

## **MCA**

### **Summary of Legislation**

#### **December 2009**

#### **Republican Policy Committee Promotes No-PLA bill**

On December 9<sup>th</sup> the House Republican Policy Committee held a public hearing on a bill that would prohibit the Commonwealth or any local government body from entering into a Project Labor Agreement (PLA). House Bill 2010, introduced by Representative John Bear of Lancaster County, would make it illegal for the State or any political subdivision to utilize a PLA for a public construction project. When Bear held a press conference to announce the introduction of HB 2010 back in September, the result was a public demonstration by hundreds of building trades members who let the Representative know exactly how they felt about it.

Most of the testimony at the hearing came from the non-union construction sector which supports the legislation. The Commonwealth Foundation, a conservative think tank also endorsed the bill. In somewhat of a surprise, the General Contractors Association of Pennsylvania, an organization representing union general contractors, also testified in support of the bill. The Pennsylvania State Building Trades testified against the legislation. The House Republican Policy committee is not a standing committee of the House and does not vote on any legislation. There is virtually no chance that House Bill 2010 will ever be brought up for a vote.

#### **E-Verify Bills Pass House Committee**

Legislation that would require construction employers to verify workers citizenship was reported out of the House Labor Relations committee on December 8<sup>th</sup>. House Bills 1502 and 1503 mandate that construction companies use the e-verify system in an attempt to crack down on the hiring of illegal aliens. The committee vote was unanimous. The bills were the subject of a public hearing earlier in the year. Both bills have since been referred to the House Appropriations committee, but they can be brought before the full House for a final passage vote at anytime. Similar legislation has just been introduced in the Senate, Senate Bill 1172, by Senator Kim Ward.

#### **DeWeese, Stetler Charged In Third Round of Indictments**

Former House Speaker and current House Majority Whip H. William DeWeese (D-Greene), former House Democratic Campaign Committee Chairman and state Revenue Secretary Stephen Stetler, and former DeWeese district office aide Sharon Rodavich were charged Tuesday in the ongoing Bonusgate investigation. Stetler, aware he would be charged, resigned as Revenue Secretary on Monday. In the presentment, Attorney General Tom Corbett said that DeWeese used his legislative staff extensively for campaign work and fundraising. Rodavich allegedly helped direct the campaign activities from DeWeese's district office in Greene County. According to the presentment, former DeWeese Chief of Staff Mike Manzo, who was indicted in the first round of Bonusgate charges, testified that DeWeese's legislative staff and campaign staff were virtually one and the same." Stetler is also charged with directing legislative employees to conduct political work including continuing a policy of having legislative staff conduct campaign opposition research. All three defendants face six counts and if convicted of all charges could face up to 40 years in prison and \$85,000 in fines. House rules prohibit legislators under indictment from holding leadership positions so DeWeese stepped down from his position as Majority Whip on Tuesday evening. According to published reports, House Majority Leader Todd Eachus (D-Luzerne) also recently received a letter from the Attorney General's office inviting him to appear before the grand jury. Stetler and DeWeese received letters at the same time and similar letters have also gone out to others indicted in the Bonusgate investigation, including former Speaker of the House John Perzel (R-Philadelphia).

#### **House Democrats Elect Dermody Whip**

House Democrats on Thursday elected Representative Frank Dermody (D-Allegheny) as Caucus Whip to replace Representative Bill DeWeese (D-Greene). Dermody defeated fellow Allegheny County Representative Joe Preston (D-Allegheny) on the second ballot of the caucus election. In 2008, Dermody sought, but lost to Representative Todd Eachus (D-Luzerne) in the race for Majority Leader. Representatives David Levdansky (D-Allegheny), Joe Markosek (D-Allegheny), Mark Cohen (D-Philadelphia), Peter Daley (D-Washington), and Mike Hanna (D-Clinton) all also sought support for the position in the lead up to the election.

### **Manderino to Retire**

Rep. Kathy Manderino announced this month she will not seek re-election to the state House, ending her 18-year run in the General Assembly. "It has been a tremendous honor and privilege to represent the people of the 194th Legislative District," Manderino said in a statement. "Working with my colleagues in the House, and especially with the residents, community groups, organizations and businesses of my legislative district, I believe we have made a significant and positive impact in our local communities and on Pennsylvania. I have enjoyed my 17 years of service in the state legislature, I'm proud of the work I have done, and I'm looking forward to my remaining year as a state representative." Manderino, a Democrat, chairs the House Committee on Ethics. She's the third lawmaker to announce her retirement, joining Reps. Katie True and Barbara McIlvaine Smith.

### **Legislative Activity**

[HB 687](#) RE: Guaranteed Energy Savings Contracts (by Rep. Frank Dermody, et al)  
Amends Title 62 (Procurement), in guaranteed energy savings contracts, amending the definition of "energy conservation measure" to include technology upgrades designed to reduce water and wastewater consumption or operating costs, and inserting water and wastewater-related provisions into language relating to contract procedures and provisions.

**Passed House, 11/10/2009 (198-0)**

**Received in the Senate and referred to Senate State Government Committee, 12/17/2009**

[HB 1196](#) RE: Code Administrator Appeals (by Rep. Scott Boyd, et al)

Amends PA Construction Code Act further providing that a board of appeals shall consider variance requests, requests for extensions of time and appeals of decisions of code administrators. The bill also outlines requirements for code administrator appeals.

**Removed from the table and Rereferred to House Appropriations Committee, 11/9/2009**

**Reported as committed from House Appropriations, 3 Floor amendment(s) adopted and read second time, 12/8/2009**

**Read third time and Passed House, 12-15-09 (193-0)**

**Received in the Senate and referred to Senate Labor and Industry Committee, 12/15/2009**

[HB 1418](#) RE: Capital Budget Act of 2009-2010 (By Rep. Dwight Evans, et al)

PN 2532 Provides for the capital budget for the fiscal year 2009-2010. Also itemizes transportation assistance projects to be constructed or acquired or assisted by the Department of General Services or the Department of Transportation, together with their estimated financial costs. Authorizes the incurring of debt without the approval of the electors for the purpose of financing the transportation assistance projects. In addition, states the estimated useful life of the projects and makes appropriations.

**Reported as committed from Senate Appropriations Committee, 12/15/2009**

**Read third time, and Passed Senate, 12/16/2009 (48-1)**

**Signed in the Senate and House, 12/17/2009**

**Approved by the Governor, 12/17/2009. Act No. 53 of 2009**

[HB 1502](#) RE: E-Verify (by Rep. John Galloway, et al)

Amends Title 62 (Procurement), in contracts for public works, requiring verification of Social Security numbers of all employees of public works contractors contracting with the Commonwealth for purposes of wage reporting and employment eligibility. The bill prescribes penalties and establishes good faith immunity, stipulating that a contractor or subcontractor that relies in good faith on NVS and EVP procedures to verify employee SSNs shall be immune from sanctions in the event incorrect information is provided.

**Reported as amended from House Labor Relations Committee, read first time and laid on the table, 12/8/2009**

**Removed from the table and rereferred to House Appropriations Committee, 12/9/2009**

[HB 1503](#) RE: Construction Industry Employment Verification Act (by Rep. John Galloway, et al)

Requires construction industry employers to verify the Social Security numbers of all employees for purposes of wage reporting and employment eligibility. The bill provides for powers and duties of the Department of Labor &

Industry, prescribes penalties and establishes good faith immunity, stipulating that a contractor or subcontractor that relies in good faith on NVS and EVP procedures to verify employee SSNs shall be immune from sanctions in the event incorrect information is provided.

**Reported as amended from House Labor Relations Committee, read first time and laid on the table, 12/8/2009**

**Removed from the table and rereferred to House Appropriations Committee, 12/9/2009**

[HB 1776](#) RE: Housing and Economic Revitalization Act (by Rep. John Bear, et al)

Establishes the Build Pennsylvania Fund in order to provide rebates for qualified primary residences, qualified previously owned homesteads, and qualified renovations projects; providing eligibility criteria; providing guidelines for the conditions of the rebates; providing the total amount of rebates that may be allowed shall not exceed \$100,000,000.

**Removed from House Commerce Committee meeting agenda for 12/15/09**

[HB 2010](#) RE: Open Contract Act (By Rep. John Bear, et al)

Provides for open contracting on state contracts; prohibiting requirements which mandate that a successful bidder or any of its subcontractors must utilize workers that are union or union affiliated.

**Public hearing held in House Republican Policy Committee, 12/9/2009**

[HB 2042](#) RE: PA Construction Code Permit Requirements (by Rep. Anthony DeLuca, et al)

Amends the Pennsylvania Construction Code Act adding language providing a construction permit for one-family and two-family dwelling units and utility and miscellaneous use structures shall not be issued absent proof outstanding liens or judgments do not exist against the contractor in the county where the construction will occur. Further provides a contractor may satisfy this requirement by providing the code administrator an affidavit from the county administrator stating no outstanding liens or judgments exist against the contractor.

**Reported from House Local Government Committee with request to re-refer to Labor Relations, and Rereferred to House Labor Relations Committee, 12/9/2009**

[SB 1077](#) RE: Log Walls (By Sen. Lisa Baker, et al)

(PN 1546) Amends the PA Construction Code Act adding provisions relating to buildings with log walls. The bill states log walls with a minimum average wall thickness of five inches or greater which comply with the International Code Council standard on the design and construction of log structures, ICC 400-2007 shall be permitted if the area weighted average U-factor for fenestration products in the log walls is a maximum of 0.31 and the building heating equipment meets or exceeds certain Department of Energy ratings. This exception would expire December 31, 2012.

Reported as amended from Senate Labor and Industry Committee, and read first time, 12/15/2009

## **New Bills Introduced**

**The following bills have been introduced since the last report.**

[HB 1960](#) RE: Mechanics' Lien Law (By Rep. Michael Turzai, et al)

Amends the Mechanics' Lien Law further providing for notice and filing requirements by adding that an owner may file a notice of commencement with the prothonotary. If a notice of commencement has been filed, a subcontractor who performs work or services or provides material or equipment in furtherance of an improvement to real property and who wishes to preserve his lien rights must serve a notice of furnishing upon the owner named in the notice of commencement at the address listed in the notice of commencement. Additionally, to perfect a lien, every claimant must file a claim with the prothonotary as provided by this act within four (decreased from six) months after the completion of his work; and serve written notice of such filing upon the owner.

**Introduced and referred to House Labor Relations Committee, 12/4/2009**

[HB 2167](#) RE: Procurement Code Definitions, Responsibility (By Rep. Doug Reichley, et al)

Amends Title 62 (Procurement) further providing for application of part and for the definitions of "Commonwealth agency," "contracting officer," "executive agency," "independent agency," "purchasing agency," "State-affiliated entity" and "supplies"; providing for the definitions of "competitive procurement," "contracting agency," "judicial agency" and "legislative agency" and for public access to procurement information and prohibited contracts; further providing for procurement responsibility, for powers and duties, for Board of Commissioners of Public Grounds and Buildings, for methods of source selection, for competitive sealed bidding, for competitive electronic auction bidding, for competitive sealed proposals, for small procurements, for sole source procurement, for emergency procurement, for multiple awards, for competitive selection procedures for certain services and for selection procedure for insurance and notary bonds; and making a repeal.

**Introduced and referred to House State Government Committee, 12/15/2009**

[HB 2168](#) RE: Procurement Code Definitions, Responsibility (By Rep. Kerry Benninghoff, et al)  
Amends Title 62 (Procurement) further providing for application of part and for the definitions of "Commonwealth agency," "contracting officer," "executive agency," "independent agency," "purchasing agency," "State-affiliated entity" and "supplies"; providing for the definitions of "competitive procurement," "contracting agency," "judicial agency" and "legislative agency"; further providing for procurement responsibility, for powers and duties, for Board of Commissioners of Public Grounds and Buildings, for methods of source selection, for competitive sealed bidding, for competitive electronic auction bidding, for competitive sealed proposals, for small procurements, for sole source procurement, for emergency procurement, for multiple awards, for competitive selection procedures for certain services and for selection procedure for insurance and notary bonds; and making a repeal.

**Introduced and referred to House State Government Committee, 12/15/2009**

[HB 2169](#) RE: Public Access to Procurement Information (by Rep. Glenn Grell, et al)  
Amends Title 62 (Procurement) providing for public access to procurement information by stating that if a procurement is to be made under section 513 (relating to competitive sealed proposals), 515 (relating to sole source procurement), 517 (relating to multiple awards), 518 (relating to competitive selection procedures for certain services), 519 (relating to selection procedure for insurance and notary bonds) or 905 (relating to procurement of design professional services), five business days prior to execution by the contracting official the purchasing agency shall post the proposed contract on its website. This shall not apply to a procurement under section 516 (relating to emergency procurement).

**Introduced and referred to House State Government Committee, 12/15/2009**

[HB 2178](#) RE: Relocated Manufactured Homes (By Rep. John Galloway, et al)  
Amends Manufactured Housing Improvement Act expanding the coverage of the act to relocated housing. "Relocated manufactured home" is defined as a manufactured home which has been transported to a site other than its original installation site.

**Introduced and referred to House Labor Relations Committee, 12/15/2009**

[HB 2179](#) RE: Mandatory Health Care Coverage Prohibition (by Rep. Curt Schroder, et al)  
A Joint Resolution proposing an amendment to the PA Constitution to state the citizens of the Commonwealth shall be entitled to the freedom of providing for their own health care. With the exception of providing indemnity and medical benefits to injured workers, no law or program shall be enacted requiring citizens of this Commonwealth to participate in a health care system and no law or program shall: (1) prohibit a person from or penalize a person for making direct payment to a health care provider for tendering health care services; (2) prohibit or penalize the purchase of health care insurance from a privately owned health care insurance company; or (3) penalize a person, employer or health care provider for declining to participate in a health care system.

**Introduced and referred to House Insurance Committee, 12/15/2009**

[SB 1172](#) RE: E-Verify (by Sen. Kim Ward, et al)  
Amends Title 62 (Procurement) in contracts for public works, providing for verification of the employment eligibility of all employees for purposes of wage reporting and employment eligibility. The bill requires that as a precondition of being awarded contract for a public work, and prior to the execution of the contract, a public works contractor shall provide the which the contract will be made a verification statement containing certain required information. The bill prescribes penalties for violations and offers sanctions.

**Introduced and referred to Senate State Government Committee, 12/23/2009**

**Upcoming Meetings of Interest**

**THURSDAY - 1/28/10 and FRIDAY - 1/29/10**

**House Labor Relations and Professional Licensure Committees (PUBLIC HEARING)**

**To be announced, Philadelphia**

Joint public hearing with House Professional Licensure on:

**HB 1141** (Solobay) – An Act providing for plumbing contractors licensure; est. the State Board of Plumbing Contractors & for powers & duties on the Dept. of Labor & Industry; for fees, fines & civil penalties; for a licensure account; and for an appropriation.

**2010 SENATE SESSION SCHEDULE**

**January** 5 (non-voting), 25, 26, 27

**February** 1, 2, 3, 8, 9, 10

**(Budget Hearings: 16, 17, 18, 22, 23, 24, 25)**

**March** 8, 9, 10, 15, 16, 17, 22, 23, 24  
**(Budget Hearings: 1, 2, 3, 4)**  
**April** 12, 13, 14, 19, 20, 21  
**May** 3, 4, 5, 24, 25, 26  
**June** 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, 30

**2010 HOUSE SESSION SCHEDULE**

**January:** 5, 6, 7, 25, 26, 27  
**February:** 8, 9, 10  
**March:** 8, 9, 10, 15, 16, 17, 22, 23, 24  
**April:** 19, 20, 21, 26, 27, 28  
**May:** 3, 4, 5, 24, 25, 26  
**June:** 7, 8, 9, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

Copies of all bills of interest can be accessed via the Internet at:

<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>