

SENATE BILL 754

P2

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CF 4lr3000

By: **Senator Conway**

Introduced and read first time: January 31, 2014

Assigned to: Budget and Taxation

A BILL ENTITLED

AN ACT concerning

Public-Private Partnerships – Disclosure of Involvement in Deportations – Requirement

FOR the purpose of prohibiting, under certain circumstances, a reporting agency from entering into a public-private partnership or execute an agreement, under a certain provision of law, with a private entity; requiring a private entity to certify to the reporting agency whether the entity had direct involvement in the deportation of certain victims; requiring an entity, under certain circumstances, to certify to the reporting agency certain information; providing for the construction of certain provisions of this Act; defining certain terms; and generally relating to the disclosure of involvement in deportations by private entities that seek to enter into public-private partnerships.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 10A-103(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY adding to
Article – State Finance and Procurement
Section 10A-103.1
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

10A-103.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) (1) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A reporting agency may establish a public–private partnership and execute an agreement in connection with any public infrastructure asset for which the reporting agency is responsible in accordance with the provisions of the Annotated Code.

(II) A REPORTING AGENCY MAY NOT ESTABLISH A PUBLIC–PRIVATE PARTNERSHIP OR EXECUTE AN AGREEMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH WITH A PRIVATE ENTITY IF THE PRIVATE ENTITY:

1. IS REQUIRED TO MAKE A CERTIFICATION UNDER § 10A–103.1 OF THIS SUBTITLE; AND

2. A. FAILS TO MAKE THE CERTIFICATION; OR

B. CERTIFIES THAT THE PRIVATE ENTITY HAS NOT PROVIDED REPARATIONS TO ALL IDENTIFIABLE VICTIMS OF THE DEPORTATIONS OR TO THEIR FAMILIES.

10A–103.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DIRECT INVOLVEMENT” MEANS OWNERSHIP OR OPERATION OF THE TRAINS ON WHICH INDIVIDUALS WERE TRANSPORTED TO EXTERMINATION CAMPS, DEATH CAMPS, OR ANY FACILITY USED TO TRANSITION INDIVIDUALS TO EXTERMINATION CAMPS OR DEATH CAMPS DURING THE PERIOD BEGINNING ON SEPTEMBER 1, 1939, AND ENDING ON SEPTEMBER 2, 1945.

(3) “ENTITY” MEANS:

(I) A CORPORATION, AN AFFILIATE, OR ANY OTHER SIMILAR ORGANIZATION OR A SUCCESSOR IN INTEREST OF THE CORPORATION, AFFILIATE, OR SIMILAR ORGANIZATION THAT CONTROLS, OR IS CONTROLLED OR OWNED OR PARTIALLY OWNED BY OR UNDER COMMON CONTROL WITH, A CORPORATION THAT HAD DIRECT INVOLVEMENT IN THE DEPORTATION OF VICTIMS, WHETHER OR NOT OWNED IN WHOLE OR PART BY A FOREIGN GOVERNMENT; OR

(II) A PARTNERSHIP OR A CONSORTIUM THAT INCLUDES AN ENTITY THAT CERTIFIES THAT IT HAD DIRECT INVOLVEMENT IN THE DEPORTATION OF VICTIMS.

(4) (I) “REPARATIONS” INCLUDES ANY RESTITUTION OR SETTLEMENT PAID BY AN ENTITY TO ALL IDENTIFIABLE VICTIMS IN CONNECTION WITH THE ENTITY’S DIRECT INVOLVEMENT IN THE DEPORTATION OF VICTIMS.

(II) “REPARATIONS” DOES NOT INCLUDE ANY OTHER RESTITUTION OR SETTLEMENT PAID BY THE ENTITY OR ANY AFFILIATED PARTY OR FOREIGN GOVERNMENT NOT SPECIFICALLY ARISING FROM THE ENTITY’S DIRECT INVOLVEMENT IN THE DEPORTATION OF VICTIMS.

(5) “VICTIM” MEANS AN INDIVIDUAL WHO WAS ON AN ENTITY’S TRAIN FOR THE PURPOSE OF BEING TRANSPORTED TO AN EXTERMINATION CAMP, A DEATH CAMP, OR A FACILITY USED TO TRANSITION INDIVIDUALS TO EXTERMINATION CAMPS OR DEATH CAMPS DURING THE PERIOD BEGINNING ON SEPTEMBER 1, 1939, AND ENDING ON SEPTEMBER 2, 1945.

(B) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT ANY OTHER STATE LAW REQUIRING THE DISCLOSURE OF INFORMATION REGARDING AN ENTITY’S INVOLVEMENT IN THE DEPORTATION OF VICTIMS.

(C) TO BE ELIGIBLE TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP, A PRIVATE ENTITY SHALL CERTIFY TO THE REPORTING AGENCY WHETHER THE ENTITY HAD ANY DIRECT INVOLVEMENT IN THE DEPORTATION OF VICTIMS.

(D) IF A PRIVATE ENTITY CERTIFIES THAT THE ENTITY HAD DIRECT INVOLVEMENT IN THE DEPORTATION OF VICTIMS, THE ENTITY SHALL CERTIFY TO THE REPORTING AGENCY THAT THE ENTITY HAS PROVIDED REPARATIONS TO ALL IDENTIFIABLE VICTIMS OF THE DEPORTATIONS OR TO THEIR FAMILIES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.