

**CAWP**  
**Summary of Legislation**  
**July 2010**

**Legislative News**

**Transportation Funding Discussed, No Action Imminent**

Governor Rendell continued to encourage the Legislature to take up the issue of transportation funding during post budget July. At a hearing on July 21<sup>st</sup> before the Senate Transportation committee, the Governor cited numerous transportation projects in the home districts of committee members that could be addressed if additional funding was available. Rendell called for a special session of the General Assembly earlier this year to specifically address transportation funding needs, but the Legislature has little appetite for any revenue enhancement (read: tax or fee increases) during this election year. Rendell indicated he would sign a bill to increase the gas tax along with registrations fees and also recommended enactment of an increase to the oil company excess profit tax.

Additionally, Rendell suggested that he might “flex” some of the highway funds to mass transit. The Governor did this several years ago, much to the chagrin of many rural legislators, most of whom were Republican. That veiled threat along with Rendell’s past refusal to take the lead on rounding up gas tax votes does not lay a good foundation for this issue to get resolved. Another problem is the Senate’s refusal to hold a lame duck session (post election votes in November). The notion of legislators voting for anything remotely like a tax increase right before elections is hard to imagine.

Still, there is a clear recognition that something needs to be done to properly address infrastructure needs in general and transportation needs in particular. One help, though relatively minor, would be passage of a public-private partnership bill (P3) that would allow for private developers to share in some of the costs for certain projects. Legislation to accomplish that is being actively discussed and may very well be enacted before the current legislative session ends on November 30<sup>th</sup> of this year. As for a comprehensive funding fix for transportation, the outlook remains dim.

**Legislative Activity**

**BUDGET BILLS**

**HB 2279** RE: The General Appropriations Act of 2010 (by Rep. Dwight Evans, et al)

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, 2010, to June 30, 2011, 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, 2010; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Aviation Restricted Revenue Account, 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, 2010, to June 30, 2011; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2010, to June 30, 2011, 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, 2010; to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2009, to June 30, 2010, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; and making interfund transfers for the fiscal year July 1, 2010, to June 30, 2011.

**Approved by the Governor, 7/6/2010 (Act No. 1A of 2010)**

[HB 2289](#) RE: Capital Budget Act of 2010 (By Rep. Dwight Evans, et al)

Provides for the capital budget for fiscal year 2010-2011.

**Passed Senate, amended, 7/3/2010 (38-12)**

**Received as amended in House and rereferred to House Rules Committee, Re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments, 7/3/2010 (110-85)**

**Signed in the House and Senate, 7/3/2010**

**Approved by the Governor, 7/7/2010 (Act No. 47 of 2010)**

[HB 2290](#) RE: Capital Facilities Debt Enabling Act (By Rep. Dwight Evans, et al)

Amends Capital Facilities Debt Enabling Act further providing for appropriation for and limitation on redevelopment assistance capital projects by stating that the maximum amount of redevelopment assistance capital projects undertaken by the commonwealth for which obligations are outstanding shall not exceed, in aggregate, \$4,250,000,000. *This raises the cap by \$600 million.*

**Reported as amended from Senate Finance Committee, read second time, rereferred to Senate Appropriations Committee, Reported as committed from Senate Appropriations, 7/2/2010**

**Passed Senate, 7/3/2010 (38-12)**

**Received as amended in House and rereferred to House Rules Committee, Re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments, 7/3/2010 (109-86)**

**Signed in the House and Senate, 7/3/2010**

**Approved by the Governor, 7/7/2010 (Act No. 48 of 2010)**

## ENVIRONMENTAL BUILDING STANDARDS

[HB 786](#) RE: State Energy Office Act (By Rep. Camille George, et al)

Establishes the State Energy Office in the Department of Environmental Protection to promote the goals of energy development and energy conservation. The legislation provides for the powers and duties of the office, including to promote the development of PA's indigenous and renewable energy, to assist the Department of General Services in promoting the efficient use of energy by the State government, and to be the point of contact for private and government energy matters and the lead Commonwealth agency for energy policy development.

## PREVAILING WAGE

[HR 761](#) RE: Project Labor Agreements (By Rep. Marc Gergely, et al)

Resolution offering the support and recommendation of the House of Representatives for the use of project labor agreements for all publicly funded or guaranteed public works construction, alteration, renovation, demolition, excavating and paving projects in this Commonwealth.

**Laid on the table, removed from the table, 7/3/2010**

## UNEMPLOYMENT/WORKERS COMP

NONE

## BIDDING / CONTRACTING

[HB 2141](#) RE: Small Business Contracting (by Rep. Ron Buxton, et al)

Amends Title 62 (Procurement) redefining "small business" as a business in the United States which is independently owned, is not dominant in its field of operation, and employs 250 or fewer employees. The small business employee limit may be waived in certain enumerated circumstances.

**Reported as amended from House State Government Committee, read first time, and rereferred to House Rules Committee, 6/29/2010**

[HB 2142](#) RE: Surety Bond Guarantee Fund Program Act (By Rep. Curtis Thomas, et al)

Provides for the establishment of the Surety Bond Guarantee Program to assist disadvantaged businesses to competitively bid for governmental contracts; imposes duties on the Department of Community and Economic Development; establishes the Surety Bond Guarantee Fund; provides for contracts eligible for guarantee and for participation by disadvantaged businesses; and makes an appropriation of \$5 million to DCED, of which up to 10% may be used for administrative costs. An applicant shall be deemed eligible to participate in the program if the department

determines that an applicant meets all of the following qualifications: (1) the applicant is a disadvantaged business certified by the department; (2) the applicant's business is in the construction or building trade industry; (3) the applicant has been actively operating its business for at least one year; (4) the applicant has the experience and financial fitness appropriate to a qualified contract; (5) the applicant has agreed to subcontract no more than 75% of the work to be performed under a qualified contract; (6) the applicant has demonstrated an inability to secure bonding under normal market conditions; (7) the applicant or one of its owners, officers, directors, principals or agents has not committed or been convicted of certain activities; and (8) the business meets any other program requirements that establish criteria for eligibility that the department shall adopt by regulation within 180 days of the effective date of this act.

**Reported as amended from House State Government Committee, read first time, and rereferred to House Rules Committee, 6/22/2010**

[HB 2143](#) RE: Disadvantaged Business Contracting (by Rep. Chelle Parker, et al)

Amends Title 62 (Procurement) providing for oversight and responsibility for significantly increasing contracting opportunities for disadvantaged businesses and requiring best practices for each contractor. Other oversight responsibilities are placed upon the department.

**Reported as amended from House State Government Committee, read first time, and rereferred to House Rules Committee, 6/29/2010**

[HB 2144](#) RE: Department of Minority and Women Business Development (By Rep. Babette Josephs, et al)

Amends the Administrative Code establishing the Department of Minority and Women Business Development and providing for its powers and duties and making editorial changes.

**Reported as committed from House State Government Committee, read first time, and rereferred to House Rules Committee, 6/29/2010**

[HB 2145](#) RE: Disadvantaged Business Contracting (by Rep. Kenyatta Johnson, et al)

Amends Title 62 (Procurement), in small and disadvantaged businesses, adding a section providing Commonwealth agencies shall adopt and institute with the Department of General Services assistance, a mentor-protégé program to assist, support and enable small businesses to successfully compete for prime and subcontract awards by partnering with large companies, which shall serve as mentors, in State contracts. Further provides the mentor-protégé arrangement between a prime contractor and a minority-owned, women-owned or disadvantaged subcontractor shall be an important factor considered or weighed by the Commonwealth agency awarding a contract. Also provides the department shall establish the appropriate and applicable guidelines and criteria for firms to participate in a mentor-protégé program.

**Reported as amended from House State Government Committee, read first time, and rereferred to House Rules Committee, 6/29/2010**

[HB 2146](#) RE: Pennsylvania Unified Certification program (By Rep. Vanessa Brown, et al)

Amends Title 62 (Procurement) providing for reciprocity of certifications; requiring agencies to accept the certification of the Pennsylvania Unified Certification program.

**Reported as amended from House State Government Committee, read first time, and rereferred to House Rules Committee, 6/29/2010**

[HB 2147](#) RE: Small Business Reserves (By Rep. Tony Payton, Jr.)

Amends Title 62 (Procurement) requiring agencies to establish a small business reserve; each Commonwealth agency shall set 10 percent of its moneys available for procurement into a small business reserve for award to qualified small and disadvantaged businesses. The amount set aside shall be a minimum of \$25,000 with a maximum of \$5 million.

**Reported as amended from House State Government Committee, read first time, and rereferred to House Rules Committee, 6/29/2010**

[HB 2148](#) RE: Performance Monitoring (by Rep. Karen Beyer, et al)

Amends Title 62 (Procurement) providing guidelines for the monitoring of a prime contractors' performance.

**Reported as amended from House State Government Committee, read first time, and rereferred to House Rules Committee, 6/29/2010**

[HB 2149](#) RE: Small and Disadvantaged Business Subcontracting (by Rep. Mark Mustio, et al)

Amends Title 62 (Procurement) in small and disadvantaged businesses, providing for prime contractors' performance by stating that when a subcontractor has performed in accordance with the provisions of the contract, a contractor shall pay to the subcontractor, and each subcontractor shall in turn pay to its subcontractors, the full or proportional amount

received for each such subcontractor's work and material, based on work completed or services provided under the subcontract, five (changed from 14) days after receipt of a progress payment.

**Reported as amended from House State Government Committee, read first time, and rereferred to House Rules Committee, 6/29/2010**

## **New Bills Introduced**

[HB 2646](#) RE: Load Restrictions (By Rep. Mike Hanna, et al)

Amends Title 75 (Vehicles), in size, weight and load, further providing for restrictions on use of highways and bridges by adding that any security required in favor of the Commonwealth or local authorities for a paved highway in order to provide for maintenance at a level consistent with the type of highway shall be up to \$250,000 per linear mile.

**Introduced and referred to House Transportation Committee, 7/13/2010**

## **Upcoming Meetings of Interest**

None

## **Legislative Schedule**

### **2010 HOUSE FALL SESSION SCHEDULE**

**September 13, 14, 15, 20, 21, 22, 27, 28, 29**

**October 4, 5, 6**

**November 8, 9, 10, 15, 16**

### **2010 SENATE FALL SESSION SCHEDULE**

**September 20, 21, 22, 27, 28, 29, 30**

**October 12, 13, 14**

**November 18 (Ceremonial Session to Elect an Interim President Pro Tempore)**

**Session ends officially at midnight on November 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>