

CAWP

Summary of Legislation

November 2009

Republican Policy Committee to examine no-PLA bill

The House Republican Policy Committee will hold 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, simply makes 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. This hearing is scheduled for December 9th at the Harrisburg office of a non-union contractor. The House Republican Policy committee is not a standing committee of the House and does not vote on any legislation.

E-Verify Bills Scheduled For Vote

In the Spring of this year, the House Labor Relations committee held hearings on two pieces of legislation that would require construction employers to utilize the federal e-verify system. House Bills **1502 and 1503**, both introduced by Rep. John Galloway, establish a system for construction employers to verify that their workers have valid social security numbers. Various studies have concluded that more undocumented workers are engaged in construction work than in any other industry, even more than agriculture. For years, the unionized construction industry has complained about the unscrupulous practice of employing illegal aliens as construction workers. House Bills 1502 and 1503 are now scheduled for a vote by the House Labor Relations committee on December 8th.

House Meets Briefly, Senate Waits for Action

The House met briefly in November. A rundown of House activity follows. The Senate remains in recess, on six-hour call, pending House action on Table Games legislation. Both chambers are expected to return to session in December. Word from several sources indicates that only a small number of issues remain to be agreed upon on the gambling expansion legislation. Passage will allow the final pieces of the budget to be completed, and other issues, which have sat on back burners much of this session to be considered. It remains to be seen what issues the General Assembly chooses to take up this year, and into 2010, when the Governor, the entire House and the even-number Senate seats are up for election.

Perzel, Feese Among Ten Indicted In Second Presentment

Attorney General Tom Corbett brought charges against Representative John Perzel (R-Philadelphia), former Representative Brett Feese (R-Lycoming), and eight current or former aides to the two lawmakers. The presentment notes that Perzel, who served prior as Speaker of the House, "was the architect behind a sophisticated criminal strategy that ultimately spent more than \$10 million of taxpayers' money purely for campaign work." The investigation found campaign work to be "so pervasive it was institutionalized" in the House Republican Information Technology office. Work allegedly included the creation and maintenance of voter files and the conducting of election activities with the technology created and equipment used for the endeavors also paid for by the taxpayers. The investigation also discovered that campaign fundraising activities for Perzel were routinely conducted during normal House working hours. Perzel issued a statement in response to the charges saying: "First and foremost, I am innocent of the charges against me. I have faithfully served the people of my district, my city and my state for more than 30 years, and I have never used public funds for my personal or political gain. Second, this investigation has lasted for nearly three years, and it's only now, on the eve of his gubernatorial campaign and in response to claims that he was unfairly pursuing only Democrats, that Attorney General Corbett has decided to bring charges against 10 Republicans, including me. It smacks of political opportunism at the expense of my reputation and I am going to fight very aggressively to prove my innocence."

Also charged were Perzel's former Chief of Staff Brian Preski; Perzel's current Chief of Staff Paul Towhey; Perzel's brother-in-law and former House employee Samuel "Buzz" Stokes; Perzel's legislative aide John Zimmerman; Perzel's campaign aide Don McClintock; Feese's aides Jill Seaman and Elmer "Al" Bowman; and House Republican IT Deputy Director Eric Ruth. All have been charged with numerous counts of theft, criminal

conspiracy, and conflict of interest. Perzel, Feese, Seaman, Towhey, and Zimmerman have all also been charged with obstruction of justice. Some have criticized the length and cost of Corbett's investigation. In announcing the charges, "Corbett said the review and analysis of this huge volume of material, in a criminal investigation of this magnitude, was an extremely time consuming, but necessary process. He noted that the criminal obstruction by some in the House Republican Caucus, as well as a determined effort by some in the House Republican Caucus not to cooperate with the investigation, played a large part in the length of the investigation." Corbett added that while some had been charged with obstruction of justice on Thursday, an obstruction of justice investigation within the House Republican Caucus remained ongoing.

Perzel Indictment Causes Committee Changes

In light of being charged in the "Bonusgate" investigation, state Representative John Perzel (R-Philadelphia) was removed as minority chairman of the Urban Affairs Committee. House rules prevent lawmakers charged with a crime from holding committee chairmanships. Representative Chris Ross (R-Chester) takes over as minority chair of the committee, but in doing so left open the chairmanship of the Intergovernmental Affairs Committee. Representative Daryl Metcalfe (R-Butler) takes over that post.

Legislative Activity

BUDGET BILLS

[HB 2111](#) RE: Appropriations Accountability Act (By Rep. Scott Boyd, et al)

Provides for enumeration of earmarks contained in appropriations and for requirements for public disclosure by stating no appropriation shall be made by the General Assembly that contains an earmark unless the earmark has been enumerated. The information on the earmark shall be transmitted to the Secretary of the Budget and shall contain minimum information outlined in the act. The bill provides for duties of the secretary of the Budget.

Introduced and referred to House Appropriations Committee, 11/23/2009

LOCAL/STATE GOVERNMENT/REGULATIONS

[HB 1876](#) RE: Public Advertising (By Rep. John Hornaman, et al)

Amends Title 45 (Legal Notices) providing for exceptions to the level of advertising rates by stating the following exceptions apply to newspapers of general circulation: (1) Through June 30, 2012, a newspaper of general circulation shall not charge a government unit a rate or price that exceeds 75% of the legal advertising rates in effect on July 1, 2009, or that exceeds 75% of the lowest base classified advertising rate charged by the newspaper to its noncontractual commercial customers for advertisements of the same size, composition and use, whichever is lower; (2) After June 30, 2012, the rate or price may be raised no more than the annual cost-of-living increase calculated by applying the percentage change in the Consumer Price Index. In no event shall the rate or price charged exceed 75% of the lowest base classified advertising rate charged by the newspaper to its noncontractual commercial customers for advertisements of the same size, composition and use; and (3) These provisions shall not apply to fees for services requested by a government unit in addition to publication, or to legal advertising for which the cost is reimbursed to the government unit. Each newspaper of general circulation which accepts publication of legal notices shall be required to print for three consecutive days a notice in 12- point type of the rate or charge which the newspaper intends to charge for the publication of legal notices. Such notices shall be placed in the section where legal notices are ordinarily published. At the same time, the newspaper shall deliver to each government unit within its area of circulation a notice of its rates and charges for the publication of legal notices. The legal advertising rate charged by newspapers of general circulation shall be subject to annual audit at the discretion of the Auditor General of the Commonwealth. The bill also requires publication of legal notices on a website with a searchable database of legal notices, maintained by or contracted to provide such service by a newspaper of general circulation. Publication shall be subject to the same stipulations and regulations as those imposed for the publication of print notices. The bill provides for exceptions if broadband service is not available in the area or in instances of temporary disruption.

Reported as committed from House Appropriations Committee, amended on House floor, and read second time, 11/16/2009

Read third time, and passed House, 11/17/2009 (127-62)

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.

Read second time, 11/9/2009

Read third time, and passed House, 11/10/2009 (198-0)

PREVAILING WAGE

NONE

UNEMPLOYMENT/WORKERS COMP

NONE

BIDDING

[HB 2073](#) RE: Repeal of Separations Act (By Rep. Garth Everett, et al)

Amends Public School Code regarding contracts for construction, repair, renovation or maintenance by repealing the Separation Act as it applies to school entities.

Introduced and referred to House Education Committee, 11/10/2009

UNION MEMBERSHIP/ILLEGALS

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

Provides that 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 \$1000, imprisoned for up to 6 months, or both. The act also provides relief to those threatened or injured by any action prohibited by this act and repeals other acts or parts of acts inconsistent with it.

Introduced and referred to House Labor Relations Committee, 11/10/2009

Press conference held, 11/10/2009

[HB 2112](#) RE: Union Membership Protection Act (By Rep. Scott Boyd, et al)

Prohibits membership in labor unions by illegal aliens.

Introduced and referred to House Labor Relations Committee, 11/23/2009

SB 1150 RE: Construction Industry Employment Verification Act (by Sen. Kim Ward, et al)

Requires construction industry employers to verify Social Security numbers of all employees for wage reporting and employment eligibility; requires construction employers to participate in the E-Verify Program and the NVS Social Security Number Verification Service; provides for powers and duties of the Department of Labor and the Attorney General; provides sanctions and establishes good faith immunity guidelines.

Introduced and referred to Senate Labor and Industry Committee, 11/25/2009

Upcoming Meetings of Interest

TUESDAY - 12/8/09

House Labor Relations Committee

10:00 a.m., Room 60, East Wing

To consider:

HB 1502 (Galloway) - Amends Title 62 (Procurement), in contracts for public works, providing for verification of SSNs of all employees for purposes of wage reporting & employment eligibility; prescribing penalties & establishing good faith immunity.

HB 1503 (Galloway) - Act requiring construction industry employers to verify the Social Security numbers of all employees for purposes of wage reporting & employment eligibility; providing for DL&I powers & duties; prescribing sanctions; & good faith immunity.

WEDNESDAY - 12/9/09

House Republican Policy Committee

9:00 a.m., H.B. McClure, 600 S. 17th Street, Harrisburg

Public hearing on:

HB 2010 (Bear) - Act providing for open contracting by the Commonwealth and its political subdivisions and their agencies and authorities.

Remaining 2009 Session Schedules

2009 FALL SENATE SESSION SCHEDULE

December 1 (cancelled), 2 (cancelled), 15, 16

2009 FALL HOUSE SESSION SCHEDULE

December 1 (cancelled), 2 (cancelled), 3 (cancelled), 7, 8, 9, 14, 15, 16 (non-voting)

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

The House has not yet announced its spring schedule, but will likely follow the Senate Schedule.

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

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