

CAWP
Summary of Legislation
December 2009

Legislative News

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 8th. 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.

Republican Policy Committee Promotes No-PLA bill

On December 9th 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.

Legislative Activity

BUDGET BILLS

[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)

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

LOCAL/STATE GOVERNMENT/REGULATIONS

[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 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

ENVIRONMENTAL BUILDING STANDARDS

[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

PREVAILING WAGE

NONE

UNEMPLOYMENT/WORKERS COMP

[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

BIDDING

[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 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

UNION MEMBERSHIP/ILLEGALS

[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

[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 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

Legislative Schedule

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>.