

**MCA**  
**Summary of Legislation**  
**May 2009**

**Bill to Eliminate Separate Primes for Counties Introduced**

Legislation that would make separate prime contracts optional for counties was introduced in the House on May 26<sup>th</sup>. The bill, House Bill 1530 is sponsored by Representative Donna Oberlander (R. Clarion Co.) and has been referred to the House Local Government. The battle over separate versus single prime contracts has waged on for many years. The law referred to as the Separations Act was enacted in 1913. In recent years, the battle has grown more heated as the single prime forces have spent lavishly on lobbyists, communication consultants and think tanks in their efforts to repeal the law. The waiving of the separate primes requirement for school districts has also generated much more activity from the subcontractor community that is protected by the multiple prime requirements. While House Bill 1530 is not likely to ever be considered by the House, it is another example of the need to defend multiple prime contracting from the continuous assaults aimed at eliminating it.

**Legislative Activity**

[HB 400](#) RE: Construction Workplace Fraud Act (By Rep. Bryan Lentz, et al)

States for the purposes of the Minimum Wage Act, the Wage Payment and Collection Law, the Unemployment Compensation Law and the Workers' Compensation Act, an individual engaging in or performing services in the commercial or residential building construction industry for remuneration is presumed to be an employee unless: (1) the individual has been and will continue to be free from control or direction over performance of such services both under the contract of service and in fact; and (2) as to such services, the individual is customarily engaged in an independently established trade, occupation, profession or business. The bill outlines twelve criteria for deeming an individual to be an independent contractor in the construction industry and states improper classification of employees is subject to civil, administrative and criminal penalties, remedies or actions outlined in the legislation. The Attorney General shall have concurrent prosecutorial jurisdiction. The Department of Labor and Industry shall annually report to the General Assembly detailing data on the previous calendar year's administration and enforcement of this act.

**Read third time and passed House, 5/5/2009 (126-72)**

**Received in the Senate and referred to Senate Labor and Industry Committee, 5/11/2009**

[HB 448](#) RE: Energy Star-related Glass Technologies Tax Credit (by Rep. Matt Smith, et al)

Amends the Tax Reform Code providing for an Energy Star related glass or window technologies tax credit. The bill states that a taxpayer that manufactures Energy Star related glass or window technologies may apply for the Energy Star related glass or window technologies tax credit in an amount equal to 20% of the total amount of all capital, operation and maintenance costs paid for Energy Star related glass or window technologies in the taxable year to be applied against the taxpayer's qualified tax liability. The tax credit would end December 31, 2013.

**Removed from the table and rereferred to House Appropriations Committee, 4/30/2009**

[HB 689](#) RE: LEED Costs in School Construction (by Rep. Paul Drucker, et al)

Amends the Public School Code further providing for referendum or public hearing required prior to construction or lease and for approved reimbursable rental for certain leases and approved reimbursable sinking fund charges on indebtedness by adding that building construction cost shall not include any additional LEED costs. The bill provides for definitions.

**Removed from the table and rereferred to House Appropriations Committee, 4/30/2009**

[HB 1089](#) RE: Mini-COBRA Small Employer Group Health Plan and Premium Assistance Act (by Rep. Rob Matzie, et al)

Provides Commonwealth citizens the opportunity to take full advantage of the Federal premium assistance program so the cost of health insurance coverage for the unemployed can be minimized when possible, and which will survive beyond the temporary relief provided in the Federal act. Persons, and the eligible dependents of the persons, who are employed by an employer that normally employed between two and nineteen employees on a typical business day during the preceding year and are not receiving social security benefits are eligible.

**Passed House, 4/22/2009 (191-1)**

**Reported as committed from Senate Banking and Insurance Committee, and read first time, 5/5/2009**

**Read Second time and Rereferred to Senate Appropriations Committee, 5/6/2009**

[HB 1123](#) RE: Industrialized Housing (by Rep. Marc Gergely, et al)

Amends the Industrialized Housing Act further providing for regulations, insignia of certification required by adding that the department is authorized to enter into a multistate agreement for the purpose of regulating the construction of components of industrialized/commercial modular buildings. The department shall adopt regulations to administer the program modules of industrialized/commercial modular buildings that are certified under the program established pursuant to this subsection shall be deemed to meet the requirements of the Pennsylvania Construction Code Act. "Industrialized/commercial modular building" and "Industrialized/commercial building module" are defined in the legislation.

**Reported as committed from House Appropriations Committee, and read second time, 5/5/2009**

**Read third time and Passed House, 5/6/2009 (196-0)**

**Received in the Senate and referred to Senate Labor and Industry Committee, 5/12/2009**

[HR 78](#) RE: Minority-owned businesses (by Rep. Jake Wheatley, et al)

Resolution providing for the establishment of a select committee to investigate the degree to which minority-owned business enterprises, women-owned business enterprises and disadvantaged-owned business enterprises have been utilized in contracts awarded by the Commonwealth of Pennsylvania.

**Adopted, 3/25/2009 (192-0)**

**Select Committee established: Wheatley, Chair, Buxton, Thomas, Josephs, Beyer, Mustio and Sonney, 4/27/2009**

**Public hearing held in House Select Committee 5/20/2009**

[SB 89](#) RE: HC4 Reinstatement (by Sen. Patricia Vance, et al)

Amends the Health Care Cost Containment Act further providing for policy declaration, for definitions, for the Health Care Cost Containment Council and its powers and duties, for data submission and collection and for access to council data; establishing the Health Care Cost Containment Council Act Review Committee to review and recommend changes to the act; and extending the sunset of act to June 30, 2014.

**Reported as amended from House Health and Human Services Committee, read first time, and laid on the table, 5/7/2009**

**Removed from the table, and Rereferred to House Appropriations Committee, 5/7/2009**

**Reported as committed from House Appropriations Committee, 5/11/2009**

**Read second time, 5/12/2009**

[SB 850](#) RE: The General Appropriations Act of 2009 (By Sen. Jake Corman)

**The Senate Republicans 2009-10 budget.** Provides from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2009, to June 30, 2010, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2009, to June 30, 2010; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2009, to June 30, 2010, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide for the additional appropriation of Federal and State funds from the General Fund, from the State Lottery Fund and from the Tobacco Settlement Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2008 to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; and making interfund transfers for the fiscal year July 1, 2008, to June 30, 2009.

**Introduced and referred to Senate Appropriations Committee, 5/1/2009**

**Reported as committed from Senate Appropriations Committee, and read first time, 5/4/2009**

**Read Second time, 5/5/2009**

**Read third time and passed Senate, 5/6/2009 (30-20)**

**Received in the House and referred to House Appropriations Committee, 5/7/2009**

**Discussed in House Appropriations Committee public hearings, 5/21 and 5/22/2009**

## **New Bills Introduced**

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

[HB 1410](#) RE: Budget Cuts (by Rep. John Payne, et al)

Act directing the Secretary of the Budget to reduce all State appropriations by 10% for fiscal year July 1, 2009, through June 30, 2010.

**Introduced and referred to House Appropriations Committee, 5/4/2009**

[HB 1416](#) RE: General Appropriation Act of 2009 (by Rep. Dwight Evans, et al)

**The House version of the 2009-10 budget.** Provides from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2009, to June 30, 2010, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2009, to June 30, 2010; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2009, to June 30, 2010, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2009.

**Introduced and referred to House Appropriations Committee on 5/4/2009**

**Discussed in House Appropriations Committee public hearings, 5/21 and 5/22/2009**

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

Provides for the capital budget for the fiscal year 2009-2010.

**Introduced and referred to House Appropriations Committee on 5/4/2009**

[HB 1530](#) RE: Separations Act (by Rep. Donna Oberlander, et al)

Amends The County Code further providing separate bids for plumbing, heating, ventilating, electrical work, elevators and moving stairs. Makes separate bids an option, rather than mandatory for counties.

**Introduced and referred to House Local Government Committee on 5/26/2009**

[SB 882](#) RE: Subcontractor Mechanics Liens (by Rep. John Rafferty, et al)

Amends the Mechanics' Lien Law adding a new subsection providing, notwithstanding any other provisions of the act, if the contractor has been paid in full a subcontractor may not file a claim against the residential property unless the owner provides a written waiver to the subcontractor to file a claim.

**Introduced and referred to Senate Labor and Industry Committee, 5/27/2009**

### **Remaining Spring 2009 Session Schedules**

#### **SENATE SESSION SCHEDULE FOR MAY – JUNE 2009**

June 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 25, 26, 29, 30

#### **HOUSE SESSION SCHEDULE FOR MAY – JUNE 2009**

June 1, 2, 3, 4, 8, 9, 10, 11, 15, 16, 17, 18, 22, 23, 24, 25, 26, 29, 30

**More days may be added as needed to pass the FY 2009-2010 state budget.**

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

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