

American Society of Landscape Architects

Summary of Legislation

March 2011

House and Senate Hear from the Governor, then His Cabinet, on Budget Proposal

On March 8, Gov. Tom Corbett delivered his first Budget Address to a Joint Session of the General Assembly. The message was loud and clear, “the day of reckoning is here”. The Governor outlined the dire situation the state faces in terms of revenues vs. spending, looking at a nearly \$4 Billion spending deficit going into the 2011-12 budget year. In a speech the evoked strong, mixed reactions, Corbett announced a package of steep cuts to the education budget, both at the basic and higher education levels.

After the Governor’s address, the House and Senate adjourned for three weeks of budget hearings, wherein the various (in this case) Acting Department Secretaries took their turns in the hot seats in front of the respective Appropriations Committees, defending their departments’ budget requests. Some had it easier than others, culminating in the House with a marathon session with Budget Secretary-designate Charles Zogby, on March 30.

The action now returns to the legislature, when in the coming weeks House Republicans will introduce a bill to serve as the basis for the annual budget negotiations. Traditionally, when the House majority party is the same as the Governor, the bill introduced is a mirror of the Governor’s proposal. We are hearing, however, that House staff is working on a version of their own, one that presumably holds to the Governor’s \$23.7 Billion spending limit, and does not call for any new taxes, but with some different priorities expressed. This will be one of the more interesting, if perhaps terrifying, budget years in memory, as it is the first Corbett budget, and a huge number of new Republican House members will be experiencing their first budget in the majority, after spending most of the past several budget cycles as nearly an afterthought in the process. House Majority Leader Mike Turzai has stated a goal of final passage by Memorial Day, though the nature of the debate, and the House Rules governing the budget process, will make that a VERY ambitious, if not unreachable, goal. It seems very likely that the budget will be passed in advance of the June 30 deadline for the first time in 8 years.

Legislative Activity

The following bills were acted on by the General Assembly this month.

[HB 1](#) RE: Comparative Negligence (By Rep. Curt Schroder, et al)

Amends Title 42 (Judiciary and Judicial Procedure) repealing previous provisions for comparative negligence and adding new language for (1) Apportionment of responsibility among certain nonparties and effect; (2) Recovery against joint defendant; contribution; (3) Off-road vehicle riding; and (4) Downhill skiing.

Public hearing held in House Judiciary Committee 3/29/2011

House Judiciary Committee Meeting set for 11:00 a.m., 4/4/2011 Room 205, Ryan Office Building

[HB 3](#) RE: Public-Private Transportation Partnerships (By Rep. Rick Geist, et al)

Amends Title 74 (Transportation) adding a chapter providing for public-private transportation partnerships and making a related repeal.

Reported as amended House Transportation Committee, read first time, and laid on the table, 3/7/2011

[HB 377](#) RE: Log Walls (by Rep. Garth Everett, et al)

Amends the Pennsylvania Construction Code adding that the act shall not apply to industrialized housing, with the exception that any model code enacted pursuant to the Industrialized Housing Act shall not include code provisions specifically omitted from adoption pursuant to this act. Additionally, the bill states log walls with a minimum average wall thickness of five inches or greater which comply with the International Code Council Standard on the Design and Construction of Log Structures, ICC 400-2007, shall be permitted in residential buildings if they meet certain enumerated standards. Section R501.3 of the 2012 International Residential Code shall be part of the Uniform Construction Code. This subsection shall apply to construction under which the permit applicant opts to not apply the automatic sprinkler requirement.

Reported as amended from House Labor and Industry Committee, read first time, laid on the table, and Removed from the table, 3/1/2011

Read Second time and Rereferred to House Appropriations Committee, 3/2/2011

Reported as committed from House Appropriations Committee, read third time, and passed House, 3/7/2011

(154-39)

Received in the Senate and referred to Senate Labor and Industry Committee, 3/11/2011

Discussed in public hearing of House Labor and Industry Committee, 3/23/2011

[SB 177](#) RE: Statewide Bonding Program (By Sen. LeAnna Washington, et al)

Amends Title 62 (Procurement) further providing for the definition of "small business;" establishing a statewide bonding program; providing guidelines for a Mentor-protége program; establishing a small business reserve for the purpose of increasing economic opportunities for small and disadvantaged businesses; requiring each agency to set aside ten percent of its moneys available for procurement into a small business reserve for award to qualified small and disadvantaged businesses.

Introduced and referred to Senate State Government Committee, 3/22/2011

[SB 179](#) RE: Pennsylvania Unified Certification Program (By Sen. LeAnna Washington, et al)

(PN 873) Amends Title 62 (Procurement) providing for reciprocity of certifications by stipulating that the department shall accept the certification of the Pennsylvania Unified Certification Program (PA UCP). Certification of any minority-owned business, women-owned business or disadvantaged business enterprise by the department may be accepted by any governmental or public entity as being adequate certification for the purpose of bidding or participating in any governmental or public bid, contract or award. If a governmental or public entity, including colleges and universities, does not have a minority-owned business, women-owned business or disadvantaged business enterprise program, the Commonwealth's program under the Bureau of Minority and Women Business Opportunities within the department shall be applied to any contract, grant or project funded with state dollars to ensure compliance with all requirements. Amends Title 62 (Procurement) providing for reciprocity of certifications.

Introduced and referred to Senate State Government Committee, 3/22/2011

[SB 281](#) RE: Competitive Bidding Thresholds (by Sen. John Eichelberger, et al)

Amends the County Code increasing the minimum dollar amount of purchases that may be made subject to certain conditions from a threshold of \$10,000 to \$25,000 overall. The minimum threshold for requiring competitive bidding is increased from \$4,000 to \$7,000. In addition, the bill requires the Department of Labor & Industry to calculate the average percentage change in the CPI-U every five years and for the minimum amounts for which competitive bidding is required to be adjusted based on that recalculation. The bill also provides for violations.

Rereferred to Senate Appropriations Committee, 3/7/2011

[SB 282](#) RE: Competitive Bidding Thresholds (by Sen. Bob Robbins, et al)

Amends the Third Class County Code increasing the minimum threshold for requiring competitive bidding from \$10,000 to \$25,000. In addition, the bill requires the Department of Labor & Industry to calculate the average percentage change in the CPI-U every five years and for the minimum amounts for which competitive bidding is required to be adjusted based on that recalculation. The bill also provides for violations.

Rereferred to Senate Appropriations Committee, 3/7/2011

[SB 283](#) RE: Competitive Bidding Thresholds (by Sen. Lisa Baker, et al)

Amends the Second Class Township Code increasing the minimum dollar amount of purchases that may be made subject to certain conditions from a threshold of \$10,000 to \$25,000 overall. The minimum threshold for requiring competitive bidding is increased from \$4,000 to \$7,000. In addition, the bill requires the Department of Labor & Industry to calculate the average percentage change in the CPI-U every five years and for the minimum amounts for which competitive bidding is required to be adjusted based on that recalculation. The bill also provides for violations.

Rereferred to Senate Appropriations Committee, 3/7/2011

[SB 284](#) RE: Competitive Bidding Thresholds (by Sen. John Eichelberger, et al)

Amends the First Class Township Code, increasing the minimum dollar amount of purchases that may be made subject to certain conditions from a threshold of \$10,000 to \$25,000 overall. The minimum threshold for requiring competitive bidding is increased from \$4,000 to \$7,000. In addition, the bill requires the Department of Labor & Industry to calculate the average percentage change in the CPI-U every five years and for the minimum amounts for which competitive bidding is required to be adjusted based on that recalculation. The bill also provides for violations.

Rereferred to Senate Appropriations Committee, 3/7/2011

[SB 285](#) RE: Competitive Bidding Thresholds (by Sen. Mike Folmer, et al)

(PN 319) Amends the Borough Code increasing the minimum dollar amount of purchases that may be made subject to certain conditions from a threshold of \$10,000 to \$25,000 overall. The minimum threshold for requiring competitive bidding is increased from \$4,000 to \$7,000. In addition, the bill requires the Department of Labor &

Industry to calculate the average percentage change in the CPI-U every five years and for the minimum amounts for which competitive bidding is required to be adjusted based on that recalculation. The bill also provides for violations.

Rereferred to Senate Appropriations Committee, 3/7/2011

[SB 286](#) RE: Competitive Bidding Thresholds (by Sen. John Gordner, et al)

Amends an act relating to and regulating the contracts of incorporated towns and providing penalties increasing the minimum dollar amount of purchases that may be made subject to certain conditions from a threshold of \$10,000 to \$25,000 overall. In addition, the bill requires the Department of Labor & Industry to calculate the average percentage change in the CPI-U every five years and for the minimum amounts for which competitive bidding is required to be adjusted based on that recalculation. The bill also provides for violations.

Rereferred to Senate Appropriations Committee, 3/7/2011

[SB 287](#) RE: Competitive Bidding Thresholds (by Sen. Jim Ferlo, et al)

Amends Titles 53 (Municipalities Generally) and 74 (Transportation) further providing for competitive bidding of contracts by intergovernmental units, by parking authorities, by municipal authorities and metro transit authorities, increasing the minimum dollar amount of purchases that may be made subject to certain conditions from a threshold of \$10,000 to \$25,000 overall. The minimum threshold for requiring competitive bidding is increased from \$4,000 to \$7,000. In addition, the bill requires the Department of Labor & Industry to calculate the average percentage change in the CPI-U every five years and for the minimum amounts for which competitive bidding is required to be adjusted based on that recalculation. The bill also provides for violations.

Rereferred to Senate Appropriations Committee, 3/7/2011

[SB 288](#) RE: Competitive Bidding Thresholds (by Sen. John Rafferty et al)

Amends the Second Class County Code increasing the minimum dollar amount of purchases that may be made subject to certain conditions from a threshold of \$10,000 to \$25,000 overall. The minimum threshold for requiring competitive bidding is increased from \$4,000 to \$7,000. In addition, the bill requires the Department of Labor & Industry to calculate the average percentage change in the CPI-U every five years and for the minimum amounts for which competitive bidding is required to be adjusted based on that recalculation. The bill also provides for violations.

Rereferred to Senate Appropriations Committee, 3/7/2011

[SB 289](#) RE: Competitive Bidding Thresholds (by Sen. Jim Ferlo, et al)

Amends an act to authorize cities, boroughs, etc., increasing the minimum dollar amount of purchases that may be made subject to certain conditions from a threshold of \$10,000 to \$25,000 overall. The minimum threshold for requiring competitive bidding is increased from \$4,000 to \$7,000. In addition, the bill requires the Department of Labor & Industry to calculate the average percentage change in the CPI-U every five years and for the minimum amounts for which competitive bidding is required to be adjusted based on that recalculation. The bill also provides for violations.

Rereferred to Senate Appropriations Committee, 3/7/2011

[SB 290](#) RE: Competitive Bidding Thresholds (By Sen. Mike Brubaker, et al)

Amends the Political Subdivision Joint Purchases Law increasing the minimum dollar amount of purchases that may be made subject to certain conditions from a threshold of \$10,000 to \$25,000 overall. The minimum threshold for requiring competitive bidding is increased from \$4,000 to \$7,000. In addition, the bill requires the Department of Labor & Industry to calculate the average percentage change in the CPI-U every five years and for the minimum amounts for which competitive bidding is required to be adjusted based on that recalculation. The bill provides requirements for counties and municipal governments with respect to the law.

Rereferred to Senate Appropriations Committee, 3/7/2011

[SB 291](#) RE: Competitive Bidding Thresholds (by Sen. Jim Ferlo, et al)

Amends the Public Auditorium Authorities Law increasing the dollar amount of supplies and materials which may be purchased without advertising from \$10,000 to \$25,000. The minimum threshold for requiring competitive bidding is increased from \$4,000 to \$7,000. In addition, the bill requires the Department of Labor & Industry to calculate the average percentage change in the CPI-U every five years and for the minimum amounts for which competitive bidding is required to be adjusted based on that recalculation.

Rereferred to Senate Appropriations Committee, 3/7/2011

[SB 344](#) RE: Public-Private Transportation Partnerships (By Sen. John Rafferty, et al)

(PN 438) Amends Title 74 (Transportation) adding a chapter providing for public-private transportation partnerships; and making a related repeal. (Prior Printer Number: 336)

Laid on the table, Removed from the table, 3/8/2011

[SB 623](#) RE: Veteran-owned Small Businesses (by Sen. Tommy Tomlinson, et al)

Amends Title 62 (Procurement) to add an additional chapter providing for contracting with veteran-owned small businesses. Definitions are provided and the Department of General Services is given the power to promulgate rules and regulations in the area. Each purchasing agency shall set a participation-rate for veteran-owned small businesses at five percent. Duties are given to the department and provisions relating to progress payments are provided for. Reports on the matter are due to the House and Senate Veterans Affairs and Emergency Preparedness Committees. Compliance with federal law, where the two conflict, is provided for.

Reported as committed from Senate Veterans Affairs & Emergency Preparedness Committee, and read first time, 3/8/2011

New Bills Introduced

The following bills were introduced and referred to committees this month.

[HB 129](#) RE: Restrictions on Public Contractors (by Rep. Margo Davidson, et al)

Amends Title 62 (Procurement) adding language amending the definitions of Commonwealth agency, contracting officer, executive agency, independent agency, purchasing agency, State-affiliated agency, and supplies and adds definitions of competitive procurement, contracting agency, judicial agency, legislative agency, lobbying, lobbying firm and lobbyist. Adds a new section pertaining to public access to procurement information. Also amends the sections pertaining to procurement responsibility; competitive electronic bidding; competitive sealed proposals; emergency procurement; and competitive procurement on a multiple award basis.

Introduced and referred to House State Government Committee, 3/17/2011

[HB 989](#) RE: Contractor's and Subcontractor's Payment Obligations (By Rep. Neal Goodman, et al)

Amends the Contractor and Subcontractor Payment Act further providing for owner's payment obligations and for contractor's and subcontractor's payment obligations by adding that a contractor or subcontractor may, after providing seven days' written notice to the party failing to make the required payment, suspend performance of a construction contract without penalty for breach of contract if: (1) required payment has not been made; (2) a written statement of the withheld amount and the reason for the withholding has not been provided; or (3) a good faith effort to resolve the reason for withholding has not been made.

Introduced and referred to House Consumer Affairs Committee, 3/9/2011

[HB 1118](#) RE: Capital Projects Oversight Act (By Rep. Ron Waters, et al)

Establishes the Capital Projects Oversight Board to provide review and oversight of capital projects. The bill provides for the Board's powers and duties. The act would only apply to capital projects involving expenditures over \$5,000,000.

Introduced and referred to House State Government Committee, 3/17/2011

[SB 752](#) RE: Pennsylvania Construction Code Act Code Review Process (by Sen. Jake Corman, et al)

Amends the Pennsylvania Construction Code Act amending the code review process by limiting it to no longer than six months starting with the 2012 ICC codes. A minimum of three public hearings are required, along with a report that must be submitted to the Secretary of Labor and Industry. The bill lays out the duties of L&I with respect to the report and the promulgation of regulations.

Introduced and referred to Senate Labor and Industry Committee, 3/8/2011

[SB 798](#) RE: Prototypical School Facility Design (by Sen. Mike Waugh, et al)

Amends the Public School Code, in grounds and buildings, providing for a prototypical school facility design clearinghouse to be established and maintained by the Department of Education. In order to receive the State reimbursement factor, a school entity must use a prototype design in the construction of school facilities, with exceptions. The Legislative Budget and Finance Committee shall conduct a study of the program to determine the savings incurred by school entities that have participated in the program after the conclusion of the fifth year.

Introduced and referred to Senate Education Committee, 3/9/2011

[SB 805](#) RE: Legal Advertising (by Sen. Bob Robbins, et al)

Amends Title 45 (Legal Notices) further providing for additional publication in legal journals; and providing for electronic publication of legal advertising. The bill stipulates a government unit which publishes notices and advertisements consistent with section 308 (relating to additional publication in legal journals) shall have the authority to electronically publish legal notices in lieu of newspaper advertisements required under Chapter 3 (relating to legal advertising) or any other law.

Introduced and referred to Senate Local Government Committee, 3/8/2011

[SB 892](#) RE: Limitations on Political Contributions by Contractors (by Sen. Larry Farnese, et al) Amends Title 62 (Procurement) providing for limitations on political contributions by contractors. Any contractor bidding for certain contracts shall be required to submit information on political contributions made to any elected official holding a state office, the contractor's political action committee or political action committees which make contributions to campaigns for state-elected offices. The contractor shall also provide a notarized written declaration that any lobbyist the contractor has hired to represent the contractor's interest is properly registered. Contractors shall not be awarded a contract if any political contributions made and reported exceed \$2,400 per election to a candidate or \$5,000 per election to a business entity or political action committee supporting a candidate. These limits are subject to increase based on inflation.

Introduced and referred to Senate State Government Committee, 3/23/2011

Upcoming meetings of Interest

MONDAY - 4/4/11

House Judiciary Committee

11:00 a.m., Room 205, Ryan Office Building

To consider: [HB 1](#) (Schroder) - Amends Title 42 (Judiciary) repealing and adding provisions relating to comparative negligence.

TUESDAY - 4/5/11

Senate Education Committee

10:30 a.m., Room 8E-A, East Wing

To consider numerous bills, including:

[SB 293](#) (Brubaker) - Amends the State Public School Building Authority Act, further providing for competitive bidding of contracts; and providing for evasion of advertising requirements.

[SB 296](#) (Brubaker) - Amends the Public School Code providing for adjustments based on Consumer Price Index; & for work under contract, purchase of supplies, for contracts for construction, repair, renovation or maintenance, for contracts & institution presidents.

[SB 537](#) (Rafferty) - Amends the Public School Code, in school finances, providing for millage rate increase.

[SB 801](#) (Waugh) – Amends Public School Code further providing for work to be done under contract let on bids & exceptions; in charter schools further providing for requirements; in Thaddeus Stevens College of Technology further providing for contracts.

[SB 803](#) (Piccola) - Amends the Public School Code, in preliminary provisions, further providing for publication of notices and proofs of publication.

[SB 814](#) (Corman) - Amends the Public School Code, in preliminary provisions, providing for mandate waiver program.

WEDNESDAY - 4/6/11

Senate State Government Committee

10:30 a.m., Room 156 Main Capitol Building

To consider: [SB 637](#) (Ward) - Amends Title 62 (Procurement), in contracts for public works, providing for verification of employment for purposes of wage reporting & employment eligibility; prescribing penalties; & establishing good faith immunity under certain circumstances.

And several other bills.

MONDAY - 4/11/11

Senate Judiciary Committee

9:00 a.m., Hearing Room 1, North Office Building

Public hearing on the use of joint and several liability

2011 SENATE SESSION SCHEDULE

April 5, 6, 11, 12, 13, 26, 27
May 2, 3, 4, 9, 10, 11, 23, 24
June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 27, 28, 29, 30

2011 HOUSE SESSION SCHEDULE

April 4, 5, 6, 11, 12, 13, 25 (NV), 26, 27
May 2, 3, 4, 9, 10, 11, 23, 24, 25
June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 27, 28, 29, 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>