

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 1232

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute:

“Financing State Government”;

and strike in their entirety lines 3 through 6, inclusive, and substitute:

“FOR the purpose of altering the allocation of State transfer tax revenues for a certain fiscal year; altering certain provisions for reconciliation of certain excesses or deficiencies in State transfer tax revenues; requiring the Department of Transportation to establish a selection process for a certain purpose; requiring a transportation unit to comply with certain cost reimbursement limits established by the Transportation Professional Services Selection Board; requiring the Board to consider certain factors in establishing limits on cost reimbursement; altering a certain requirement for the Governor to include certain appropriations in the budget for certain fiscal years for the Maryland Emergency Medical System Operations Fund; altering certain requirements for the Governor to include certain appropriations and for the Comptroller to make certain distributions to the Transportation Trust Fund for certain fiscal years; requiring the Governor to include a certain proposed appropriation to the Citizen Tax Reduction and Fiscal Reserve Account; authorizing the use of certain funds for certain purposes; authorizing a transfer of certain funds for certain public school purposes; requiring the Governor to include certain appropriations to the Dedicated Purpose Account for certain fiscal years; exempting the design and construction of certain roads relating to the Redskins stadium project in Prince George’s County from certain provisions of State procurement law, subject to certain management control by the Department of Transportation; authorizing changes to certain requirements relating to the reporting and presentation of certain budget and expenditure information and authorizing a transfer of certain funds; and generally relating to the financing of State and local

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government.”.

AMENDMENT NO. 2

On page 1, after line 11, insert:

“BY repealing and reenacting, with amendments,

Article - State Finance and Procurement

Section 13-311

Annotated Code of Maryland

(1995 Replacement Volume and 1995 Supplement)

BY repealing and reenacting, with amendments,

Article - Transportation

Section 13-955(f)

Annotated Code of Maryland

(1992 Replacement Volume and 1995 Supplement)

BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 1993

Section 9”.

AMENDMENT NO. 3

On page 1, in lines 27 and 28, strike all the brackets; and in line 27, strike “(D)”.

On page 2, in lines 24, 30, 37, and 38, strike all the brackets; and strike in their entirety lines 31 through 36, inclusive.

On page 3, strike in their entirety lines 1 and 2; in lines 3, 5, 7, 9, 11, 14, and 15, strike all the brackets; in lines 3, 5, 7, 9, and 11, respectively, strike “1.”, “2.”, “3.”, “(D)”, and “(E)”, respectively; in lines 9 and 15, in each instance, strike “SUBSECTION”; and in line 9, strike “(6)”.

AMENDMENT NO. 4

On page 2, in line 7, strike “the fiscal year” and substitute “EACH OF THE FISCAL YEARS”; strike beginning with “, AND” in line 7 down through “YEAR” in line 8 and substitute “AND JULY 1, 1996”; in line 9, strike beginning with “paragraph” through “subsection” and substitute “SUBSECTION (D) OF THIS SECTION”; and in line 38, after “subsection” insert “AND”

NOT ALLOCATED TO THE GENERAL FUND UNDER SUBSECTION (C) OF THIS SECTION”.

AMENDMENT NO. 5

On page 3, in line 13, strike “may” and substitute “SHALL”; in line 15 strike “for the subsequent fiscal year” and substitute “FOR THE SECOND FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THERE IS AN EXCESS”; strike beginning with “allocation” in line 18 down through “deficiency” in line 20 and substitute “AMOUNT OF THE DEFICIENCY SHALL BE RECONCILED AS FOLLOWS:

(I) FOR THE FIRST \$3,000,000 OF ANY DEFICIENCY, THE ALLOCATION TO THE SPECIAL FUND UNDER SUBSECTION (A) OF THIS SECTION AS PROVIDED UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION FOR THE SECOND FISCAL YEAR FOLLOWING THE DEFICIENCY SHALL BE REDUCED BY EITHER THE AMOUNT OF THE DEFICIENCY OR \$3,000,000, WHICHEVER IS LESS; AND

(II) FOR ANY DEFICIENCY IN EXCESS OF \$3,000,000, THE AMOUNT IN EXCESS OF \$3,000,000 SHALL BE RECONCILED EITHER BY THE REDUCTION OF THE ALLOCATION TO THE SPECIAL FUND UNDER SUBSECTION (A) OF THIS SECTION AS PROVIDED UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION FOR THE SECOND FISCAL YEAR FOLLOWING THE DEFICIENCY OR BY THE DEAUTHORIZATION OF PROJECTS AUTHORIZED IN PRIOR FISCAL YEARS.

(3) (I) ANY AMOUNTS TO BE DEAUTHORIZED FROM PRIOR FISCAL YEARS UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL BE PROPOSED BY THE GOVERNOR IN THE BUDGET OF THE SECOND FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THERE IS A DEFICIENCY.

(II) AN AMOUNT MAY BE DEAUTHORIZED UNDER THIS PARAGRAPH ONLY AS PROVIDED IN THE STATE BUDGET BILL, AS ENACTED”.

AMENDMENT NO. 6

On page 3, after line 20, insert:

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“Article - State Finance and Procurement

13-311.

(a) The Department of Transportation shall establish a selection process based on a competitive procedure to:

(1) PROMOTE ENGINEERING AND DESIGN QUALITY AND ENSURE MAXIMUM COMPETITION BY PROFESSIONAL COMPANIES OF ALL SIZES PROVIDING ARCHITECTURAL OR ENGINEERING SERVICES;

[(1)] (2) evaluate technical proposals and the qualifications of the persons submitting proposals; and

[(2)] (3) determine an order of priority based on those evaluations.

(b) (1) From the results of the selection process under subsection (a) of this section, the transportation unit shall:

(i) begin negotiations with the most qualified person; and

(ii) try to negotiate a procurement contract with that person at a rate of compensation that is fair, competitive, and reasonable.

(2) In determining the rate of compensation under this subsection, the transportation unit shall:

(i) consider the scope and complexity of the architectural or engineering services required; [and]

(ii) conduct a detailed analysis of the cost of those services; AND

(III) COMPLY WITH LIMITS ON COSTS REIMBURSEMENT,

INCLUDING, BUT NOT LIMITED TO OVERHEAD LIMITS, ESTABLISHED BY THE TRANSPORTATION SELECTION BOARD. IN SETTING SUCH LIMITS, THE BOARD SHALL CONSIDER THE GOAL OF THE SELECTION PROCESS SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION, AS WELL AS THE REASONABLE COST OF ARCHITECTURAL OR ENGINEERING SERVICES.

(c) (1) If the transportation unit is unable to negotiate a satisfactory procurement contract at a rate of compensation that is fair, competitive, and reasonable, it shall:

(i) terminate negotiations with the most qualified person; and

(ii) negotiate in the same manner with the second and, if necessary, the third most qualified person chosen under subsection (a) of this section.

(2) If the transportation unit is unable to negotiate a procurement contract with any person chosen under subsection (a) of this section, the transportation unit shall:

(i) choose additional persons in order of their competence and qualification;

and

(ii) continue negotiations in accordance with the procedures under this section until it reaches an agreement.

(d) The Transportation Selection Board may delegate the negotiation process to the Department of Transportation, but any negotiating team shall include a representative of the transportation unit requesting the procurement.

Article - Transportation

13-955.

(f) For the purpose of reimbursing the Fund for the purchase of a helicopter and for the State share of the expansion of the helicopter hangar in Centreville, Maryland, the Governor shall include

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the following appropriations in the annual budget submission:

- (1) [For Fiscal Year 1997, \$2,000,000;
- (2)] For Fiscal Year 1998, [\$1,000,000] \$2,000,000; and

- (3) For Fiscal Year 1999, [\$1,075,000] \$2,075,000.

Chapter 204 of the Acts of 1993

SECTION 9. AND BE IT FURTHER ENACTED, That, for fiscal [years 1997 and] YEAR 1998, the Governor shall include an appropriation of \$21,000,000 [in each fiscal year] from General Fund revenues to the Transportation Trust Fund for the use of the Department of Transportation. The Comptroller shall distribute to the Transportation Trust Fund \$1,750,000 on a monthly basis beginning in July [1996] 1997 and continuing through June 1998 to effect the transfer of these funds.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) For fiscal year 1997, subject to and in accordance with the provisions of the State Budget Bill, as enacted, \$6,000,000 shall be transferred from the General Fund to the Transportation Trust Fund;

(2) For fiscal year 1999, the Governor shall include in the budget submitted at the 1998 Session an appropriation of \$15,000,000 from General Fund revenues to the Transportation Trust Fund for the use of the Department of Transportation; and

(3) To effect the transfer of the \$15,000,000 for fiscal year 1999, the Comptroller shall distribute to the Transportation Trust Fund \$1,250,000 on a monthly basis beginning in July 1998 and continuing through June 1999.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, as part of the budget submitted at the 1997 Session of the General Assembly, the Governor shall include a proposed appropriation in an amount equal to any unappropriated General Fund balance as of June 30, 1996 to the Citizen Tax Reduction and Fiscal Reserve Account of the State Reserve Fund established under § 7-310.1 of the State Finance and Procurement Article. The

amount of the proposed appropriation required under this section shall be in addition to the amount of any appropriation otherwise required by law.

SECTION 4. AND BE IT FURTHER ENACTED, That, for fiscal year 1997, notwithstanding any other provision of law, as provided in the Fiscal Year 1997 State Budget Bill as enacted, up to \$7,000,000 from the State Used Tire Cleanup and Recycling Fund established under § 9-273 of the Environment Article may be used for removal of nutrients at publicly owned sewage treatment works, provided that these funds are administered in a manner consistent with §§ 9-345 through 9-351 of the Environment Article.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor:

(1) May transfer from the Dedicated Purpose Account established under § 7-310 of the State Finance and Procurement Article up to \$13,600,000 to the General Fund to support appropriations for the public school purposes specified in the Fiscal Year 1997 State Budget Bill, as enacted; and

(2) Shall include the following appropriations to the Dedicated Purpose Account established under § 7-310 of the State Finance and Procurement Article, in the annual budget submissions:

(a) For Fiscal Year 1998, \$6,800,000; and

(b) For Fiscal Year 1999, \$6,800,000.

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, except as provided in Title 14, Subtitle 3 of the State Finance and Procurement Article, the provisions of Division II of the State Finance and Procurement Article do not apply for purposes of the design and construction of State highways relating to the Redskins stadium project in Prince George's County. Provided, however, that throughout all phases of construction on interstate and interstate related projects, the Maryland Department of Transportation shall maintain management

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control similar to all other highway projects to ensure compliance with all federal and Department specifications, design standards, safety standards, operational standards, and quality assurance.

SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding any provision of the Fiscal Year 1997 Budget Bill as enacted, for the Fiscal Year 1998 budget, except as otherwise provided in this section, the reporting and accounting of expenditures and the presentation and format of budget data shall continue in the same manner as for the Fiscal Year 1997 budget, subject to the requirements of the Department of Fiscal Services and the Office of Legislative Data Processing in order to assure the ability of these agencies to meet the information needs of the General Assembly. The budget and expenditure data required for purposes of the Fiscal Year 1998 budget may be presented in a revised coding structure to accommodate the Financial Management Information Systems (FMIS), if:

(1) Record layouts and required data formatted in the new account code structure are provided in sufficient time to enable conversion and testing of legislative computer programs and operational systems, as agreed to by the Department of Budget and Fiscal Planning, the Department of Fiscal Services, and the Office of Legislative Data Processing; and

(2) By budget amendment, \$75,000 of the appropriation for the Financial Management Information Systems is transferred to the budget of the Office of Legislative Data Processing to permit the Office to perform the functions and services necessary to accommodate the revised structure. This \$75,000 transfer is based on the equivalent of at least 120 days of effort devoted to accomplish this purpose. A reduction on a pro rata basis may be made if less effort is required. An accounting of this effort will be provided to the Department of Budget and Fiscal Planning.

In accordance with the provisions of this section, the Governor may transfer the \$75,000 or a lesser amount as provided under the conditions of item (2) above by budget amendment from the appropriation for the Financial Management Information Systems to the Office of Legislative Data Processing in the legislative branch.”.

AMENDMENT NO. 7

On page 3, in line 21, strike “2.” and substitute “8.”; and in line 22, strike “July 1, 1996” and

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substitute "June 1, 1996".

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