

HB1091/580819/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 1091
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “requiring a certain reporting agency to include in presolicitation reports for certain public-private partnerships presolicitation reports of certain contracts and a certain environmental impact statement under certain circumstances; requiring certain presolicitation reports to be submitted to the Legislative Policy Committee;”; in line 4, after “until” insert “the Legislative Policy Committee submits approval of the public-private partnership if a certain review and comment period is during a certain time and until”; in line 5, strike “completed; requiring the” and substitute “completed under certain circumstances; extending the period for review, analysis, and comment for certain public-private partnership agreements; requiring a certain”; in line 6, after “a” insert “certain”; in line 10, after “transit” insert “or road maintenance”; in line 11, after “source;” insert “altering a certain definition;”; after line 11, insert:

“BY repealing and reenacting, without amendments,
Article - State Finance and Procurement
Section 10A-101(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)”;

and in line 14, strike “10A-203(a)” and substitute “10A-101(b), 10A-201(a), 10A-203(a).”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“10A-101.”

(Over)

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(a) In this title the following words have the meanings indicated.

(b) “Budget committees” means the Senate Budget and Taxation Committee, the House [Committee on Ways and Means] ENVIRONMENT AND TRANSPORTATION COMMITTEE, and the House Appropriations Committee.

10A-201.

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, a reporting agency may not issue a public notice of solicitation for a public-private partnership until a presolicitation report concerning the proposed public-private partnership is submitted to the Comptroller, the State Treasurer, the budget committees, and the Department of Legislative Services, in accordance with § 2-1246 of the State Government Article.

(ii) A reporting agency may not issue a public notice of solicitation for a public-private partnership for a transportation facilities project, as defined in § 4-101(h) of the Transportation Article, until a presolicitation report concerning the proposed public-private partnership is submitted to the budget committees and the Department of Legislative Services, in accordance with § 2-1246 of the State Government Article.

(2) (i) The budget committees may not have more than 45 days to review and comment on the presolicitation report submitted in accordance with paragraph (1) of this subsection.

(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.

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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.

(3) FOR A PUBLIC-PRIVATE PARTNERSHIP WITH A TOTAL VALUE THAT EXCEEDS \$500,000,000, THE REPORTING AGENCY SHALL INCLUDE IN THE PRESOLICITATION REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) A PRESOLICITATION REPORT OF EACH CONTRACT UNDER THE PUBLIC-PRIVATE PARTNERSHIP; AND

(II) IF A PROJECT REQUIRES AN ENVIRONMENTAL IMPACT STATEMENT UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT, A COMPLETED ENVIRONMENTAL IMPACT STATEMENT THAT COMPLIES WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.”;

in line 23, after “to” insert “:

1.”;

and in line 25, after “Article;” insert “**AND**

(Over)

2. FOR A PUBLIC-PRIVATE PARTNERSHIP WITH A TOTAL VALUE THAT EXCEEDS \$500,000,000, THE LEGISLATIVE POLICY COMMITTEE;

On page 2, in line 9, after “(V)” insert “FOR A PUBLIC-PRIVATE PARTNERSHIP WITH A TOTAL VALUE THAT EXCEEDS \$500,000,000:”

1. IF THE REVIEW AND COMMENT PERIOD FOR THE BUDGET COMMITTEES IS DURING A PERIOD WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION, THE LEGISLATIVE POLICY COMMITTEE SUBMITS APPROVAL OF THE PUBLIC-PRIVATE PARTNERSHIP; AND

2.”;

in line 10, after “COMPLETED” insert “FOR EACH CONTRACT UNDER THE PUBLIC-PRIVATE PARTNERSHIP”; in line 19, after “exceed” insert “:

1.”;

in line 21, after “Services” insert “; AND”

2. IF THE PUBLIC-PRIVATE PARTNERSHIP HAS A TOTAL VALUE THAT EXCEEDS \$500,000,000, A TOTAL OF 90 DAYS FROM THE DATE THE PROPOSED PUBLIC-PRIVATE PARTNERSHIP AGREEMENT IS SUBMITTED SIMULTANEOUSLY TO THE STATE TREASURER, THE COMPTROLLER, THE BUDGET COMMITTEES, THE LEGISLATIVE POLICY COMMITTEE, AND THE DEPARTMENT OF LEGISLATIVE SERVICES”;

and in line 24, strike “30-day”.

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On page 4, strike beginning with the colon in line 21 down through “**(I)**” in line 22; strike beginning with the semicolon in line 23 down through “**PROJECT**” in line 25; and in line 28, after “transit” insert “**OR ROAD MAINTENANCE**”.