

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 787

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “circumstances;” insert “clarifying that the requirements of certain provisions of the State Finance and Procurement Article apply to certain projects;”; strike beginning with “authorizing” in line 19 down through the semicolon in line 22; and in line 31, after “mechanisms;” insert “requiring the Capital Debt Affordability Committee to review certain school funding needs and to make a certain annual recommendation; providing that private ownership of public schools does not affect the status of local school system employees;”.

On page 2, strike in their entirety lines 14 through 18, inclusive.

AMENDMENT NO. 2

On page 3, in line 7, after “(C)” insert “(1)”; after line 10, insert:

“(2) THE CONVEYANCE OF TITLE OF SCHOOL PROPERTY TO A PRIVATE ENTITY FOR A SPECIFIED TERM UNDER THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE ALLOCATION OF CONSTRUCTION FUNDS TO AN APPROVED SCHOOL CONSTRUCTION PROJECT UNDER THE PUBLIC SCHOOL CONSTRUCTION PROGRAM.

(3) A COUNTY OR COUNTY BOARD MAY CONVEY OR DISPOSE OF SURPLUS LAND UNDER THE JURISDICTION OF THE COUNTY OR COUNTY BOARD IN EXCHANGE FOR PUBLIC SCHOOL CONSTRUCTION OR DEVELOPMENT SERVICES.”;

in line 26, strike “AND”; in line 29, after “PERIOD” insert “; AND”

(5) DESIGN-BUILD ARRANGEMENTS, THAT PERMIT A COUNTY BOARD TO CONTRACT WITH A DESIGN-BUILD BUSINESS ENTITY FOR THE COMBINED

(Over)

DESIGN AND CONSTRUCTION OF QUALIFIED EDUCATION FACILITIES, INCLUDING FINANCING MECHANISMS WHERE THE BUSINESS ENTITY ASSISTS THE LOCAL GOVERNING BODY IN OBTAINING PROJECT FINANCING”;

in line 30, after “FINANCE” insert “OR TO SPEED DELIVERY OF, TRANSFER RISKS OF, OR OTHERWISE ENHANCE THE DELIVERY OF”; and in line 34, after “CIRCUMSTANCES,” insert “INCLUDING CONSTRUCTION MANAGEMENT AT-RISK ARRANGEMENTS AND OTHER ALTERNATIVE PROJECT DELIVERY ARRANGEMENTS,”.

On page 4, after line 7, insert:

“(C) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS REQUIRING A PROJECT THAT QUALIFIES FOR ALTERNATIVE FINANCING METHODS UNDER THIS SECTION TO MEET REQUIREMENTS REGARDING THE ADVANTAGES OF THE PROJECT TO THE PUBLIC THAT INCLUDE PROVISIONS ADDRESSING:

(1) THE PROBABLE SCOPE, COMPLEXITY, OR URGENCY OF THE PROJECT;

(2) ANY RISK SHARING, ADDED VALUE, EDUCATION ENHANCEMENTS, INCREASE IN FUNDING, OR ECONOMIC BENEFIT FROM THE PROJECT THAT WOULD NOT OTHERWISE BE AVAILABLE;

(3) THE PUBLIC NEED FOR THE PROJECT; AND

(4) THE ESTIMATED COST OR TIMELINESS OF EXECUTING THE PROJECT.

(D) PROJECTS THAT QUALIFY FOR ALTERNATIVE FINANCING METHODS UNDER THIS SUBSECTION:

(1) SHALL MEET THE EDUCATIONAL STANDARDS, DESIGN STANDARDS, AND PROCEDURAL REQUIREMENTS UNDER THIS ARTICLE AND UNDER REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS; AND

(2) CONSISTENT WITH THE REQUIREMENTS OF THIS ARTICLE, SHALL BE APPROVED BY:

(I) THE COUNTY GOVERNING BODY;

(II) THE STATE SUPERINTENDENT OF SCHOOLS; OR

(III) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION AND THE BOARD OF PUBLIC WORKS.

(E) USE OF ALTERNATIVE FINANCING METHODS UNDER THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE ALLOCATION OF STATE FUNDS FOR PUBLIC SCHOOL CONSTRUCTION TO A PROJECT UNDER THE PUBLIC SCHOOL CONSTRUCTION PROGRAM.

(F) A COUNTY BOARD MAY NOT USE ALTERNATIVE FINANCING METHODS UNDER THIS SECTION WITHOUT THE APPROVAL OF THE COUNTY GOVERNING BODY.”;

and in line 8, strike “(C)” and substitute “(G)”.

AMENDMENT NO. 3

On page 4, strike beginning with “AT” in line 8 down through “CONSTRUCTION,” in line 9; in line 9, strike “MAY” and substitute “SHALL”; in the same line, after “REGULATIONS” insert “RECOMMENDED BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION”; in line 11, after “FOR” insert “THE CONTENT OF PROPOSALS, FOR THE”; in line 12, after “PROPOSALS” insert “, AND FOR ACCEPTING COMPETING UNSOLICITED PROPOSALS”; in line 13, after “THE” insert “CONTENT AND”; in line 15, strike “AND”; strike in their entirety lines 16 through 18, inclusive, and substitute:

“(3) GUIDELINES FOR CONTENT AND ISSUANCE OF SOLICITATIONS;

(4) REQUIREMENTS FOR THE PREQUALIFICATION OF BIDDERS OR

(Over)

OFFERORS:

(5) REQUIREMENTS FOR PUBLIC NOTICE OF SOLICITED AND UNSOLICITED PROPOSALS AND PROPOSED EXECUTION OF A COMPREHENSIVE AGREEMENT;

(6) REGULATIONS THAT REQUIRE COMPLIANCE WITH REQUIREMENTS APPLICABLE TO QUALIFIED PROJECTS THAT WOULD OTHERWISE BE IN EFFECT UNDER THE STATE PROCUREMENT LAW IF THE PROCUREMENT WERE COMPETITIVELY BID; AND

(7) REGULATIONS THAT REQUIRE THAT CONTRACTS AND SUBCONTRACTS ADHERE TO THE REQUIREMENTS OF TITLE 17, SUBTITLE 2 AND TITLE 14 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”;

and after line 33, insert:

“(4) THE BOARD OF PUBLIC WORKS MAY DELEGATE THE ADMINISTRATIVE AND BUDGETARY AUTHORITY OF THE BOARD TO THE INTERAGENCY COMMITTEE AS DETERMINED BY THE BOARD TO BE NECESSARY AND APPROPRIATE.”.

On page 6, in line 14, strike beginning with “EXCEPT” through “SUBTITLE,”; and in line 25, after “COUNTY” insert “PROVIDED THAT THE CONSTRUCTION AND IMPROVEMENT CONTRACTS AND SUBCONTRACTS COMPLY WITH THE REQUIREMENTS OF TITLE 17, SUBTITLE 2 AND TITLE 14 OF THE STATE FINANCE AND PROCUREMENT ARTICLE”.

AMENDMENT NO. 4

On pages 8 and 9, strike in their entirety the lines beginning with line 22 on page 8 through line 11 on page 9, inclusive.

On page 9, in lines 12 and 20, strike “(D)” and “(E)”, respectively, and substitute “(B)” and “(C)”, respectively.

On pages 9 and 10, strike in their entirety the lines beginning with line 25 on page 9 through line 9 on page 10, inclusive.

On page 14, in line 9, after the first “the” insert “PORTION OF THE”; in line 10, after “building” insert “THAT REPRESENT STATE FUNDS PROVIDED WITHIN 15 YEARS PRIOR TO THE DATE OF THE TRANSACTION”; in line 12, strike the colon and substitute “CONSTRUCTED UNDER A CONTRACT EXECUTED ON OR AFTER FEBRUARY 1, 1971.”; and strike in their entirety lines 13 through 15, inclusive.

On page 18, in line 23, after the first “the” insert “PORTION OF THE”; in line 24, after “building” insert “THAT REPRESENT STATE FUNDS PROVIDED WITHIN 15 YEARS PRIOR TO THE DATE OF THE TRANSACTION”; in line 26, strike the colon and substitute “CONSTRUCTED UNDER A CONTRACT EXECUTED ON OR AFTER FEBRUARY 1, 1971.”; and strike in their entirety lines 27 through 29, inclusive.

AMENDMENT NO. 5

On page 21, in line 29, after “2004” insert “provided that:

(i) pay-as-you-go funding provided by a county shall be included in the local debt calculation used to determine the State share; and

(ii) the new State and local cost-share formula adopted under this section shall ensure that during fiscal year 2006 through fiscal year 2008, no county has a State share that is less than the county’s State share in fiscal year 2005”.

AMENDMENT NO. 6

On page 22, in line 13, strike “goad” and substitute “goal”; after line 18, insert:

“SECTION 11. AND BE IT FURTHER ENACTED, That in 2005, and each year thereafter, the Capital Debt Affordability Committee shall review the additional school construction funding needs as identified in the 2004 Task Force to Study Public School Facilities report and shall make a specific recommendation regarding additional funding for school construction when recommending the State’s annual debt limit. The recommendation by the Capital Debt Affordability Committee shall include a multiyear funding recommendation that will provide stability in the annual funding for school construction.

SECTION 12. AND BE IT FURTHER ENACTED, That notwithstanding any private ownership of public schools authorized under this Act, all certificated and noncertificated employees of local school systems shall remain employees of the local school system.”;

in lines 19, 36, 38, and 43, strike “11.”, “12.”, “13.”, and “14.”, respectively, and substitute “13.”, “14.”, “15.”, and “16.”, respectively; and in line 44, strike “12 and 13” and substitute “14 and 15”.