

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 725

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Morhaim” and substitute “Delegates Morhaim, Hurson, Hammen, Benson, Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Goldwater, Hubbard, Kach, Mandel, McDonough, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon”; strike line 2 in its entirety and substitute “Maryland Development Authority - Management and Procurement Policies and Procedures”; strike beginning with “making” in line 3 down through “law” in line 4 and substitute “altering the name, membership, and quorum requirements of the Maryland Stadium Authority; requiring the Maryland Development Authority to develop certain policies and procedures governing procurements by the Authority on or before a certain date and subject to certain review; requiring procurements by the Authority to comply with certain policies and procedures; requiring the Authority to submit a certain report to certain legislative committees on or before a certain date; directing the publisher of the Annotated Code to make certain corrections under certain circumstances; providing for the application of this Act”; strike beginning with “applicability” in line 4 down through “government” in line 5 and substitute “management and procurement policies and procedures of the Maryland Development Authority”; strike in their entirety lines 6 through 10, inclusive; in line 13, strike “13-1027” and substitute “13-701(b), 13-702(a), 13-703(a), 13-704(a) and (b), 13-711(d)(3), and 13-718”; strike in their entirety lines 16 through 25, inclusive; and in line 26, strike “with” and substitute “without”.

On page 2, after line 3, insert:

“BY repealing and reenacting, with amendments,

Article - State Finance and Procurement

Section 11-203(c)

Annotated Code of Maryland

(2001 Replacement Volume and 2003 Supplement)”.

(Over)

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 7 on page 2 through line 6 on page 3, inclusive, and substitute:

“13-701.

(b) "Authority" means the Maryland [Stadium] DEVELOPMENT Authority.

13-702.

(a) There is a body corporate and politic known as the Maryland [Stadium] DEVELOPMENT Authority.

13-703.

(a) The Authority consists of:

(1) [7] 10 VOTING members:

[(1)] (I) 1 of whom shall be appointed by the Mayor of Baltimore City, with the advice and consent of the Senate; [and]

[(2)] (II) 6 of whom shall be appointed by the Governor, with the advice and consent of the Senate. In making appointments to the Authority, the Governor shall ensure that the geographic areas of the State are represented;

(III) THE TREASURER, OR THE TREASURER’S DESIGNEE;

(IV) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY’S DESIGNEE; AND

(V) 1 OF WHOM SHALL BE APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE; AND

(2) 2 NONVOTING MEMBERS:

(I) 1 OF WHOM IS A MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(II) 1 OF WHOM IS A MEMBER OF THE HOUSE OF DELEGATES,
APPOINTED BY THE SPEAKER OF THE HOUSE.

13-704.

(a) [Four] SIX VOTING members of the Authority constitute a quorum for the purpose
of conducting business.

(b) Actions of the Authority must receive the affirmative vote of at least [4] 6 members.

13-711.

(d) (3) Lease payments to the Maryland [Stadium] DEVELOPMENT Authority
appropriated by the State of Maryland shall be transferred to:

(i) If appropriated for a sports facility or other facility at Camden Yards,
the Maryland Stadium Authority Financing Fund;

(ii) If appropriated for a Baltimore Convention Center facility, the
Baltimore Convention Center Fund;

(iii) If appropriated for an Ocean City Convention Center facility, the
Ocean City Convention Center Fund;

(iv) If appropriated for a Montgomery County Conference Center facility,
the Montgomery County Conference Center Fund; or

(v) If appropriated for a Hippodrome Performing Arts Center facility, the
Hippodrome Performing Arts Center Financing Fund.

13-718.

(Over)

(A) The Authority is exempt:

(1) From taxation by the State and local government;

(2) Except as provided in Title 14, Subtitle 3 of the State Finance and Procurement Article, from the provisions of Division II of the State Finance and Procurement Article; and

(3) From the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(B) (1) SUBJECT TO THE REVIEW AND APPROVAL BY THE BOARD OF PUBLIC WORKS AND THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE, THE AUTHORITY SHALL DEVELOP POLICIES AND PROCEDURES GOVERNING PROCUREMENTS BY THE AUTHORITY.

(2) THE POLICIES AND PROCEDURES DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL PROMOTE THE PURPOSES OF THE STATE PROCUREMENT LAW AS SET FORTH IN §11-201 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”.

AMENDMENT NO. 3

On page 3, in lines 12, 24, 26, and 28, in each instance, strike the bracket; and in line 26, strike “(II)”.

On page 4, in lines 3, 8, 9, 15, 16, 27, 29, and 33, in each instance, strike the bracket; and in lines 3, 8, 9, 16, 29, and 33, strike “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, and “(VIII)”, respectively.

On page 4, after line 36, insert:

“(c) (1) Except as provided in PARAGRAPH (2) OF THIS SUBSECTION AND Title 14, Subtitle 3 of this article, this Division II does not apply to the Maryland [Stadium] DEVELOPMENT Authority.

(2) A PROCUREMENT BY THE MARYLAND DEVELOPMENT AUTHORITY SHALL COMPLY WITH THE POLICIES AND PROCEDURES DEVELOPED BY

THE AUTHORITY AND APPROVED BY THE BOARD OF PUBLIC WORKS AND THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE COMMITTEE IN ACCORDANCE WITH § 13-718 OF THE FINANCIAL INSTITUTIONS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Development Authority shall develop the procurement policies and procedures required under §13-718 of the Financial Institutions Article, as enacted by Section 1 of this Act, on or before July 1, 2004.

SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 1, 2004, the Maryland Development Authority shall submit a written report, in accordance with § 2-1246 of the State Government Article, to the House Health and Government Operations Committee and the Senate Education, Health, and Environmental Affairs Committee that includes:

(a) a summary of the progress made by the Authority in correcting the deficiencies identified by the Office of Legislative Audits in the Maryland Stadium Authority Audit Report, dated February 2004;

(b) a summary of the progress made by the Authority in implementing the procurement policies and procedures required to be developed in accordance with §13-718 of the Financial Institutions Article, as enacted by Section 1 of this Act;

(c) a summary of the Authority's minority business outreach efforts and progress made toward meeting or exceeding minority business participation goals; and

(d) the development of a written policy on employee compensation practices and procedures, including procedures for the award of bonuses.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be interpreted to affect any pending or prior contracts, agreements, grants, or other obligations entered into by the Maryland Stadium Authority prior to June 1, 2004. All contracts, agreements, grants, or other obligations entered into by the Maryland Stadium Authority prior to June 1, 2004, are hereby declared to be valid, legal, and binding obligations of the Maryland Development Authority, enforceable in accordance with their terms.

SECTION 5. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code, in consultation with, and subject to the approval of the Department of Legislative Services, shall correct all references to the Maryland Stadium Authority rendered incorrect by this Act.”.

On page 5, in line 1, strike “2.” and substitute “6.”; and in line 2, strike “October” and substitute “June”.