



## **MCA 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 9<sup>th</sup> 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.

On a related matter, the hearing attracted both supporters and opponents of the e-verify system. One interesting development surrounds the testimony of the union representing service workers (SEIU). Even though the legislation only applies to construction employers, the SEIU presented testimony in opposition to the bills. During the course of that testimony, it was made clear that SEIU claimed some undocumented workers as members of their union. In what is almost certainly a reaction to SEIU's public comments, a bill was introduced on November 23 that prohibits unions from accepting illegal aliens as members. House Bill 2112 sets a fine of \$5000 for each violation of a union knowingly accepting an illegal alien as a member. That bill is not scheduled for a vote at this time.

### **House Meets Briefly, Senate Waits for Action**

The House met briefly this month. 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 on Thursday 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.

## **McIlvaine-Smith Won’t Seek Re-Election In 2010**

State Representative Barbara McIlvaine Smith (D-Chester) announced Sunday that she will not seek a third term in 2010. “The system is such that it’s not set up to accomplish anything or to resolve issues. The way it’s set up, the leadership in all four caucuses has a vested interest in maintaining the status quo,” said McIlvaine Smith in a *West Chester Daily Local* article. She said upon leaving office she will devote herself to environmental activism. The 156th District seat will likely be hotly contested in 2010. Republicans had held the seat for years before McIlvaine Smith won it as an open seat in 2006 by a mere 28 votes over Republican Shannon Royer. The two engaged in a rematch in 2008 with McIlvaine Smith winning by 2,278 votes. According to *Labels & Lists, Inc.*, is 45.6 percent of district voters are registered Republicans, 39.8 percent are registered Democrats, and 14.6 percent are registered Independent or with 3rd Parties.

## **True Announces Retirement from State House**

Representative Katie True (R-Lancaster) was the first state lawmaker to announce retirement heading into the 2010 elections. True, 68, has represented the 41st District in Lancaster County since 2003. She previously represented the 37th District from 1993 to 2000. When she first ran in 1992, True had promised she would limit her service to four terms. She upheld her promise by not seeking re-election in 2000. After redistricting, True found herself in the 41st District. She told the *Lancaster Intelligencer Journal*: “When I went before the Republican committee in 2001, I asked for their endorsement because there were things I was not able to get completed. I have completed all

those tasks, and I have some goals of my own I would like to get done.” True’s announcement has sparked a great deal of interest among district Republicans. According to the *Lancaster Intelligencer Journal*, six Republicans have expressed an interest in seeking the Party nomination, including: Lancaster County Clerk of Courts Ryan Aument; retired state House staffer and former Lancaster Republican Party Chairman David M. Dumeyer; Warwick Middle School guidance counselor Brett Miller; York Saw & Knife president and CEO Mike Pickard; and realtor and auctioneer W. Scott Wiglesworth. According to *Labels & Lists*, the district included 42,462 registered voters as of November 7, of which 52.5 percent were Republicans, 34.2 percent were Democrats, and 13.3 percent were registered with other political parties. Because of the significant Republican registration advantage, the race for the open seat is *likely* to be decided in the Primary Election.

**Several other state House members are expected to step down from their seats, and run for other offices, including: Reps. Bill Kortz (D-38), Bryan Lentz (D-161), Sam Rohrer (R-128), Tom Killion (R-168) and Curt Schroder (R-155). Others likely will decide not to run, or to pursue other offices, prior to the filing deadline of March 9, 2010.**

## Legislative Activity

[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)**

[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**

[HB 1776](#) RE: Housing and Economic Revitalization Act (by Rep. John Bear, et al)  
Establishes the Build Pennsylvania Fund in order to provide rebates for qualified primary residences, qualified previously owned homesteads, and qualified renovations projects; providing eligibility criteria; providing guidelines for the conditions of the rebates; providing the total amount of rebates that may be allowed shall not exceed \$100,000,000.

**Public hearing held in House Commerce Committee, 11/10/2009**

**House Commerce Meeting set for 9:30 a.m., 12/15/2009, Room 302, Irvis Office Building**

[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)**

### **New Bills Introduced**

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

[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 1275](#) RE: School Property Tax Elimination Act (By Rep. Sam Rohrer, et al)

Provides for tax levies and information related to taxes. The legislation authorizes the imposition of a personal income tax or an earned income tax by school districts subject to voter approval. Establishes the Public Transportation Reserve Fund as well as the Education Operating Fund and the School District Grant and Incentive Programs Fund. Creates the School Financing Authority. Provides for certain rebates and assistance to senior citizens. Also creates the School Equity Capital Construction Fund and the School Equity Distribution Task Force. Repeals certain provisions of The Local Tax Enabling Act, sales and use tax provisions of the Tax Reform Act of 1971 and provisions relating to senior citizens property tax and rent rebate assistance in the Taxpayer Relief Act.

**Introduced and referred to House Finance Committee, 10/30/2009**

[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**

[HB 2108](#) RE: Whistleblower Law Penalties, Definition (by Rep. Brian Ellis, et al)

Amends the Whistleblower Law further providing for the definitions of "employee" and "employer," for enforcement and for penalties. "Employer" is redefined as a **public body or any of the following which receives money from a public body to perform work or provide services:** (1) An individual; (2) A partnership; (3) An association; (4) A corporation for profit; or (5) A corporation not for profit. Regarding enforcement, the bill states a court shall also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees. Penalties are increased to \$10,000 and suspension from public service for up to seven years.

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

[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**

[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.

### **TUESDAY - 12/15/09**

#### **House Commerce Committee**

**9:30 a.m., Room 302, Irvis Office Building**

To consider HB 1776 (Bear) - Act providing for a housing and economic revitalization rebate program; imposing duties on the Pennsylvania Housing Finance Agency; and establishing the Build Pennsylvania Fund.

## **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>