

HOUSE BILL 816

P2, R2

8lr1802

By: **Delegates Lierman, Barron, Korman, R. Lewis, and Moon**

Introduced and read first time: February 1, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Public-Private Partnership Agreements – Compensation Provisions and**
3 **Noncompete Clauses – Alterations**

4 FOR the purpose of prohibiting a public-private partnership agreement from including
5 certain provisions regarding compensation for certain entities under certain
6 circumstances; prohibiting a public-private partnership agreement for certain
7 projects from including a certain noncompete clause; and generally relating to
8 altering certain requirements regarding compensation provisions and noncompete
9 clauses in public-private partnership agreements.

10 BY repealing and reenacting, with amendments,
11 Article – State Finance and Procurement
12 Section 10A-401(b) and (c)
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2017 Supplement)

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

17 **Article – State Finance and Procurement**

18 10A-401.

19 (b) (1) A public-private partnership agreement may include a provision that,
20 except as provided in paragraph (2) of this subsection, compensation may be provided for
21 competing infrastructure developments that directly result in a documented revenue loss
22 for the private entity in a public-private partnership.

23 (2) Compensation may not be provided as a result of State infrastructure
24 developments already in the State's Capital Improvement Program or Consolidated
25 Transportation Program planning documents at the time the public-private partnership

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 agreement is executed, safety initiatives, **TRANSIT PROJECTS**, infrastructure
2 improvements with minimal capacity increases, or infrastructure **OR SERVICE**
3 **IMPROVEMENTS** for other transportation modes that are not the **PRIMARY** subject of the
4 public-private partnership.

5 (c) A public-private partnership agreement **FOR A PROJECT INVOLVING ROAD,**
6 **HIGHWAY, OR BRIDGE ASSETS** may not include a noncompete clause [for public-private
7 partnership projects involving road, highway, or bridge assets] **THAT WOULD INHIBIT THE**
8 **PLANNING, CONSTRUCTION, OR IMPLEMENTATION OF OTHER TRANSPORTATION**
9 **FACILITIES OR SERVICES, INCLUDING STATE-FUNDED TRANSIT PROJECTS.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2018.