

**PRIORITY ISSUES**

<b>Issue</b>	<b>Current Law</b>	<b>Proposals/Pending Legislation</b>	<b>Status</b>	<b>Position/Action Items</b>
Best Value Contracting	Commonwealth Procurement Code allows DGS to utilize BVC	No pending legislation	GCAP continues to monitor DGS use of BVC	GCAP is developing its position on this issue.
Business Privilege Tax	The Pennsylvania Supreme Court has ruled that Act 511 allows municipalities to impose a tax on <u>any</u> entity exercising the privilege of “doing business within their jurisdiction.”	SB 405 would require that a BPT may only be levied on an entity that maintains a permanent basis of operations in the municipality.	SB 405 has been introduced and referred to the Senate Finance Committee.	GCAP supports SB 405.
Employee Verification	There is no current state law to address the problem of illegal aliens working in the construction industry.	<p>HB 379 requires verification of Social Security numbers of all employees of public works contractors contracting with the Commonwealth for purposes of wage reporting and employment eligibility.</p> <p>HB 380 would require construction industry employers to verify the Social Security numbers of all employees for purposes of wage reporting and employment eligibility. Both bills provide for some level of good faith immunity.</p>	Both bills are identical to HBs 1502 and 1503. They have been referred to the House State Government Committee	GCAP supports the bills in principle, but believes they should be further amended to be an even better tool to keep construction employers from cheating with an illegal workforce.
Green building standards in construction in the Commonwealth.	There is no current law requiring green building standards for schools and other publicly funded buildings	Legislation (HB 444 and SB 728) was introduced last session that would apply best practices green building standards to construction in the Commonwealth	No legislation has been introduced thus far in the 2011-2012 Legislative Session.	GCAP supports the concept.
Mechanic’s Lien Law	The Mechanic’s Lien Law was amended in the 2006-07 session to prohibit the waiver of contractor’s lien rights under most circumstances. It also extended lien rights to 2 <sup>nd</sup> tier subcontractors.	Rep. Mike Turzai is planning to introduce legislation similar to HB 1960 that would allow owners to know who could potentially place a lien on their property and further clarifies who has lien rights on a project.	GCAP is working with Rep. Turzai and his staff on this legislation.	GCAP supports the provisions of HB 1960 and would be willing to work to move this legislation forward next session.

Prevailing Wage	Pennsylvania Prevailing Wage Act requires the Secretary of Labor and Industry to determine the general prevailing minimum wage for public construction in a locality.	Rep. Ron Miller, Chairman of the House Labor Relations Committee has legislation to require Labor and Industry to utilize occupational wage rata data from the Center for Workforce and Analysis to determine the prevailing wage rate for each county.  HB 709 would exempt school construction from the prevailing wage unless a school district opts to subject itself to the Prevailing Wage Act.	Either bill could be a part of a package of education reform bills considered by the General Assembly	GCAP does not support eliminating the prevailing wage.  GCAP is developing its position on Rep. Miller's legislation
Project Labor Agreements	The Commonwealth routinely uses project labor agreements on public construction projects	Last session, HB 2010 was introduced by Rep. John Bear (R-Lancaster) to <b><i>prohibit the Commonwealth from requiring PLAS on public construction projects.</i></b>	Rep. Bear has not yet re-introduced his bill.	GCAP opposes PLAs without contractor representation at the negotiating table.
Separations Act	All public construction must abide by the Separations Act.	HB 36 would remove the Separations Act from the Public School Code and eliminate the multi-prime bidding requirements for K-12 schools and PASSHE facilities.  HB 190 would recreate the Mandate Waivers program that expired, but require a school district to bid a project both ways before receiving relief from the Separations Act	HB 36 is likely to be part of a package of education reform bills that the House will consider between now and when the General Assembly and Governor agree to a state spending plan later this spring (possibly by Memorial Day).  HB 190 is not likely to move.	GCAP strongly supports HB 36 and will work to keep it moving through the legislative process.  GCAP strongly opposes HB 190.

### Legislative Calendar

Currently Scheduled House Session Days: February 28, March 1, 2, 7, 8, 9 (House Budget Hearings March 14-30)

Currently Scheduled Senate Session Days: February 28, March 1, 2, 7, 8, 9 (Senate Budget Hearings March 16-31)

*Copies of any bill highlighted in this report or any other legislation are available from the GCAP office. They are also available via the Internet at:*  
<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>.