

CAWP
Summary of Legislation
April 2011

Legislative News

Public-Private Partnership Bill Stalls over Prevailing Wage

This week the Pennsylvania House began to debate a bill that would allow the Commonwealth to enter into agreements with private companies regarding transportation improvements. However, arguments between House members over construction wage rates have blocked action on the bill.

The legislation, House Bill 3, is commonly referred to as P3, for public-private partnerships, and is sponsored by Rep. Rick Geist, R-Blair, chairman of the House Transportation Committee. In a P3 project, a private developer might contract with PennDOT and then would put tolls or charges on the added lanes, new bridge, rail line or parking garage, in order to pay for construction and maintenance.

The bill contains a provision requiring private firms that build public-private transportation projects to pay their workers the prevailing wage. This provision faced criticism from some House Republicans. House officials said that during a closed-door GOP caucus Tuesday a sharp split developed between lawmakers who wanted to delete the wage requirement from the P3 bill and those who didn't.

Mr. Geist remains intent on enacting the bill, saying it could be used to add new toll lanes to a number of roads in the state, including the Parkway East from Downtown Pittsburgh to the turnpike and on part of the Mon Valley Expressway, as well as adding passenger service to the Allegheny Valley freight line.

Legislative Activity

PUBLIC-PRIVATE PARTNERSHIP

[HB 3](#) RE: Public-Private Transportation Partnerships (By Rep. Rick Geist, et al)

Amends Title 74 (Transportation) adding a chapter providing for public-private transportation partnerships and making a related repeal.

Removed from the table, 4/27/2011

Vote scheduled , 05/04/11 [No vote was taken]

PREVAILING WAGE

[HB 1277](#) RE: Pennsylvania Prevailing Wage Act Repeal (By Rep. Scott Perry, et al)

Repeals the Pennsylvania Prevailing Wage Act.

Introduced and referred to House Labor and Industry Committee, 4/6/2011

RIGHT-TO-WORK

[HB 50](#) RE: Freedom of Employment Act (By Rep. Darryl Metcalfe, et al)

Provides no person may be required to become or remain a member of a labor organization as a condition of employment or continuation of employment and no person may be required to abstain or refrain from membership in a labor organization as a condition of employment or continuation of employment. A person who violates this act commits a misdemeanor of the third degree and shall be fined up to \$1,000, imprisoned for up to six months, or both. The act also provides relief to those threatened or injured by any prohibited action and provides for repeals.

Introduced and referred to House Labor and Industry Committee, 4/5/2011

Discussed at Right-to-Work Press Conference 4/11/2011

EMPLOYEE VERIFICATION

[SB 637](#) RE: E-Verify (By Sen. Kim Ward, et al)

(PN 992) Amends Title 62 (Procurement), in contracts for public works, adding a subchapter requiring verification of the employment eligibility of all employees for purposes of wage reporting and employment eligibility in certain public works projects as a precondition of being awarded a contract. The bill prescribes penalties and establishes good faith immunity under certain circumstances. (Prior Printer Number: 645)

Reported as amended from Senate State Government Committee, and read first time, 4/6/2011

[SB 947](#) RE: Fair Employment Act (By Sen. John Rafferty, et al)

Prohibits any employer from employing an unauthorized alien. The bill also states that as a condition for the award of any state contract worth over \$10,000, the employer has to show enrollment and participation in the Basic Pilot Program. This program involves the electronic verification of work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act. Government entities would also have to participate in this program. Violations and enforcement actions are further provided for against businesses that violate this bill. The legislation also provides that a political subdivision of PA could enact any ordinance prohibiting the employment of unauthorized aliens including punishing businesses that hire them and allowing restrictions on rental properties to unlawful aliens.

Introduced and referred to Senate Labor and Industry Committee, 4/8/2011

TORT REFORM

[HB 1](#) RE: Comparative Negligence (By Rep. Curt Schroder, et al)

Amends Title 42 (Judiciary and Judicial Procedure) repealing previous provisions for comparative negligence and adding new language for (1) Apportionment of responsibility among certain nonparties and effect; (2) Recovery against joint defendant; contribution; (3) Off-road vehicle riding; and (4) Downhill skiing.

Reported as committed from House Judiciary Committee, read first time, and laid on the table, 4/4/2011

Removed from the table, 4/5/2011

Dermody motion to table, McGeehan motion to adjourn until April 11, 2011 defeated, Killion motion to move the previous question passed, read second time, and Rereferred to House Appropriations Committee, 4/6/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 4/11/2011 (112-88)

Received in the Senate and referred to Senate Judiciary Committee, 4/13/2011

[SB 2](#) RE: Contributory Negligence (By Sen. Jake Corman, et al)

Amends Title 42 (Judiciary and Judicial Procedure) to state that in contributory negligence and in recovery with joint defendants and contribution, defendants shall be liable in dollar amount in direct relation to the amount they were liable. Liability shall be several and not joint and a judgment shall be entered against each individual defendant in the amount of their fault. Certain instances where liability is joint and several are detailed and where this is the case and where a defendant has paid more than his share, he is entitled to recover from the other defendants. Apportionment among certain non-parties and effect is also provided. Repealed is a section detailing recovery and contributions from joint defendants. Nothing in this section is to be construed to disallow the joining of parties who are potentially responsible.

Public hearing held in Senate Judiciary Committee, 4/11/2011

[SB 500](#) RE: Contributory Negligence (by Sen. Stewart Greenleaf, et al)

Amends Title 42 (Judiciary and Judicial Procedure), in civil actions and proceedings, to remove section 7102 (relating to comparative negligence) and replaces with section 7102.1 (relating to comparative negligence), which states because a defendant has been found guilty of contributory negligence, it does not bar recovery if the defendant was less than 50 percent negligent. The plaintiff's recovery, however, shall be reduced in proportion to the defendant's fault. Where there are multiple defendants, each is responsible for their portion in relation to their fault. Joint liability is abolished for any defendant whose liability is less than that attributed to the plaintiff. Regarding off road vehicle riding, operators shall have no duty to protect riders from common, frequent, expected and nonnegligent risks inherent to the activity, including collisions with riders or objects and the doctrine of voluntarily and knowingly assuming of risk applies to all suits for these claims. Knowing and voluntary assuming of risk applies to downhill skiing as a matter of legislative policy.

Public hearing held in Senate Judiciary Committee, 4/11/2011

WATER INFRASTRUCUTRE

[SR 30](#) RE: LB&FC PENNVEST Funding Study (By Sen. Stewart Greenleaf, et al)

A Resolution directing Legislative Budget & Finance Committee to review the Commonwealth's program of providing funding for drinking water, wastewater and storm water projects authorized under the PA Infrastructure Investment Authority Act. Requires the committee to report its findings and recommendations to the Senate within six months of the adoption of the resolution.

Introduced and referred to Senate Environmental Resources and Energy Committee, 4/28/2011

BUDGET/TAXES

[SB 537](#) RE: 2/3 Majority for School Tax Increase (By Sen. John Rafferty, et al)

(PN 543) Amends the Public School Code, in school finances, providing the millage rate of tax in effect in each school district shall not be increased in any succeeding year unless approved by a two-thirds majority vote by members elected to the board of school directors.

Reported as committed from Senate Education Committee, and read first time, 4/5/2011

Rereferred to Senate Appropriations Committee, 4/13/2011

JOB TRAINING

[SB 691](#) RE: Job Training and Skill Enhancement Programs (By Sen. John Yudichak, et al)

Amends The Administrative Code adding that the Department of Labor and Industry shall have the power and duty to administer, in consultation with the Department of Community and Economic Development, Department of Education, and Department of Public Welfare, various enumerated job training and skill enhancement programs. The bill provides for related repeals.

Introduced and referred to Senate Labor and Industry Committee, 4/25/2011

SMALL BUSINESSES

[HB 1349](#) RE: Regulatory Impact Statements (by Rep. Tina Pickett, et al)

Amends Regulatory Review Act requiring an impact statement for any proposed regulation that may have an adverse impact on small business; providing guidelines for regulatory flexibility analysis.

Introduced and referred to House State Government Committee, 4/13/2011

Discussed in public hearing by the House Republican Policy Committee, 4/26/2011

DISADVANTAGE BUSINESSES

[SB 623](#) RE: Veteran-owned Small Businesses (by Sen. Tommy Tomlinson, et al)

Amends Title 62 (Procurement) to add an additional chapter providing for contracting with veteran-owned small businesses. Definitions are provided and the Department of General Services is given the power to promulgate rules and regulations in the area. Each purchasing agency shall set a participation-rate for veteran-owned small businesses at five percent. Duties are given to the department and provisions relating to progress payments are provided for. Reports on the matter are due to the House and Senate Veterans Affairs and Emergency Preparedness Committees. Compliance with federal law, where the two conflict, is provided for.

Rereferred to Senate Appropriations Committee, 4/13/2011

BIDDING / CONTRACTING

[HB 278](#) RE: Bidding Thresholds (by Rep. Mark Keller, et al)

(PN 1426) Amends The Second Class Township Code, in contracts, to provide for increased base amounts for when contracts need to be bid and to provide for bidding adjustments to the base amounts by the Department of Labor and Industry. Contracts in excess of \$25,000 require advertisement and public bidding, up from \$10,000; a phone quotation is needed from at least three bidders for contracts in excess of \$10,000, up from \$4,000.

Reported as amended from House Local Government Committee, read first time and laid on the table, 4/5/2011

Removed from the table, 4/6/2011

Read second time and rereferred to House Appropriations Committee, 4/12/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 4/13/2011 (118-80)

Received in the Senate and referred to Senate Local Government Committee, 4/25/2011

[HB 279](#) RE: Bidding Thresholds (by Rep. Mark Keller, et al)

(PN 1427) Amends the First Class Township Code, in contracts, to require the bidding and selection of lowest bidder for contracts or purchasing over a base amount \$25,000. Written or telephonic bidding is required for contracts in excess of \$10,000, up from \$4,000. How the base amount may be adjusted is provided. (Prior Printer Number: 232)
Reported as amended from House Local Government Committee, read first time and laid on the table, 4/5/2011
Removed from the table, 4/6/2011
Read second time and rereferred to House Appropriations Committee, 4/12/2011
Reported as committed from House Appropriations Committee, read third time, and passed House, 4/13/2011 (117-81)
Received in the Senate and referred to Senate Local Government Committee, 4/25/2011

[HB 280](#) RE: Bidding Thresholds (by Rep. Mark Keller, et al)

(PN 1428) Amends The Third Class City Code, in contracts, to provide for the bidding of contracts in excess of a base amount of \$25,000, up from \$10,000, and providing for adjustments by the to the base amount. (Prior Printer Number: 233)

Reported as amended from House Local Government Committee, read first time and laid on the table, 4/5/2011
Removed from the table, 4/6/2011
Read second time and rereferred to House Appropriations Committee, 4/12/2011
Reported as committed from House Appropriations Committee, read third time, and passed House, 4/13/2011 (121-77)
Received in the Senate and referred to Senate Local Government Committee, 4/25/2011

[HB 281](#) RE: Bidding Thresholds (by Rep. Mark Keller, et al)

(PN 1429) Amends The Borough Code, in contracts, to provide for increased base amounts for when contracts need to be bid and to provide for bidding adjustments by the Department of Labor and Industry. Contracts in excess of the base of \$25,000 require advertisement for bidding, up from \$10,000; a phone quotation is needed from at least three bidders for contracts in excess of \$10,000, up from \$4,000. Adjustments to base amounts are provided for. (Prior Printer Number: 234)

Reported as amended from House Local Government Committee, read first time and laid on the table, 4/5/2011
Removed from the table, 4/6/2011
Read second time and rereferred to House Appropriations Committee, 4/12/2011
Reported as committed from House Appropriations Committee, read third time, and passed House, 4/13/2011 (122-76)
Received in the Senate and referred to Senate Local Government Committee, 4/25/2011

[HB 282](#) RE: Bidding Thresholds (by Rep. Mark Keller, et al)

(PN 1430) Amends the act entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties" by stating that contracts or purchases in excess of a base amount of \$25,000 (increased from \$10,000) must be competitively bid. Written or telephonic quotes would be required for any contracts over a base of \$10,000 (increased from \$4,000) The base amounts would be adjusted annually based on the consumer price index. (Prior Printer Number: 235)

Reported as amended from House Local Government Committee, read first time and laid on the table, 4/5/2011
Removed from the table, 4/6/2011
Read second time and rereferred to House Appropriations Committee, 4/12/2011
Reported as committed from House Appropriations Committee, read third time, and passed House, 4/13/2011 (119-79)
Received in the Senate and referred to Senate Local Government Committee, 4/25/2011

[HB 284](#) RE: Bidding Thresholds (by Rep. Mark Keller, et al)

(PN 1431) Amends The County Code, in contracts, to provide for increased amounts for when contracts need to be bid and to provide for bidding adjustments by the Department of Labor and Industry. Contracts in excess of a base of \$25,000 require advertisement and public bidding, up from \$10,000; a phone quotation is needed from at least three bidders for contracts in excess of a base amount of \$10,000, up from \$4,000. Adjustments to the base amount are provided for. (Prior Printer Number: 237)

Reported as amended from House Local Government Committee, read first time and laid on the table, 4/5/2011
Removed from the table, 4/6/2011
Read second time and rereferred to House Appropriations Committee, 4/12/2011
Reported as committed from House Appropriations Committee, read third time, and passed House, 4/13/2011 (120-77)
Received in the Senate and referred to Senate Local Government Committee, 4/25/2011

[HB 289](#) RE: Bidding Thresholds (by Rep. Mark Keller, et al)

(PN 1435) Amends the act "to authorize and empower cities, boroughs, towns, and townships, separately or jointly, to provide for protection against floods by erecting and constructing certain works and improvements, located within or without their territorial limits, and within or without the county in which situate; and to expend moneys and incur indebtedness; to assess benefits against property benefited; to issue improvement bonds imposing no municipal liability; and to acquire, take, injure or destroy property for such purposes" providing contracts over a base amount \$25,000 (increased from \$10,000) must be advertised in a newspaper; the threshold is subject to annual adjustments based on the Consumer Price Index; bids must be accepted from at least three contractors for projects over a base amount \$10,000 (increased from \$4,000). Adjustments to these base amounts are provided for. (Prior Printer Number: 242)

**Reported as amended from House Local Government Committee, read first time and laid on the table, 4/5/2011
Removed from the table, 4/6/2011**

Read second time and referred to House Appropriations Committee, 4/12/2011

**Reported as committed from House Appropriations Committee, read third time, and passed House, 4/13/2011
(121-77)**

Received in the Senate and referred to Senate Local Government Committee, 4/25/2011

[HB 290](#) RE: Bidding Thresholds (by Rep. Mark Keller, et al)

(PN 1436) Amends Second Class County Code, in preliminary provisions, requiring annual adjustments based on CPI-U; and increasing the minimum threshold for contracts that must be competitively bid \$10,000 to a base of \$25,000. Adjustments to the base amount are provided for. (Prior Printer Number: 243)

**Reported as amended from House Local Government Committee, read first time and laid on the table, 4/5/2011
Removed from the table, 4/6/2011**

Read second time and rereferred to House Appropriations Committee, 4/12/2011

**Reported as committed from House Appropriations Committee, read third time, and passed House, 4/13/2011
(122-76)**

Received in the Senate and referred to Senate Local Government Committee, 4/25/2011

[HB 291](#) RE: Bidding Thresholds (by Rep. Mark Keller, et al)

(PN 1437) Amends Title 53 (Municipalities) further providing for competitive bidding of contracts relating to intergovernmental cooperation by requiring annual adjustments based on CPI-U, and increasing the minimum threshold for contracts that must be competitively bid from \$10,000 to a base amount of \$25,000. Adjustments to this base amount are provided for. (Prior Printer Number: 244)

**Reported as amended from House Local Government Committee, read first time and laid on the table, 4/5/2011
Removed from the table, 4/6/2011**

Read second time and referred to House Appropriations Committee, 4/12/2011

**Reported as committed from House Appropriations Committee, read third time, and passed House, 4/13/2011
(120-78)**

Received in the Senate and referred to Senate Local Government Committee, 4/25/2011

[HB 293](#) RE: Bidding Thresholds (by Rep. Mark Keller, et al)

Amends Title 74 (Transportation), in metropolitan transportation authorities, further providing for competitive bidding of contracts.

**Reported as amended from House Transportation Committee, read first time, and laid on the table, 4/6/2011
Removed from the table, 4/12/2011**

Read second time and rereferred to House Appropriations Committee, 4/13/2011

**Reported as committed from House Appropriations Committee, read third time and passed House, 4/26/2011
(120-77)**

[HB 294](#) RE: Bidding Thresholds (by Rep. Mark Keller, et al)

(PN 1438) Amends Title 53 (Municipalities) further providing for competitive bidding of contracts relating to municipal authorities by increasing the threshold before which contracts must be competitively bid from \$10,000 to a base amount of \$25,000. The bill also requires adjustments to the base tied to the rate of inflation. (Prior Printer Number: 247)

**Reported as amended from House Local Government Committee, read first time and laid on the table, 4/5/2011
Removed from the table, 4/6/2011**

Read second time and rereferred to House Appropriations Committee, 4/12/2011

**Reported as committed from House Appropriations Committee, read third time, and passed House, 4/13/2011
(119-78)**

Received in the Senate and referred to Senate Local Government Committee, 4/25/2011

[SB 1004](#) RE: Surety Bond Guarantee Fund Program Act (by Sen. John Pippy, et al)

Provides definitions and establishes the Surety Bond Guarantee Fund Program to assist disadvantaged businesses competitively bid for government contracts. The Surety Bond Guarantee Fund is established to fulfill the goals of the

program. Payments are not to exceed \$1 million to any one disadvantaged business eligibility requirements and requirements for denying participation in the program are provided for. The Department of Community and Economic Development is given duties, including monitoring of the program.

Introduced and referred to Senate State Government Committee, 4/25/2011

Legislative Schedule

2011 SENATE SESSION SCHEDULE

May 2, 3, 4, 9, 10, 11, 23, 24

June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 27, 28, 29, 30

2011 HOUSE SESSION SCHEDULE

May 2, 3, 4, 9, 10, 11, 23, 24, 25

June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 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>