

CAWP

Summary of Legislation

September 2009

Anti-PLA bill Introduced

Representative John Bear (Republican, Lancaster Co.) is introducing a bill that would ban Project Labor Agreements (PLAs) in Pennsylvania. House Bill 2010 says that project labor agreements cannot be entered into by state or local agencies or any corresponding agencies or authorities. To announce the introduction of this legislation, Representative Bear held a press conference on the Capitol steps in Harrisburg on September 29th. The press conference took an unexpected turn when building trades workers showed up and outnumbered the House Bill 2010 supporters by roughly ten to one. The building trades members demonstrated their support for PLAs loud and long. Despite the raucous nature of the event, no incidents were reported. House Bill 2010 has been referred to the House Labor committee. It is highly unlikely that the bill will ever come before the committee for a vote.

Project Labor Agreements are the subject of lawsuits filed against the Commonwealth by the Associated Builders and Constructors (ABC). The ABC and several individual non-union contractors have challenged the legality of the Department of General Services plans to build a number of new prison facilities using PLAs. The suit mentions Graterford prison in Montgomery County and Rockview prison in Centre County as the projects covered by a PLA between the Commonwealth and the building trades. At this time, no dates have been set for the hearings.

New Mechanic's Lien Amendments Circulating

Even though an amendment to the Mechanic's Lien Law was enacted just last month, a new bill is circulating in the House and is expected to be introduced shortly. Last month, the Governor signed Senate Bill 563 which changed the laws definition for residential projects. The new bill, to be offered by Representative Mike Turzai, aims at requiring a "notice of commencement" that would be required of all contractors and suppliers on a project in order to preserve their lien rights. The lien law received a major overhaul in 2006 with the most notable change being that contractors could not waive their lien rights unless either the project was residential or a payment bond had been posted. The Turzai legislation would create another category of contractors that lose lien rights, those that failed to file the "notice of commencement" in time. A bill number and committee assignment for this legislation will be available once the bill is officially introduced.

Legislative Activity

LOCAL/STATE GOVERNMENT/REGULATIONS

[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.

Introduced and referred to House Labor Relations Committee, 9/29/2009

Press Conference Held, 9/29/2009

UNEMPLOYMENT COMPENSATION

[HB 1900](#) RE: UC Information Disclosure (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.

Reported as committed from House Rules Committee and laid on the table, 9/10/2009

Removed from the table and rereferred to House Appropriations Committee, 9/11/2009

BIDDING

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

Amends Title 45 (Legal Notices) adding language providing that from the effective date 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 non-contractual commercial customers for advertisements of the same size, composition and use, whichever is lower. Further provides that 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 for all urban consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent twelve month period for which the figures have been officially reported. In no event shall the rate or price charged exceed 75% of the lowest base classified advertising rate charged by the newspaper to its non-contractual commercial customers for advertisements of the same size, composition and use. This 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. Also provides for publication of notice and an annual audit of the legal advertising rate charged by newspapers of general circulation at the discretion of the Auditor General. In addition, except as otherwise provided by statute, every notice or advertisement required by law or rule of court to be published in one or more newspapers of general circulation, unless dispensed with by special order of court, shall also be published on an internet 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.

Reported as committed from House Rules Committee, and laid on the table, 9/10/2009

Removed from the table and Rereferred to House Appropriations Committee, 9/11/2009

New Bills Introduced

The following bills have been introduced since the last report.

[HB 1954](#) RE: Flood Control Law (By Rep. Bud George, et al)

Amends the Flood Control Law transferring all duties of the Water and Power Resources Board to the Department of Environmental Protection; further providing for purpose of act; adding definitions; further providing for plans by authorizing the department to make appropriate surveys upon request of one or more municipalities, repealing provisions relating to proceedings against the board, for powers and duties of the Department of Environmental Protection to include enhancement of water quality and stream corridor ecological functions, for eminent domain, for flood control works and for financing; and making editorial changes. Additionally, the legislation increases the threshold to \$25,000 at which projects must be performed by the lowest responsible bidder; eminent domain authority is granted to DEP for any of its structural flood protection measures; the federal government shall be held free from all damages arising from flood control works and improvements projects; costs for such projects shall be paid from the General Fund General Government Operations Appropriations of the department or Capital Budget authorizations for specific flood control works and improvements projects.

Introduced and referred to House Environmental Resources and Energy Committee, 8/31/2009

[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.

Introduced and referred to House Labor Relations Committee, 9/29/2009

Press Conference Held, 9/29/2009

Remaining 2009 Session Schedules

SENATE SESSION SCHEDULE FOR 2009

October 1, 2, 3

HOUSE SESSION SCHEDULE FOR 2009

October 1, 2, 3

More days may be added as needed to pass the FY 2009-2010 state budget.

The Fall session schedule has not yet been announced.

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

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