

HB1515/163122/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 1515
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Transportation – Transit Authorities – Red Line and Purple Line".

On pages 1 and 2, strike beginning with "altering" in line 3 on page 1 down through "investment" in line 39 on page 2 and substitute "establishing the Red Line Transit Authority and the Purple Line Transit Authority to finance, construct, and operate the Red Line and the Purple Line light rail transit lines; providing for the members, appointments, terms, chairs, and staff of the Authorities; prohibiting the Department of Transportation from exercising jurisdiction or authority over the Red Line and the Purple Line light rail transit lines; authorizing the Authorities to take certain actions in the performance of their duties; authorizing the Authorities to tax to the same extent as the State within certain districts for the purpose of financing the Red Line and the Purple Line transit facilities and transit service; authorizing the Authorities to provide for the collection of any tax and to grant exemptions from any tax; authorizing the Authorities to issue revenue bonds payable from certain fees, fares, and taxes for the purpose of financing transit facilities; providing that bonds issued by the Authorities do not constitute a debt or pledge of the full faith and credit of certain entities; providing that bonds issued by the Authorities do not obligate certain entities to impose any tax; requiring the Authorities to determine certain matters concerning bonds they issue; providing for the issuance and execution of the bonds; authorizing the Authorities to issue bonds to refinance the cost of transit facilities; authorizing the Authorities to issue revenue refunding bonds for certain purposes; authorizing the Authorities to issue interim certificates or temporary bonds; authorizing the Authorities to issue bond anticipation notes; authorizing revenue bonds issued by the Authorities to be secured by certain trust agreements; requiring certain fees, fares, and taxes designated by the Authorities as security for bonds to be

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adjusted in a certain manner; requiring that certain revenues of the Authorities shall be deemed to be trust funds to be used only in a certain manner; authorizing the trustee or a holder of revenue bonds issued by the Authorities to bring a legal action to enforce certain rights and compel the performance of certain duties; providing that bonds issued by the Authorities are securities in which certain persons may invest and that may be deposited with certain persons; exempting revenue bonds issued by the Authorities from taxation; defining certain terms; and generally relating to the creation of the Red Line Transit Authority and the Purple Line Transit Authority to finance, construct, and operate certain transit lines”.

On pages 2 and 3, strike in their entirety the lines beginning with line 40 on page 2 through line 19 on page 3, inclusive, and substitute:

“BY adding to

Article – Transportation

Section 9–101 through 9–413 to be under the new title “Title 9. Regional Transit Authorities”

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)”.

On page 3, after line 21, insert:

“Article – Transportation

TITLE 9. REGIONAL TRANSIT AUTHORITIES.

SUBTITLE 1. DEFINITIONS.

9–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "AUTHORITIES" MEANS:

(1) THE RED LINE TRANSIT AUTHORITY; AND

(2) THE PURPLE LINE TRANSIT AUTHORITY.

(C) "COST" HAS THE MEANING STATED IN § 3-101 OF THIS ARTICLE.

(D) "DISTRICT" MEANS:

(1) THE RED LINE TRANSIT DISTRICT, CONSISTING OF BALTIMORE CITY AND BALTIMORE COUNTY; OR

(2) THE PURPLE LINE TRANSIT DISTRICT, CONSISTING OF MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY.

(E) "LIGHT RAIL TRANSIT" HAS THE MEANING STATED IN § 7-101 OF THIS ARTICLE.

(F) "PURPLE LINE" MEANS A LIGHT RAIL TRANSIT LINE FROM BETHESDA IN MONTGOMERY COUNTY TO NEW CARROLLTON IN PRINCE GEORGE'S COUNTY.

(G) "RED LINE" MEANS A LIGHT RAIL TRANSIT LINE FROM WOODLAWN IN BALTIMORE COUNTY TO JOHNS HOPKINS BAYVIEW MEDICAL CENTER CAMPUS IN BALTIMORE CITY.

(H) "TRANSIT FACILITY" HAS THE MEANING STATED IN § 7-101 OF THIS ARTICLE.

(I) "TRANSIT SERVICE" HAS THE MEANING STATED IN § 7-101 OF THIS ARTICLE.

SUBTITLE 2. RED LINE TRANSIT AUTHORITY AND PURPLE LINE TRANSIT AUTHORITY.

9-201.

THERE IS A RED LINE TRANSIT AUTHORITY AND A PURPLE LINE TRANSIT AUTHORITY.

9-202.

(A) THE RED LINE TRANSIT AUTHORITY CONSISTS OF EIGHT MEMBERS AS FOLLOWS:

(1) TWO MEMBERS APPOINTED BY THE COUNTY EXECUTIVE OF BALTIMORE COUNTY, SUBJECT TO THE CONFIRMATION OF THE COUNTY COUNCIL;

(2) TWO MEMBERS APPOINTED BY THE MAYOR OF BALTIMORE CITY, SUBJECT TO THE CONFIRMATION OF THE CITY COUNCIL; AND

(3) FOUR MEMBERS APPOINTED BY THE GOVERNOR, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.

(B) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE AUTHORITY.

(C) EACH MEMBER OF THE AUTHORITY SERVES FOR A TERM OF 4 YEARS AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) THE TERMS OF THE MEMBERS OF THE AUTHORITY BEGIN ON JULY 1 IN THE YEAR OF APPOINTMENT.

(E) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED TERM SERVES ONLY FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(F) A MEMBER OF THE AUTHORITY IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

9-203.

(A) THE PURPLE LINE TRANSIT AUTHORITY CONSISTS OF EIGHT MEMBERS AS FOLLOWS:

(1) TWO MEMBERS APPOINTED BY THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY, SUBJECT TO THE CONFIRMATION OF THE COUNTY COUNCIL;

(2) TWO MEMBERS APPOINTED BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY, SUBJECT TO THE CONFIRMATION OF THE COUNTY COUNCIL; AND

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(3) FOUR MEMBERS APPOINTED BY THE GOVERNOR, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.

(B) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE AUTHORITY.

(C) EACH MEMBER OF THE AUTHORITY SERVES FOR A TERM OF 4 YEARS AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) THE TERMS OF THE MEMBERS OF THE AUTHORITY BEGIN ON JULY 1 IN THE YEAR OF APPOINTMENT.

(E) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED TERM SERVES ONLY FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(F) A MEMBER OF THE AUTHORITY IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

9-204.

THE RED LINE TRANSIT AUTHORITY AND THE PURPLE LINE TRANSIT AUTHORITY ARE ENTITLED TO THE STAFF PROVIDED IN THE STATE BUDGET.

SUBTITLE 3. JURISDICTION AND POWERS.

9-301.

(A) THE RED LINE TRANSIT AUTHORITY SHALL:

(1) FINANCE, CONSTRUCT, OPERATE, REPAIR, AND MAINTAIN IN GOOD ORDER THE RED LINE TRANSIT FACILITY AND TRANSIT SERVICE; AND

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, HAVE GENERAL AND EXCLUSIVE JURISDICTION OVER THE RED LINE TRANSIT FACILITY AND TRANSIT SERVICE.

(B) THE DEPARTMENT MAY NOT EXERCISE JURISDICTION OR AUTHORITY OVER THE RED LINE TRANSIT FACILITY AND TRANSIT SERVICE.

9-302.

(A) THE PURPLE LINE TRANSIT AUTHORITY SHALL:

(1) FINANCE, CONSTRUCT, OPERATE, REPAIR, AND MAINTAIN IN GOOD ORDER THE PURPLE LINE TRANSIT FACILITY AND TRANSIT SERVICE; AND

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, HAVE GENERAL AND EXCLUSIVE JURISDICTION OVER THE PURPLE LINE TRANSIT FACILITY AND TRANSIT SERVICE.

(B) THE DEPARTMENT MAY NOT EXERCISE JURISDICTION OR AUTHORITY OVER THE PURPLE LINE TRANSIT FACILITY AND TRANSIT SERVICE.

9-303.

THE AUTHORITIES MAY DO THE FOLLOWING IN THE EXERCISE OF THEIR POWERS AND PERFORMANCE OF THEIR DUTIES:

- (1) ACQUIRE, HOLD, AND DISPOSE OF PROPERTY;
- (2) SUE AND BE SUED IN THEIR OWN NAMES;
- (3) MAKE CONTRACTS AND AGREEMENTS;
- (4) EMPLOY AND FIX THE COMPENSATION OF ATTORNEYS, CONSULTING ENGINEERS, ACCOUNTANTS, CONSTRUCTION AND FINANCIAL EXPERTS, MANAGERS, AND ANY OTHER AGENTS OR EMPLOYEES;
- (5) APPLY FOR AND RECEIVE GRANTS FROM A FEDERAL AGENCY OR ANY OTHER SOURCE;
- (6) CONDEMN PROPERTY IN ACCORDANCE WITH TITLE 12 OF THE REAL PROPERTY ARTICLE;
- (7) FIX, REVISE, CHARGE, AND COLLECT RENTALS, RATES, FEES, FARES, AND OTHER CHARGES FOR THE USE OF THEIR FACILITIES OR SERVICES;
AND
- (8) ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS TITLE.

SUBTITLE 4. FINANCING OF TRANSIT FACILITIES AND TRANSIT SERVICES.

9-401.

FOR THE PURPOSE OF FINANCING THE RED LINE AND THE PURPLE LINE TRANSIT FACILITIES AND TRANSIT SERVICES, THE AUTHORITIES MAY, WITHIN THE LIMITS OF THEIR RESPECTIVE DISTRICTS, EXERCISE THE POWER TO TAX TO

THE SAME EXTENT AS THE STATE, PROVIDE FOR THE COLLECTION OF ANY TAX, AND GRANT EXEMPTIONS FROM ANY TAX.

9-402.

(A) TO FINANCE THE COST OF TRANSIT FACILITIES, THE AUTHORITIES MAY ISSUE REVENUE BONDS, NOTES, OR OTHER EVIDENCE OF OBLIGATION, PAYABLE SOLELY FROM THE RENTALS, RATES, FEES, FARES, AND TAXES EACH AUTHORITY IS EMPOWERED TO IMPOSE UNDER THIS TITLE.

(B) BOND PROCEEDS MAY BE USED SOLELY FOR PAYING THE COST OF TRANSIT FACILITIES.

9-403.

(A) BONDS ISSUED BY THE AUTHORITIES UNDER THIS SUBTITLE MAY NOT:

(1) CONSTITUTE A DEBT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OTHER THAN THE AUTHORITIES, AND SHALL SO STATE ON THEIR FACE;

(2) CONSTITUTE A PLEDGE OF THE FULL FAITH AND CREDIT OF THE AUTHORITIES OR THE STATE OR A POLITICAL SUBDIVISION OF THE STATE; OR

(3) DIRECTLY OR INDIRECTLY OBLIGATE THE STATE OR A POLITICAL SUBDIVISION OF THE STATE TO IMPOSE ANY TAX, AND SHALL CONTAIN A STATEMENT ON THEIR FACE TO THAT EFFECT.

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(B) THE AUTHORITIES SHALL DETERMINE THE FOLLOWING CONCERNING BONDS ISSUED BY THE AUTHORITIES:

- (1) DATE OF ISSUE;
- (2) INTEREST RATE;
- (3) DATE AND AMOUNT OF MATURITY, EXCEPT THAT A BOND MAY NOT MATURE MORE THAN 40 YEARS AFTER ITS DATE OF ISSUE;
- (4) FORM AND MANNER OF EXECUTION;
- (5) MANNER OF SALE; AND
- (6) ANY OTHER MATTER RELATING TO THE FORM, TERMS, CONDITIONS, ISSUANCE, SALE, AND DELIVERY OF THE BONDS.

(C) THE AUTHORITIES MAY ISSUE BONDS:

- (1) WITHOUT OBTAINING THE CONSENT OF ANY INSTRUMENTALITY, AGENCY, OR UNIT OF THE STATE; AND
- (2) WITHOUT ANY PROCEEDINGS OR THE OCCURRENCE OF ANY CONDITIONS OR OBLIGATIONS OTHER THAN THOSE SPECIFICALLY REQUIRED BY THIS SUBTITLE.

(D) (1) CONSOLIDATED TRANSPORTATION BONDS SHALL BE EXECUTED ON BEHALF OF THE AUTHORITIES BY THE MANUAL OR FACSIMILE SIGNATURES OF THE CHAIRS OF THE AUTHORITIES.

(2) OTHER SIGNATURES ON THE BONDS MAY BE EITHER MANUAL OR FACSIMILE.

(E) IF AN INDIVIDUAL WHOSE MANUAL OR FACSIMILE SIGNATURE APPEARS ON ANY BOND OR COUPON CEASES TO SERVE IN AN AUTHORIZED CAPACITY BEFORE THE DELIVERY OF THE BOND, THE SIGNATURE NEVERTHELESS IS AS VALID AND SUFFICIENT FOR ALL PURPOSES AS IF THE INDIVIDUAL HAD REMAINED IN THAT CAPACITY UNTIL DELIVERY OF THE BOND.

9-404.

(A) WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY, THE AUTHORITIES MAY ISSUE BONDS TO REFINANCE ALL OR ANY PART OF THE COST OF TRANSIT FACILITIES FOR WHICH AN AUTHORITY PREVIOUSLY ISSUED BONDS UNDER THIS SUBTITLE.

(B) IF, BY REASON OF INCREASED CONSTRUCTION COSTS, ERROR IN ESTIMATES, OR OTHERWISE, THE PROCEEDS OF THE REVENUE BONDS OF ANY ISSUE ARE LESS THAN THE AMOUNT REQUIRED FOR THE PURPOSE FOR WHICH THE BONDS ARE AUTHORIZED, ADDITIONAL REVENUE BONDS MAY BE ISSUED IN A SIMILAR MANNER TO PROVIDE THE AMOUNT OF THE DEFICIENCY.

9-405.

(A) IN THIS SECTION, "REFUNDING" MEANS THE RETIREMENT AND CANCELLATION OF BONDS, INCLUDING REVENUE BONDS OF PRIOR ISSUES, AFTER THEIR ACQUISITION BY OR FOR THE AUTHORITIES, WHETHER BEFORE, AT, OR AFTER MATURITY, EITHER IN EXCHANGE FOR OTHER BONDS OR BY PAYMENT, PURCHASE, OR REDEMPTION WITH THE PROCEEDS OF THE SALE OF OTHER BONDS.

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(B) THE AUTHORITIES MAY ISSUE REVENUE REFUNDING BONDS FOR:

(1) REFUNDING ANY BONDS ISSUED UNDER THIS SUBTITLE OR ANY REVENUE BONDS OF PRIOR ISSUES, INCLUDING THE PAYMENT OF ANY REDEMPTION PREMIUM ON THE BONDS AND ANY INTEREST ACCRUED OR TO ACCRUE TO THE DATE OF REDEMPTION OF THE BONDS; AND

(2) CONSTRUCTING IMPROVEMENTS OR EXTENSIONS TO OR ENLARGEMENTS OF ANY TRANSIT FACILITY.

9-406.

BEFORE THE PREPARATION OF DEFINITIVE BONDS, THE AUTHORITIES MAY ISSUE INTERIM CERTIFICATES OR TEMPORARY BONDS, WITH OR WITHOUT COUPONS, EXCHANGEABLE FOR DEFINITIVE BONDS WHEN THE DEFINITIVE BONDS HAVE BEEN EXECUTED AND ARE AVAILABLE FOR DELIVERY.

9-407.

(A) THE AUTHORITIES MAY ISSUE BOND ANTICIPATION NOTES PAYABLE TO THE BEARER OR REGISTERED HOLDER OF THE NOTES OUT OF THE FIRST PROCEEDS OF THE NEXT SALE OF BONDS ISSUED UNDER THIS SUBTITLE.

(B) THE ISSUANCE OF BOND ANTICIPATION NOTES, THE DETAILS OF THEIR ISSUANCE, THE RIGHTS OF THEIR HOLDERS, AND THE RIGHTS, DUTIES, AND OBLIGATIONS OF THE AUTHORITIES WITH RESPECT TO THE BOND ANTICIPATION NOTES ARE GOVERNED BY THE PROVISIONS OF THIS SUBTITLE RELATING TO THE ISSUANCE OF THE BONDS IN ANTICIPATION OF THE SALE OF

WHICH THE NOTES ARE ISSUED, INsofar AS THOSE PROVISIONS ARE APPLICABLE.

9-408.

(A) REVENUE BONDS ISSUED UNDER THIS SUBTITLE MAY BE SECURED BY A TRUST AGREEMENT BETWEEN THE RED LINE TRANSIT AUTHORITY OR THE PURPLE LINE TRANSIT AUTHORITY AND A CORPORATE TRUSTEE, WHICH MAY BE ANY TRUST COMPANY OR BANK HAVING TRUST POWERS WITHIN OR WITHOUT THE STATE.

(B) THE TRUST AGREEMENT MAY PLEDGE OR ASSIGN ALL OR ANY PART OF THE REVENUES OF THE RED LINE TRANSIT AUTHORITY OR THE PURPLE LINE TRANSIT AUTHORITY OR OF ANY TRANSIT FACILITY BUT MAY NOT MORTGAGE ANY PART OF ANY TRANSIT FACILITY.

9-409.

THE RENTALS, RATES, FEES, FARES, AND TAXES DESIGNATED AS SECURITY FOR BONDS ISSUED UNDER THIS SUBTITLE SHALL BE FIXED AND ADJUSTED SO AS TO PROVIDE FUNDS THAT ARE SUFFICIENT AS LONG AS THE BONDS ARE OUTSTANDING AND UNPAID TO PAY THE PRINCIPAL OF AND THE INTEREST ON THE BONDS AS THEY BECOME DUE AND PAYABLE.

9-410.

ALL MONEY THAT IS RECEIVED BY THE AUTHORITIES AS PROCEEDS FROM THE SALE OF REVENUE BONDS, NOTES, OR OTHER EVIDENCES OF OBLIGATION UNDER THIS SUBTITLE AND, BY WAY OF RENTALS, RATES, FEES, FARES, AND TAXES, THAT IS DESIGNATED BY ANY TRUST AGREEMENT AS SECURITY FOR THE

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BONDS, NOTES, OR OTHER EVIDENCES OF OBLIGATION SHALL BE DEEMED TO BE TRUST FUNDS TO BE HELD AND APPLIED ONLY AS PROVIDED IN THIS SUBTITLE.

9-411.

EXCEPT TO THE EXTENT RESTRICTED BY THE TRUST AGREEMENT, THE TRUSTEE OR ANY HOLDER OF REVENUE BONDS ISSUED UNDER THIS SUBTITLE OR OF ANY OF THE COUPONS APPERTAINING TO THE BONDS MAY:

(1) BRING A SUIT OR OTHER PROCEEDING TO PROTECT AND ENFORCE ANY RIGHT UNDER THE LAWS OF THE STATE OR UNDER THE TRUST AGREEMENT; AND

(2) ENFORCE AND COMPEL THE PERFORMANCE OF ALL DUTIES REQUIRED BY THIS SUBTITLE OR BY THE TRUST AGREEMENT TO BE PERFORMED BY THE AUTHORITIES OR BY ANY OF THEIR OFFICERS, INCLUDING THE FIXING, CHARGING, IMPOSING, AND COLLECTING OF RENTALS, RATES, FEES, FARES, AND TAXES.

9-412.

BONDS ISSUED UNDER THIS SUBTITLE ARE SECURITIES:

(1) IN WHICH ALL PUBLIC OFFICERS AND PUBLIC BODIES OF THE STATE AND ITS POLITICAL SUBDIVISIONS, ALL INSURANCE COMPANIES, STATE BANKS AND TRUST COMPANIES, NATIONAL BANKING ASSOCIATIONS, SAVINGS BANKS, SAVINGS AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES, EXECUTORS, ADMINISTRATORS, TRUSTEES, AND OTHER FIDUCIARIES MAY PROPERLY AND LEGALLY INVEST FUNDS, INCLUDING CAPITAL IN THEIR CONTROL OR BELONGING TO THEM; AND

(2) THAT MAY BE PROPERLY AND LEGALLY DEPOSITED WITH AND RECEIVED BY ANY STATE OR COUNTY OFFICER OR ANY AGENCY OR POLITICAL SUBDIVISION OF THE STATE FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OBLIGATIONS OF THE STATE IS AUTHORIZED BY LAW.

9-413.

THE REVENUE BONDS, NOTES, AND OTHER EVIDENCES OF OBLIGATION ISSUED UNDER THIS SUBTITLE, THEIR TRANSFER, THE INTEREST PAYABLE ON THEM, AND ANY INCOME DERIVED FROM THEM, INCLUDING ANY PROFIT REALIZED IN THEIR SALE OR EXCHANGE, SHALL BE EXEMPT FROM TAXATION BY THE STATE OR BY ANY OF ITS POLITICAL SUBDIVISIONS, MUNICIPAL CORPORATIONS, OR PUBLIC AGENCIES.”.

On pages 3 through 26, strike in their entirety the lines beginning with line 22 on page 3 through line 9 on page 26, inclusive.

On page 26, in line 10, strike “13.” and substitute “2.”; strike beginning with “, except” in line 10 down through “Act,” in line 11; and in line 11, strike “June” and substitute “October”.