

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 314 Session of
2005

INTRODUCED BY McILHATTAN, CALTAGIRONE, RUBLEY, BALDWIN,
REICHLEY, SCAVELLO, PICKETT, HERSHEY, YOUNGBLOOD, CREIGHTON,
CAUSER, KIRKLAND, TURZAI, PALLONE, DENLINGER AND THOMAS,
MAY 27, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 27, 2005

A RESOLUTION

1 Directing the Joint State Government Commission to study the
2 feasibility and suitability of legislation authorizing
3 public/private partnerships where governmental entities could
4 enter into agreements with private concerns to build and
5 maintain public buildings.

6 WHEREAS, There is an increasing public demand for new,
7 renovated and expanded governmental buildings and
8 infrastructure, especially education facilities; and

9 WHEREAS, The existing procurement process is lengthy and
10 time-consuming for the governmental officials and employees
11 involved in the approval, financing and oversight of the
12 project; and

13 WHEREAS, The taxpayers are struggling under the ever-
14 increasing cost of designing, constructing, renovating,
15 expanding, equipping, maintaining and operating public
16 buildings; and

17 WHEREAS, Existing provisions in Pennsylvania law are
18 inadequate to address all governmental units and have been

1 underutilized by the governmental units to which these
2 provisions currently apply; and

3 WHEREAS, Officials in other states have enacted laws to
4 authorize public/private partnerships and in some cases created
5 state incentives to engage in these partnerships; and

6 WHEREAS, Federal tax incentives exist to encourage
7 public/private partnerships for qualifying projects; and

8 WHEREAS, Authorizing public/private partnerships to design,
9 construct, renovate, expand, equip, maintain and operate public
10 buildings may result in the availability of such projects in a
11 more timely and less costly fashion, thereby serving the public
12 safety, health and welfare; therefore be it

13 RESOLVED, That the House of Representatives direct the Joint
14 State Government Commission to study the feasibility and
15 suitability of public/private partnerships where governmental
16 entities could enter into agreements with private concerns to
17 build and maintain public buildings; and be it further

18 RESOLVED, That this study address the following:

19 (1) The adequacy and effectiveness of current
20 Pennsylvania laws authorizing public/private partnerships to
21 enter into agreements with private concerns to build and
22 maintain public buildings.

23 (2) The adequacy and effectiveness of laws in other
24 states authorizing public/private partnerships to enter into
25 agreements with private concerns to build and maintain public
26 buildings.

27 (3) Proposed legislation which would expand the
28 opportunities for governmental entities to participate in
29 public/private partnerships where governmental entities could
30 enter into agreements with private concerns to build and

1 maintain public buildings. This draft legislation shall:

2 (i) Ensure that agreements for public/private
3 partnerships may only be considered by governmental
4 entities following an appropriate level of public
5 discussion and scrutiny.

6 (ii) Ensure that agreements for public/private
7 partnerships provide for full disclosure of costs to the
8 governmental entities and the public.

9 (iii) Include State, county, municipal, school
10 district, municipal authority and other governmental
11 projects.

12 (iv) Reference or be integrated into other laws
13 governing procurement and related matters for
14 governmental entities.

15 (v) Facilitate cooperative ventures between
16 governmental entities;

17 and be it further

18 RESOLVED, That the report of the Joint State Government
19 Commission be submitted to the House of Representatives within
20 one year of the adoption of this resolution.