

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 1555
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, before “Hixson” insert “Howard,”; in the same line, strike “Howard,”; in lines 2 and 3, strike “- Transportation Facilities Projects - Acquisition” and substitute “and Department of Transportation - Financing and Public Private Partnerships”; strike beginning with “prohibiting” in line 4 down through “projects” in line 8 and substitute “requiring that the Maryland Transportation Authority provide certain notice to certain committees of the General Assembly and a certain Department prior to issuing a public notice of procurement related to certain public-private partnership arrangements; requiring the notice to include certain information; providing that a certain repayment plan for certain funds transferred from the Transportation Trust Fund to the General Fund shall be satisfied by the transfer of certain funds; and generally relating to financing of the Department of Transportation and the Maryland Transportation Authority and notice relating to certain public-private partnership arrangements”; in line 11, strike “4-101(a) and (i)” and substitute “4-205(b)”; and in line 16, strike “4-306” and substitute “4-205(c)”.

On page 2, in lines 3 and 4, strike “and approve”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 9 on page 2 through line 11 on page 3, inclusive, and substitute:

“4-205.

(b) The Authority may acquire, hold, and dispose of property in the exercise of its powers and performance of its duties.

(c) (1) Subject to the limitations described in [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, the Authority may make any contracts and agreements necessary or

(Over)

incidental to the exercise of its powers and performance of its duties.

(2) Not less than 45 days before entering into any contract or agreement to acquire or construct a revenue-producing transportation facilities project, subject to § 2-1246 of the State Government Article, the Authority shall provide, to the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee, for review and comment, and to the Department of Legislative Services, a description of the proposed project, a summary of the contract or agreement, and a financing plan that details:

(i) The estimated annual revenue from the issuance of bonds to finance the project; and

(ii) The estimated impact of the issuance of bonds to finance the project on the bonding capacity of the Authority.

(3) (I) IN THIS PARAGRAPH, “PUBLIC NOTICE OF PROCUREMENT” INCLUDES A REQUEST FOR QUALIFICATIONS OR REQUEST FOR PROPOSALS ISSUED BY THE AUTHORITY.

(II) NOT LESS THAN 45 DAYS BEFORE ISSUING A PUBLIC NOTICE OF PROCUREMENT RELATED TO A PUBLIC-PRIVATE PARTNERSHIP ARRANGEMENT TO LEASE AN EXISTING OR FUTURE REVENUE-PRODUCING HIGHWAY, BRIDGE, OR TUNNEL, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL PROVIDE, TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE COMMITTEE ON WAYS AND MEANS, AND THE HOUSE APPROPRIATIONS COMMITTEE, FOR REVIEW AND COMMENT, AND TO THE DEPARTMENT OF LEGISLATIVE SERVICES, A DESCRIPTION OF THE PROPOSED LEASE AND A SUMMARY OF THE PROPOSED PARTNERSHIP ARRANGEMENT, INCLUDING:

1. THE ESTIMATED LENGTH OF THE PROPOSED LEASE;

2. THE SCOPE OF ANY TOLL SETTING AUTHORITY TO BE GRANTED TO THE PRIVATE ENTITY;

3. THE ESTIMATED SCOPE OF PAYMENTS TO THE AUTHORITY FROM THE PARTNERSHIP ARRANGEMENT; AND

4. A COST-BENEFIT ANALYSIS OF THE PROPOSED PARTNERSHIP ARRANGEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That the requirements, under Section 17 of Chapter 203 of the Acts of 2003, that the Governor shall have a plan for repayment of the \$314,913,000 in funds transferred from the Transportation Trust Fund to the General Fund, are satisfied through the combination of: (1) Section 4-321 of the Transportation Article, which requires transfers of \$264,913,000 from the General Fund to the Maryland Transportation Authority between fiscal years 2007 and 2010 for the Intercounty Connector; and (2) \$50,000,000 in General Funds appropriated in Chapter 443 of the Acts of 2005 (the Fiscal Year 2006 Budget Bill) to program Y01A02.01 State Reserve Fund Dedicated Purpose Account, to be transferred to the Transportation Trust Fund.”;

and in line 12, strike “2.” and substitute “3.”.