benefits and receive recognition for their role in providing lifesaving assistance. CCAP will continue to monitor this legislation to assess what broader implications this bill may mean for counties.

All three bills now go to the full House for consideration.

BEAD CHALLENGE PORTAL NOW OPEN

The Pennsylvania Broadband Development Authority has released the details of the challenge process for the Broadband, Equity, Access and Deployment (BEAD) map, which will help Pennsylvania determine how the state will use the \$1.16 billion in BEAD program funding it has received. This map challenge will determine which Broadband Serviceable Locations (BSLs) and Community Anchor Institutions (CAIs) will be eligible to be served by BEAD funded networks. This is different from the previous FCC map challenge process, which was used to drive the overall BEAD allocations to the states; the federal law now allows states to use its own maps instead of the FCC maps.

Local governments, Non-profit organizations and Internet Service Providers (ISPs) are eligible to challenge the availability of broadband services. Eligible participations have a 90-day timeline for challenge submissions, starting with initial submission on **April 24 to May 23**, to the rebuttal process on **May 24 to June 22**, ending with final determinations through **June 23 to June 22**.

Additional details on registering for the BEAD challenge portal can be found [here](#).

CCAP BUDGET PRIORITY ADVOCACY DAY

On April 9, CCAP Board members engaged in a budget-focused advocacy day at the Capitol, meeting with legislative leaders to discuss critical county priorities. Members asked legislators to support the county budget request of \$250 million to the County Mental Health Base Line. Counties play a crucial role in delivering vital mental health services on behalf of the state and this substantial investment in county programs would ease the burden on various system partners, including law enforcement, jails, emergency rooms, and schools. Counties continue to ask that the state to invest in the system holistically to restore the community-based mental health system.

Additionally, counties asked legislators to support the one-time appropriation of \$15 million for the juvenile detention justice system, citing a growing need for crucial community-based services while funding has been relatively stagnant for nearly two decades. Counties aim to allocate funding towards sufficient juvenile diversion programs and services to assure that juveniles involved in the justice system receive proper treatment and refrain from recidivism. Additionally, counties are requesting this funding to ensure the longevity of detention facilities, through adequate staffing and restored infrastructure. Legislators received direct narratives detailing how counties are navigating the mental health and juvenile detention crisis, emphasizing the need for legislative support for increased funding.

The direct advocacy efforts of counties continue to play a crucial role in demonstrating firsthand challenges faced by communities across Pennsylvania and why the state must make the necessary investments in Pennsylvania community-based mental health system. Counties will continue to engage the legislature to ensure that critical county-based services like mental health, 911, and among many others are adequately funded now and into the future.

UPDATED WATERS OF THE US (WOTUS) MEMO RELEASED

The definition of Waters of the United States (WOTUS) under the Clean Water Act (CWA) directly impacts county governments as owners and operators of local infrastructure. In May 2023, the United States Supreme Court issued a decision in *Sackett v. EPA*, where the court rejected the "significant nexus" tests and finds that CWA jurisdiction extends to "only those relatively permanent, standing or continuously flowing bodies of water 'forming geographic[al] features'" such as streams, oceans, rivers and lakes. This ruling significantly narrowed the scope of federal jurisdiction of Waters of the US under the CWA. In response

to the *Sackett* decision and subsequent [rulemakings](#) released by the EPA and U.S. Army Corps of Engineers (Corps), the Corps recently released a [memo](#) outlining how the Corps will protect non-jurisdictional waters using civil works and regulatory authorities following the *Sackett* decision, which significantly limited the scope of waters considered to be waters of the United States (WOTUS) and under the CWA.

Pennsylvania counties have been actively monitoring developments around WOTUS for more than a decade, providing important insight into the role counties play as counties and conservation districts make critical front-line decisions related to many aspects of waterway planning and management, including storm water management, flood mitigation and maintenance of dams and levees. We will continue to monitor this recent development for potential impacts to counties and provide updates as necessary.

For additional information about recent developments around WOTUS, you can find additional resources from NACo [here](#).

CCAP RESOLUTIONS PROCESS REMINDER

During the end of May and beginning of June, CCAP policy committees will be holding their annual virtual meetings to consider resolutions amending the [Pennsylvania County Platform](#), CCAP's comprehensive policy document determined by counties. All CCAP members are invited to review the Platform and to send any proposed resolutions for additions, changes or deletions to CCAP Government Relations staff at PAcountiesGR@pacounties.org, or to discuss them with CCAP policy committee chairs. A membership discussion and vote on the resolutions will be held in conjunction with the CCAP Annual Conference from August 4-7 in Gettysburg, Adams County. An overview of the process, timeline and related materials can be found on the CCAP Policy [webpage](#). Deadline to submit resolutions for consideration by policy committees is **May 28, 2024**.

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