

HOUSE BILL 1326

P2

4r3000
CF SB 754

By: **Delegates Reznik, Bromwell, Cardin, Carr, Costa, Cullison, Kaiser, A. Kelly, Kramer, Luedtke, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Rosenberg, Simmons, Stein, Tarrant, and Zucker**

Introduced and read first time: February 7, 2014

Assigned to: Ways and Means and Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public-Private Partnerships – Disclosure of Involvement in Deportations –**
3 **Requirement**

4 FOR the purpose of prohibiting, under certain circumstances, a private entity from
5 being qualified as a bidder for public-private partnerships; requiring an entity
6 to certify to the reporting agency whether the entity had direct involvement in
7 the deportation of certain victims; requiring an entity, under certain
8 circumstances, to certify and disclose to the reporting agency certain
9 information regarding the entity's direct involvement in the deportation of
10 certain victims; authorizing an entity, under certain circumstances, to provide
11 any mitigating circumstances in certain forms in the certification; providing for
12 the construction of certain provisions of this Act; defining certain terms; and
13 generally relating to the disclosure of involvement in deportations by entities
14 that seek to be qualified as bidders for public-private partnerships.

15 BY repealing and reenacting, with amendments,
16 Article – State Finance and Procurement
17 Section 10A-202(b)(1)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2013 Supplement)

20 BY adding to
21 Article – State Finance and Procurement
22 Section 10A-202.1
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2013 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Finance and Procurement**

2 10A–202.

3 (b) (1) **(I) [A] SUBJECT TO SUBPARAGRAPH (II) OF THIS**
4 **PARAGRAPH, A private entity may be qualified as a bidder through a request for**
5 **qualifications.**

6 **(II) A PRIVATE ENTITY MAY NOT BE QUALIFIED AS A BIDDER**
7 **IF THE PRIVATE ENTITY:**

8 1. **IS REQUIRED TO MAKE A CERTIFICATION UNDER §**
9 **10A–202.1 OF THIS SUBTITLE; AND**

10 2. **FAILS TO MAKE THE CERTIFICATION.**

11 **10A–202.1.**

12 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
13 **MEANINGS INDICATED.**

14 **(2) “DIRECT INVOLVEMENT” MEANS OWNERSHIP OR OPERATION**
15 **OF THE TRAINS ON WHICH INDIVIDUALS WERE TRANSPORTED TO**
16 **EXTERMINATION CAMPS, DEATH CAMPS, OR ANY FACILITY USED TO TRANSITION**
17 **INDIVIDUALS TO EXTERMINATION CAMPS OR DEATH CAMPS DURING THE**
18 **PERIOD BEGINNING ON SEPTEMBER 1, 1939, AND ENDING ON SEPTEMBER 2,**
19 **1945.**

20 **(3) “ENTITY” MEANS:**

21 **(I) A CORPORATION, AN AFFILIATE, OR ANY OTHER**
22 **SIMILAR ORGANIZATION OR A SUCCESSOR IN INTEREST OF THE CORPORATION,**
23 **AFFILIATE, OR SIMILAR ORGANIZATION THAT CONTROLS, OR IS CONTROLLED**
24 **OR OWNED OR PARTIALLY OWNED BY OR UNDER COMMON CONTROL WITH, A**
25 **CORPORATION THAT HAD DIRECT INVOLVEMENT IN THE DEPORTATION OF**
26 **VICTIMS; OR**

27 **(II) A MEMBER OF A PARTNERSHIP OR A CONSORTIUM THAT**
28 **INCLUDES AN ENTITY THAT CERTIFIES THAT IT HAD DIRECT INVOLVEMENT IN**
29 **THE DEPORTATION OF VICTIMS.**

30 **(4) (I) “PROPERTY” MEANS ANY PERSONAL BELONGINGS**
31 **OWNED OR CONTROLLED BY VICTIMS.**

1 **(II) “PROPERTY” INCLUDES:**

- 2 1. **JEWELRY;**
- 3 2. **BOOKS;**
- 4 3. **ARTIFACTS;**
- 5 4. **PRECIOUS METALS; AND**
- 6 5. **CURRENCY.**

7 **(5) (I) “RECORDS” MEANS MATERIAL RELATING TO THE**
8 **DEPORTATION OF VICTIMS.**

9 **(II) “RECORDS” INCLUDES:**

- 10 1. **DOCUMENTS;**
- 11 2. **CORRESPONDENCE;**
- 12 3. **MEMORANDA;**
- 13 4. **RECEIPTS;**
- 14 5. **INVOICES;**
- 15 6. **PRESENTATIONS;**
- 16 7. **AUDITS; AND**
- 17 8. **ANY OTHER MATERIALS RELATED TO ITEMS 1**
18 **THROUGH 7 OF THIS SUBPARAGRAPH.**

19 **(6) (I) “REPARATIONS” INCLUDES ANY RESTITUTION OR**
20 **SETTLEMENT PAID BY AN ENTITY TO ALL IDENTIFIABLE VICTIMS IN**
21 **CONNECTION WITH THE ENTITY’S DIRECT INVOLVEMENT IN THE DEPORTATION**
22 **OF VICTIMS.**

23 **(II) “REPARATIONS” DOES NOT INCLUDE ANY OTHER**
24 **RESTITUTION OR SETTLEMENT PAID BY THE ENTITY OR ANY AFFILIATED PARTY**

1 OR FOREIGN GOVERNMENT UNRELATED TO THE ENTITY'S DIRECT
2 INVOLVEMENT IN THE DEPORTATION OF VICTIMS.

3 (7) "VICTIM" MEANS AN INDIVIDUAL WHO WAS ON AN ENTITY'S
4 TRAIN FOR THE PURPOSE OF BEING TRANSPORTED TO AN EXTERMINATION
5 CAMP, A DEATH CAMP, OR A FACILITY USED TO TRANSITION INDIVIDUALS TO
6 EXTERMINATION CAMPS OR DEATH CAMPS DURING THE PERIOD BEGINNING ON
7 SEPTEMBER 1, 1939, AND ENDING ON SEPTEMBER 2, 1945.

8 (B) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT ANY OTHER
9 STATE LAW REQUIRING THE DISCLOSURE OF INFORMATION REGARDING AN
10 ENTITY'S INVOLVEMENT IN THE DEPORTATION OF VICTIMS.

11 (C) BEFORE AN ENTITY ATTEMPTS TO BE QUALIFIED AS A BIDDER
12 THROUGH A REQUEST FOR QUALIFICATIONS, THE ENTITY SHALL CERTIFY TO
13 THE REPORTING AGENCY WHETHER THE ENTITY HAD ANY DIRECT
14 INVOLVEMENT IN THE DEPORTATION OF VICTIMS.

15 (D) IF AN ENTITY CERTIFIES THAT THE ENTITY HAD DIRECT
16 INVOLVEMENT IN THE DEPORTATION OF VICTIMS, THE ENTITY SHALL CERTIFY
17 AND DISCLOSE TO THE REPORTING AGENCY THE FOLLOWING INFORMATION:

18 (1) WHETHER THE ENTITY HAS ANY RECORDS RELATED TO THE
19 DEPORTATIONS IN ITS POSSESSION, CUSTODY, OR CONTROL;

20 (2) IF THE ENTITY HAS RECORDS RELATED TO THE
21 DEPORTATIONS, A DETAILED DESCRIPTION OF THE FULL CONTENTS OF THE
22 RECORDS AND THE SPECIFIC LOCATIONS WHERE THE RECORDS ARE
23 MAINTAINED;

24 (3) WHETHER THE ENTITY HAS PROVIDED RESTITUTION AND
25 REPARATIONS TO ALL IDENTIFIABLE VICTIMS OF THE DEPORTATIONS OR TO
26 THEIR FAMILIES; AND

27 (4) IF THE ENTITY HAS NOT PROVIDED RESTITUTION AND
28 REPARATIONS TO ALL IDENTIFIABLE VICTIMS OF THE DEPORTATIONS OR TO
29 THEIR FAMILIES, WHETHER THE ENTITY HAS OTHERWISE REACHED A
30 SETTLEMENT AGREEMENT WITH ALL IDENTIFIABLE VICTIMS OR THEIR
31 FAMILIES.

32 (E) IF AN ENTITY CERTIFIES THAT IT HAD DIRECT INVOLVEMENT IN
33 THE DEPORTATION OF VICTIMS, THE ENTITY MAY PROVIDE ANY MITIGATING

1 CIRCUMSTANCES IN NARRATIVE AND DOCUMENTARY FORM IN THE
2 CERTIFICATION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2014.