

**MCA**  
**Summary of Legislation**  
**January 2010**

**Wheatley Announces Package of Minority and Women-Owned Business Contracting Bills**

**Thanks to Capitolwire for this report**

State Rep. Jake Wheatley, D-Allegheny, and several House and Senate colleagues unveiled bipartisan legislation January 26, that is designed to ensure participation in state contracts and purchasing from minority-owned, women-owned and disadvantaged-owned businesses and small businesses. The lawmakers were joined by more than 100 businesspeople from across the state who came to the Capitol today to lobby in support of the 10-bill package.

"These bills would help small businesses to grow. This package of legislation would ensure that small businesses and minority-owned, women-owned and disadvantaged-owned businesses across Pennsylvania would receive a fair share of the state work funded by the taxes they and their employees pay," said Wheatley, who served as chairman of the House Select Committee on Minority, Women, and Disadvantaged Business Enterprise Inclusion. The select committee issued recommendations in September that led to the new legislation.

Senate versions of the bills are expected to be introduced. The House bills all have been referred to the House State Government Committee:

- \* **Comprehensive bill: H.B. 2140**, introduced by Wheatley, includes the language of H.B.s 2141 through 2149, except for H.B. 2144 which statutorily must be separate.
- \* **Changing small business definition: H.B. 2141**, introduced by Rep. Ron Buxton, D-Dauphin, would change the definition of "small business" in the Procurement Code (Title 62) by increasing the employee limit from 100 to 250 and adding a gross revenue limit of up to \$45 million.
- \* **Statewide bonding program: H.B. 2142**, introduced by Rep. W. Curtis Thomas, D-Phila., would create a statewide bonding program, which would enable small businesses and disadvantaged businesses to build capacity and to bid competitively on state and other public contracts.
- \* **Agency oversight and responsibility: H.B. 2143**, introduced by Rep. Cherelle Parker, D-Phila., would require state agencies and state-affiliated agencies and state-owned universities to follow nine best practices to significantly increase contracting opportunities for disadvantaged businesses. The entities also would have to establish an aspirational target of 25 percent of their procurement and construction dollars going to disadvantaged businesses in all state contracts and grants.
- \* **Cabinet-level secretary: H.B. 2144**, introduced by Rep. Babette Josephs, D-Phila., would create the cabinet level position of secretary of minority and women business development.
- \* **Mentor/protégé program: H.B. 2145**, introduced by Rep. Kenyatta Johnson, D-Phila., would establish a mentor/protégé program that would help small businesses to compete successfully for prime and subcontract awards by partnering with large companies as their mentors in state contracts.
- \* **Reciprocity of certifications: H.B. 2146**, introduced by Rep. Vanessa Lowery Brown, D-Phila., would add a reciprocity of certifications section to the Procurement Code to create greater uniformity and consistency in the Commonwealth's certification process for minority-owned, women-owned and disadvantaged business enterprises.

\* **Small business reserve: H.B. 2147**, introduced by Rep. Tony Payton, D-Phila., would require state agencies and state-affiliated agencies and state-owned universities to set 10 percent of their procurement dollars into a small business reserve for award to qualified small businesses.

\* **Prime contractors' performance: H.B. 2148**, introduced by Rep. Karen Beyer, R-Lehigh/Northampton, would require prime contractors doing business with the state to provide documentation of a good-faith effort, including 13 such activities, to ensure their genuine attempt at meeting the state's disadvantaged business subcontractor participation requirements.

\* **Prompter payment: H.B. 2149**, introduced by Rep. Mark Mustio, R-Allegheny, would tighten the prompt payment requirement for contractors and subcontractors in the Procurement Code by shortening the time frame from 14 days to five.

### **Adolph Elected House Republican Appropriations Chairman**

The House Republican Caucus elected Representative Bill Adolph (R-Delaware) minority chairman of the Appropriations Committee on January 25. Adolph defeated Representative Stan Saylor (R-York) and Representative Doug Reichley (R-Lehigh), keeping the chairmanship in the southeast. Adolph replaces Representative Mario Civera (R-Delaware). Adolph was first elected to the House in 1988. An accountant, he has served 11 years on the Appropriations Committee and is also currently the chairman of PHEAA. He had served the past two sessions as Minority Chairman of the House Professional Licensure Committee. His replacement in that Chair has not yet been announced.

### **Legislative Activity**

[HB 1141](#) RE: Plumbing Contractors Licensure Act (By Rep. Tim Solobay, et al)

Provides for the biennial licensure of plumbing contractors licensure; establishes the State Board of Plumbing Contractors within the Department of Labor and Industry and provides for its powers and duties; confers powers and imposes duties on the Department of Labor and Industry; establishes fees, fines and civil penalties; creates the Plumbing Contractors Licensure Account; and makes an appropriation of \$85,000 to the Department of Labor and Industry for the payment of costs associated with processing licenses and renewing licenses, for the operation of the board and for other costs associated with this act. The appropriation shall be repaid by the department within three years of the beginning of issuance of licenses by the board.

**House Professional Licensure Committee Public Hearing cancelled for 1/29/2010**

[HB 1551](#) RE: Crane Operators Licensure (By Rep. Don Walko, et al)

Amends the Crane Operator Licensure Act further providing that an individual shall be eligible to licensure without certification until December 9, 2011.

**Reported as committed from Senate Consumer Protection & Professional Licensure Committee, and read first time, 1/26/2010**

[HB 2041](#) RE: Towing Standards Act (by Rep. Anthony DeLuca, et al)

Provides for standards for towing; establishes notification requirements regarding fees for towing, storage and other related services and its hours of operation; and prohibits storage fees.

**Reported as amended from House Insurance Committee, read first time, and laid on the table, 1/25/2010**

**Removed from the table and rereferred to House Appropriations Committee, 1/26/2010**

**Public hearing held in House Insurance Committee, 1/28/2010**

### **New Bills Introduced**

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

[HB 2140](#) RE: Statewide Bonding Program (By Rep. Jake Wheatley, et al)

Amends Title 62 (Procurement) further providing for the definition of "small business;" establishing a statewide bonding program; providing guidelines for a Mentor-protégé program; establishing a small business reserve for the purpose of increasing economic opportunities for small and disadvantaged businesses; requiring each agency to set aside 10 percent of its moneys available for procurement into a small business reserve for award to qualified small and disadvantaged businesses.

**Introduced and referred to House State Government Committee, 1/19/2010**

[HB 2141](#) RE: Small Business Definition (by Rep. Ron Buxton, et al)

Amends Title 62 (Procurement) redefining "small business" as a business in the United States which is independently owned, is not dominant in its field of operation and employs 250 or fewer employees with up to \$45 million in gross revenue.

**Introduced and referred to House State Government Committee, 1/19/2010**

[HB 2142](#) RE: Statewide Bonding Program (By W. Curtis Thomas, et al)

Amends Title 62 (Procurement) providing for a statewide bonding program.

**Introduced and referred to House State Government Committee, 1/19/2010**

[HB 2143](#) RE: Disadvantaged Businesses (by Rep. Cherelle Parker, et al)

Amends Title 62 (Procurement) providing for agency oversight and responsibility for significantly increasing contracting opportunities for disadvantaged businesses; requiring state agencies to establish an overall aspirational target of 25 percent of procurement and construction moneys to be dedicated to disadvantaged businesses.

**Introduced and referred to House State Government Committee, 1/19/2010**

[HB 2144](#) RE: Department of Minority and Women Business Development (By Rep. Babette Josephs, et al)

Amends the Administrative Code establishing the Department of Minority and Women Business Development and providing for its powers and duties and making editorial changes.

**Introduced and referred to House State Government Committee, 1/19/2010**

[HB 2145](#) RE: Mentor-Protégé Program (by Rep. Kenyatta Johnson, et al)

Amends Title 62 (Procurement) adding a section providing Commonwealth agencies shall adopt and institute with the Department of General Services assistance, a mentor-protégé program to assist, support and enable small businesses to successfully compete for prime and subcontract awards by partnering with large companies, which shall serve as mentors, in State contracts. Further provides the mentor-protégé arrangement between a prime contractor and a minority-owned, women-owned or disadvantaged subcontractor shall be an important factor considered or weighed by the Commonwealth agency awarding a contract. Also provides the department shall establish the appropriate and applicable guidelines and criteria for firms to participate in a mentor-protégé program.

**Introduced and referred to House State Government Committee, 1/19/2010**

[HB 2146](#) RE: Pennsylvania Unified Certification program (by Rep. Vanessa Brown, et al)

Amends Title 62 (Procurement) providing for reciprocity of certifications; requiring agencies to accept the certification of the Pennsylvania Unified Certification program.

**Introduced and referred to House State Government Committee, 1/19/2010**

[HB 2147](#) RE: Small Business Reserve (By Rep. Tony Payton, et al)

Amends Title 62 (Procurement) requiring agencies to establish a small business reserve; each Commonwealth agency shall set 10 percent of its moneys available for procurement into a small business reserve for award to qualified small and disadvantaged businesses. The amount set aside shall be a minimum of \$25,000 with a maximum of \$5 million.

**Introduced and referred to House State Government Committee, 1/19/2010**

[HB 2148](#) RE: Monitoring of Prime Contractors' Performance (by Rep. Karen Beyer, et al)

Amends Title 62 (Procurement) providing guidelines for the monitoring of a prime contractors' performance.

**Introduced and referred to House State Government Committee, 1/19/2010**

[HB 2149](#) RE: Small and Disadvantaged Businesses (By Rep. Mark Mustio, et al)

Amends Title 62 (Procurement) in small and disadvantaged businesses, providing for prime contractors' performance by stating that when a subcontractor has performed in accordance with the provisions of the contract, a contractor shall pay to the subcontractor, and each subcontractor shall in turn pay to its subcontractors, the full or proportional amount received for each such subcontractor's work and material, based on work completed or services provided under the subcontract, five (changed from 14) days after receipt of a progress payment.

**Introduced and referred to House State Government Committee, 1/19/2010**

[HB 2190](#) RE: PCCA Board of Appeals Mandate (By Rep. Tina Pickett, et al)

Amends the Pennsylvania Construction Code Act to mandate that municipalities implement a board of appeals or be subject to a \$100 fine. The bill also provides for inspection powers and duties of the department.

**Introduced and referred to House Labor Relations Committee, 1/5/2010**

### **Upcoming Meetings of Interest**

#### **WEDNESDAY - 2/10/10**

##### **Senate Education Committee**

**12:00 p.m., Hearing Room 1, North Office Building**

Public hearing on Mandate Waivers

##### **House Labor Relations Committee (PUBLIC HEARING)**

**10 AM, 60 East Wing**

To consider:

[HB 2178](#) (Galloway) - Amends Manufactured Housing Improvement Act expanding the coverage of the act to relocated housing. "Relocated manufactured home" is defined as a manufactured home which has been transported to a site other than its original installation site.

#### **THURSDAY - 2/18/2010**

##### **L & I: UNIFORM CONSTRUCTION CODE (UCC) REVIEW AND ADVISORY COUNCIL**

10:00 a.m. to 5:00 p.m.

Department of Labor and Industry 651 Boas Street, Room E-100, Harrisburg.

Additional information concerning the meeting may be found on the Department of Labor and Industry website at [www.dli.state.pa.us](http://www.dli.state.pa.us). Questions concerning this may be directed to Edward Leister at (717) 783-6304.

#### **2010 SENATE SESSION SCHEDULE**

**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**

#### **2010 HOUSE SESSION SCHEDULE**

**February: 8, 9, 10**

**March: 8, 9, 10, 15, 16, 17, 22, 23, 24**

**April: 19, 20, 21, 26, 27, 28**

**May:** 3, 4, 5, 24, 25, 26

**June:** 7, 8, 9, 14, 15, 16, 21, 22, 23, 24, 25, 26, 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>