



# TRANSPARENT TIMES

A Publication of the Pennsylvania House  
State Government Committee  
Representative Daryl D. Metcalfe, Chairman

*Increasing Government  
Transparency and Accountability*

## COMBATING PAY-TO-PLAY

Legislation to combat “pay-to-play” contracting was recently approved by the House State Government Committee. Pay-to-play is a term used to describe contracting practices in which there is a relationship between the receipt of campaign contributions and the awarding of contracts.

Over the past few years, allegations of pay-to-play in state contracting have appeared in numerous media reports. One such report involved a 2009 state lawsuit against Janssen Pharmaceuticals on an improperly marketed drug, which the Commonwealth joined.

In the proceedings, Janssen argued that the contingency fee contract between the Commonwealth and Bailey, Perrin and Bailey (the Houston-based law firm handling the case), was invalid because the law firm donated to then-Governor Rendell’s campaign. Concern was raised that such an arrangement places the private interests of outside lawyers over the interests of the Commonwealth.

A specific desire to address concerns regarding the Janssen case and more general desire to increase transparency in relation to state contingent fee contracts provided the reasoning behind House Bill 1021. This bill, introduced by Representative Tim Krieger, (R-Westmoreland), amends the Procurement Code to establish disclosure requirements applicable to the awarding of contingent fee contracts for professional services, such

as: legal services, accounting and the services of dentists and physicians.

During a recent meeting on this bill, Representative Krieger noted that House Bill 1021 focuses on transparency and is proposed in order to avoid impropriety and the appearance of impropriety in state contracting. He stated the absence of uniform policies to govern contingent fee contracts creates the potential for abuse and conflict of interest. House Bill 1021 will attempt to preserve the ability of state attorneys general to contract with outside contingency fee counsel, while insulating themselves from political pressure and ensuring maximum benefits to taxpayers.

Under House Bill 1021, public notice of a state agency’s intention to award a contract on a contingent fee basis will be required. Additionally, contingent fee contracts will be posted on the Internet. Another aspect of the bill enhances accountability. In the case of a contingent fee contract for legal services, the bill will ensure that Commonwealth attorneys remain in control of any legal actions taken pursuant to the contract.

On April 13, 2011, the State Government Committee held an informational meeting on House Bill 1021 to further discuss and vet the legislation.

House Bill 1021 was approved by the State Government Committee on May 3, 2011. The bill will now be sent to the House floor for a vote in the coming weeks.



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## REDRAWING CONGRESSIONAL DISTRICT LINES

In keeping with its commitment to more transparency, the House State Government Committee will join the Senate State Government Committee to hold three public hearings regarding Congressional redistricting. As part of the fair, open and legal redistricting process, the committees welcome both formal testimony from interest groups and public comment from the citizens of Pennsylvania.

The processes for Congressional redistricting and state legislative redistricting in Pennsylvania are distinct. A five-member bipartisan Legislative Reapportionment Commission, created by Article 2, Section 17 of the Pennsylvania Constitution, is charged with preparing a state legislative redistricting plan, which divides the Commonwealth into 50 senatorial and 203 representative districts.

In contrast, Congressional redistricting is completed by the General Assembly through the enactment of legislation. The procedure for redrawing Pennsylvania's Congressional districts mirrors that of any proposal moving through the legislative process. A bill, detailing the Congressional redistricting plan, is introduced and referred to a legislative committee. The legislation then must be approved by both the House and the Senate. Each State Representative will cast an important vote to approve the redrawing of Pennsylvania's Congressional districts. The Governor ultimately has the authority to sign or veto the plan.

Due to below national average population growth, Pennsylvania will lose one Congressional seat this year. As a result, our Commonwealth will have less representation at the federal level. This factor and the fact that Congressional redistricting is a once-a-decade process have sparked public interest in the redistricting process.

While Congressional redistricting principles have been established in both court decisions and statutory law, the maxim of "one person, one vote" serves as the starting point for any Congressional plan. This principle will guide the members of the House State Government Committee as they embark on the hearing process and, in the future, review and consider the legislation that redraws Congressional district lines.

### THE SCHEDULE FOR THE HEARINGS IS AS FOLLOWS:

Philadelphia

Date: Thursday, May 12 | Time: 11 a.m. to 1 p.m.

Location: Philadelphia Convention Center, Room 105AB

Cranberry Township (Butler County)

Date: Thursday, June 9 | Time: 11 a.m. to 1 p.m.

Location: Cranberry Township Municipal Building

Harrisburg

Date: Tuesday, June 14 | Time: 9 a.m. to 11 a.m.

Location: State Capitol Complex, North Office Bldg., Hearing Room #1

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