

HB0560/379036/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 560
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after “reports;” insert “requiring certain public-private partnerships to be listed in the annual capital budget or the Consolidated Transportation Program;”; in line 13, after “reports;” insert “authorizing, under certain circumstances, certain legislative committees to request additional time to review the presolicitation report;”; and in line 15, after “circumstances;” insert “prohibiting the Board of Public Works from approving a public-private partnership that results in the State exceeding certain debt affordability guidelines;”.

AMENDMENT NO. 2

On page 5, in line 10, strike “A”; strike beginning with “PROJECT” in line 11 down through “**21.01.03.03(D)**” in line 11 and substitute “**UNDER 21.01.03.03(B)(1)(D)**”; and in line 12, after “REGULATIONS” insert “**THAT IS NOT A PUBLIC-PRIVATE PARTNERSHIP AS DEFINED UNDER PARAGRAPH (1) OF THIS SUBSECTION**”.

AMENDMENT NO. 3

On page 9, after line 14, insert:

“(D) ALL EXISTING PUBLIC-PRIVATE PARTNERSHIPS AND ANY PUBLIC-PRIVATE PARTNERSHIP THAT IS EXPECTED TO BE SOLICITED SHALL BE LISTED ANNUALLY AS APPROPRIATE IN THE ANNUAL CAPITAL BUDGET OR THE CONSOLIDATED TRANSPORTATION PROGRAM.”

AMENDMENT NO. 4

On page 9, after line 30, insert:

(Over)

“(D) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE A PUBLIC-PRIVATE PARTNERSHIP THAT RESULTS IN THE STATE EXCEEDING ITS DEBT AFFORDABILITY GUIDELINES.”.

AMENDMENT NO. 5

On page 10, in line 15, after “(2)” insert “(I)”; after line 17, insert:

“(II) 1. IF THE TOTAL VALUE OF A PROPOSED PUBLIC-PRIVATE PARTNERSHIP REPORTED IN THE PRESOLICITATION REPORT UNDER PARAGRAPH (B)(1) OF THIS SUBSECTION EXCEEDS \$500,000,000, THE BUDGET COMMITTEES MAY REQUEST AN ADDITIONAL 15 DAYS TO REVIEW AND COMMENT ON THE PRESOLICITATION REPORT.

2. THE REQUEST FOR ADDITIONAL TIME UNDER THIS SUBPARAGRAPH SHALL:

A. BE MADE IN WRITING TO THE GOVERNOR, THE DEPARTMENT OF BUDGET AND MANAGEMENT, AND THE REPORTING AGENCY; AND

B. INCLUDE THE REASON FOR THE REQUEST AND ANY PRELIMINARY ISSUES THE BUDGET COMMITTEES HAVE.”;

in line 21, after “ANTICIPATED” insert “VALUE OF THE PROPOSED PUBLIC-PRIVATE PARTNERSHIP,”; in line 22, after “STATE” insert a comma; and strike in their entirety lines 31 through 34, inclusive, and substitute:

“(IV) INCLUDE, IF RELEVANT AND TO THE EXTENT POSSIBLE, THE FOLLOWING INFORMATION PREPARED BY THE REPORTING AGENCY, IN CONSULTATION WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT:

1. A PRELIMINARY ANALYSIS ON DEBT AFFORDABILITY;

2. A PRELIMINARY SUMMARY OF THE PROPOSED SOLICITATION PROCESS; AND

3. A STATEMENT OF INTENTION TO USE THE EXEMPTION FROM THE REQUIREMENTS OF DIVISION II OF THIS ARTICLE SET FORTH IN § 11-203 OF THIS ARTICLE;

AMENDMENT NO. 6

On page 11, in line 7, strike “**45-DAY**”; in line 17, strike “**COMMITTEES HAVE HAD 45 DAYS TO**” and substitute “**COMMITTEES**”; and in line 18, after “**COMMENT**” insert “**PERIOD**”.

AMENDMENT NO. 7

On page 12, strike beginning with the first comma in line 13 down through “**PROCESS**” in line 14.

AMENDMENT NO. 8

On page 13, in line 7, strike “**DAYS**” and substitute “**DAYS**”.

AMENDMENT NO. 9

On page 16, strike beginning with “**SEALED**” in line 31 down through “**PROCESS**” in line 32 and substitute “**SOLICITATION PROCESS AS DESCRIBED UNDER SUBTITLE 2 OF THIS TITLE**”.

AMENDMENT NO. 10

On page 17, in line 3, strike “**10A-201(B)**” and substitute “**10A-203(B)**”; and in line 8, strike “**BID OR COMPETITIVE SEALED PROPOSAL**”.

AMENDMENT NO. 11

On page 18, strike in their entirety lines 6 through 10, inclusive, and substitute:

“(10) THE TERMS AND CONDITIONS FOR AUDITS BY THE STATE, INCLUDING THE OFFICE OF LEGISLATIVE AUDITS, RELATED TO THE AGREEMENT’S FINANCIAL RECORDS AND PERFORMANCE;”.

AMENDMENT NO. 12

On page 22, strike in their entirety lines 20 and 21, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That this Act is intended to be prospective only and shall apply to public-private partnerships established on or after the effective date of this Act. Further provided that, nothing in this Act may be construed to apply to, authorize, or have any effect on an existing procurement, lease, sale or development agreement, and nothing in this Act is intended to affect or alter any pending litigation.”.