

# CAWP

## Summary of Legislation

### July 2009

#### **Budget Stalemate Continues, Though “Progress” Made**

Nearly a month after the end of the fiscal year, the House, Senate and Governor Rendell are still in fierce negotiations and public relations battles over the 2009-2010 spending plan for Pennsylvania. As the budget year ended, negotiators faced the dilemma of how to close a more than \$3 Billion budget deficit as they planned for the coming year. Senate Republicans began the year stating they had no voted to increase taxes, and have thus far held firm to that stance. Rendell and House Democrats have demanded that most existing programs be funded at similar levels to the past year, and have advocated a shifting array of taxes and other “revenue enhancements” to meet the needs of a state in which unemployment hovered in the 10% range for the first time in decades. Both sides have dug in, and each passed competing budgets outlining their spending priorities, the Senate passed **SB 850** in May, and the House more recently passed **HB 1416**, each on almost entirely party line votes. As the stalemate continued, the Senate amended the House budget bill, largely ignoring a House Republican plan that had been narrowly defeated in the House, and sent theirs back to the House. In response, Democrats teamed with a large contingent of angry House Republicans and defeated the bill, sending it to conference committee.

### Legislative Activity

#### **BUDGET BILLS**

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

**FY 2009-2010 budget.**

**Reported as amended from House Appropriations Committee, read first time, and rereferred to House Rules Committee, 7/13/2009**

**Reported as committed from House Rules Committee, 7/15/2009**

**Read second time, 7/16/2009**

**Read third time and passed House, 7/17/2009 (104-95)**

**Received in the Senate and referred to Senate Appropriations Committee, 7/17/2009**

**as committed with a negative recommendation from Senate Appropriations Committee and read first time, 7/18/2009**

**Read second time, 7/19/2009**

**Amended on Senate floor, read third time, and passed Senate, 7/20/2009 (31-19)**

**Received as amended in House and rereferred to House Rules Committee, and re-reported with a negative recommendation from House Rules Committee, 7/21/2009**

**House non-concurred in Senate amendments 7/21/2009 (150-49)**

**Senate insists on its amendments non-concurred in the House, and appoints conference committee: Pileggi, Corman, J. Costa, 7/27/2009**

**House insists on its nonconcurrence in Senate amendments, and appoints conference committee members: D. Evans, Eachus, S. Smith, 7/28/2009**

**Conference committee meeting held, 7/29/2009, 7/30/2009**

[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.

**Passed Senate, 5/6/2009 (30-20)**

**Defeated in House Appropriations Committee, 6/8/2009**

**Reported with a negative recommendation House Appropriations Committee, read first time, and laid on the table, 7/13/2009**

## **SMALL BUSINESS ISSUES**

[HB 1900](#) RE: UC Disclosures (by Rep. Bob Belfanti, et al)

Amends Unemployment Compensation Law stating unemployment compensation is confidential and may be disclosed only as outlined in the legislation and shall not be competent evidence and shall not be used in any action or proceeding in any court or other tribunal. The bill provides for the safeguarding of the information and penalties.

**Introduced and referred to House Labor Relations committee, 7/24/2009**

**Reported as amended from House Labor Relations Committee, read first time, and rereferred to House Rules Committee, 7/28/2009**

[SB 563](#) RE: Mechanics' Lien Law (By Sen. Pat Browne, et al)

Amends the Mechanics' Lien Law further providing the definition of "residential property" (changed from "residential building"), by stating it means property on which there is or will be constructed a residential building not more than three stories in height, not including any basement level, regardless of whether any portion of that basement is at grade level, or which is zoned or otherwise approved for residential development on which there is or will be constructed a residential building not more than three stories in height, not including any basement level, regardless of whether any portion of that basement is at grade level, planned residential development or agricultural use, or for which a residential subdivision or land development plan or planned residential development plan has received preliminary, tentative or final approval on which there is or will be constructed a residential building not more than three stories in height, not including any basement level, regardless of whether any portion of that basement is at grade level. Additionally, the bill provides for waiver of lien by claimant by stating a contractor or subcontractor may waive his right to file a claim against residential property by a written instrument signed by him or by any conduct which operates equitably to estop such contractor from filing a claim.

**Passed Senate, 6/30/2009 (49-0)**

**Received in the House and referred to House Labor Relations Committee, 7/1/2009**

**Reported as amended House Labor Relations Committee, read First time, and laid on the table, 7/28/2009**

**Removed from the table and rereferred to House Appropriations Committee, 7/29/2009**

## **PREVAILING WAGE**

[SB 951](#) RE: Prevailing Wage Act Violations (By Sen. Chuck McIlhinney, et al)

Amends the Pennsylvania Prevailing Wage Act further providing for remedies and penalties by stipulating that in the event that the secretary shall determine that any person or firm has failed to pay the prevailing wages and that such failure was intentional, the secretary is authorized to assess and collect administrative penalties up to five times the amount of underpayment of wages for the first offense, up to ten times the amount of underpayment of wages for a second offense and, if a third violation occurs within ten years from the first notice, the secretary shall notify all public bodies of the name of the person or firm and no contract shall be awarded to the person or firm or to any firm, corporation or partnership in which the person or firm has an interest until three years have elapsed from the date of the notice of the third offense.

**Rereferred to Senate Appropriations Committee, 7/9/2009**

## **BIDDING**

[SB 693](#) RE: Transportation Infrastructure (by Sen. John Rafferty, et al)

Amends Title 74 (Transportation) adding a part entitled Transportation Infrastructure. The bill establishes that a proprietary public entity has full authority to enter into a transportation development agreement with an authorized development entity or entities governing the development or operation of all or any portion of a transportation facility, with exceptions. The bill authorizes certain project activities, and stipulates that the Transportation Commission shall serve as the primary repository for all materials relating to the review and approval of transportation development agreements that involve transportation facilities that receive funding from the Commonwealth or result in the

proprietary public entity disposing of or relinquishing its control over the transportation facilities. The bill outlines rules governing solicited and unsolicited proposals, negotiations, federal credit assistance, adverse interests, and confidentiality of records.

**Reported as committed from Senate Appropriations Committee, 7/14/2009**

**Read second time, 7/15/2009**

## **New Bills Introduced**

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

[HB 1876](#) RE: Community Paper of Mass Dissemination (by Rep. John Hornaman, et al)

Amends Title 45 (Legal Notices) defining "community paper of mass dissemination" and stating any government unit may, at its discretion, authorize publication in a community paper of mass dissemination in substitution of publication in a newspaper of general circulation.

**Introduced and referred to House Judiciary Committee, 7/20/2009**

[HB 1892](#) RE: KOZ work (By Rep. Bob Belfanti, et al)

Amends Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, providing for work performed. **The bill requires that such work is subject to the Prevailing Wage Act.**

**Introduced and referred to House Labor Relations Committee, 7/24/2009**

[HB 1894](#) RE: Mechanics Lien (by Barb McIlvaine Smith, et al)

Amends Mechanics' Lien Law further providing for notices by subcontractors as a condition precedent.

**Introduced and referred to House Labor Relations Committee, 7/24/2009**

**Introduced and referred to Senate Finance Committee, 7/23/2009**

### **SENATE SESSION SCHEDULE FOR JULY 2009**

**July 27, 28, 29**

### **HOUSE SESSION SCHEDULE FOR JULY 2009**

**July 29, 30, 31**

**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>.