

SB1011/919037/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1011
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3 and 9, in each instance, strike “Alternative Financing” and substitute “Public-Private Partnership”; in lines 10 and 11, strike “Prince George’s County public school system” and substitute “Interagency Commission on School Construction”; strike beginning with “altering” in line 12 down through “Fund” in line 14 and substitute “requiring the Prince George’s County Board of Education and the Prince George’s County Executive and County Council to provide certain information with the annual budget submission; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State”; in line 15, after “term;” insert “stating the intent of the General Assembly;”; and in line 24, after “4-126.1” insert “and 5-101(f)(1)”.

On pages 1 and 2, strike in their entirety the lines beginning with line 27 on page 1 through line 3 on page 2, inclusive, and substitute:

“BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6-226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)”

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6-226(a)(2)(ii)112. and 113.
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

(Over)

**SB1011/919037/1 Budget and Taxation Committee
Amendments to SB 1011
Page 2 of 5**

BY adding to

Article – State Finance and Procurement
Section 6-226(a)(2)(i)114.
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 4, in line 22, after “FUNDING” insert “FOR A YEARLY AVAILABILITY PAYMENT”.

On page 5, in line 5, strike “ALTERNATIVE FINANCING” and substitute “PUBLIC-PRIVATE PARTNERSHIP”; in line 6, strike “4-404” and substitute “4-126.1”; in the same line, strike “TITLE” and substitute “SUBTITLE”; in line 16, strike “AND”; in line 20, after the second “THE” insert “PUBLIC OR”; and in the same line, after “ENTITY” insert “; AND”

F. IDENTIFIES A DEDICATED SOURCE OF STATE FUNDING FOR AN AVAILABILITY PAYMENT”;

in lines 23 and 24, in each instance, strike “ALTERNATIVE FINANCING” and substitute “PUBLIC-PRIVATE PARTNERSHIP”; strike beginning with “SUPPLEMENTAL” in line 26 down through “UNDER” in line 27 and substitute “FUNDS TO PAY A PUBLIC OR PRIVATE ENTITY FOR THE AVAILABILITY PAYMENT DUE UNDER THE PRINCE GEORGE’S COUNTY PUBLIC-PRIVATE PARTNERSHIP AGREEMENT ENTERED INTO IN ACCORDANCE WITH”; in line 28, strike “IN PRINCE GEORGE’S COUNTY”; in line 29, strike “PRINCE GEORGE’S COUNTY PUBLIC SCHOOL SYSTEM” and substitute “INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION”; strike beginning with the colon in line 29 down through “ADMINISTER” in line 30 and substitute “ADMINISTER”; and in line 30, strike the semicolon and substitute “AS DESCRIBED IN”

THE THREE-PARTY MEMORANDUM OF UNDERSTANDING ENTERED INTO UNDER § 4-126(E)(3)(II) OF THIS SUBTITLE.

On pages 5 and 6, strike in their entirety the lines beginning with line 31 on page 5 through line 3 on page 6, inclusive.

On page 6, in line 4, after “(E)” insert “**(1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**”

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F)”;

strike beginning with “FUNDS” in line 7 down through “ARTICLE” in line 8 and substitute “**MONEY DEPOSITED INTO THE FUND BY THE STATE**”; in line 8, after the semicolon insert:

(3) ANY INVESTMENT EARNINGS OF THE FUND;”;

in line 9, strike “(3)” and substitute “(4)”; in lines 11, 14, 18, and 26, strike “(F)”, “(G)”, “(H)”, and “(I)”, respectively, and substitute “(G)”, “(H)”, “(I)”, and “(J)”, respectively; in line 14, strike “THE MONEY IN” and substitute “**ANY APPROPRIATION TO**”; and strike beginning with “ON” in line 18 down through the comma in line 23 and substitute “**IF A MEMORANDUM OF UNDERSTANDING IS ENTERED INTO UNDER § 4-126 OF THIS SUBTITLE AND STATE FUNDING IS PROVIDED FOR AN AVAILABILITY PAYMENT,**”.

(Over)

SB1011/919037/1 Budget and Taxation Committee
Amendments to SB 1011
Page 4 of 5

On pages 7 and 8, strike in their entirety the lines beginning with line 3 on page 7 through line 22 on page 8, inclusive, and substitute:

“5-101.

(f) (1) In addition to all other information required by this section, the Prince George’s County Board of Education shall provide to the County Executive and County Council with the annual budget, information relating to each of the following categories:

(i) Instructional supplies and materials;

(ii) Additional equipment; [and]

(iii) Replacement equipment; AND

(IV) AVAILABILITY PAYMENTS RELATED TO ANY PUBLIC-PRIVATE PARTNERSHIP AGREEMENT ENTERED INTO UNDER §§ 4-126 AND 4-126.1 OF THIS ARTICLE.

Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

**SB1011/919037/1 Budget and Taxation Committee
Amendments to SB 1011
Page 5 of 5**

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund; AND

114. THE PRINCE GEORGE'S COUNTY PUBLIC-PRIVATE PARTNERSHIP FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funding for the Interagency Commission on School Construction to have the expert staff, consultants, and legal services to help local school systems and counties negotiate and successfully execute public-private partnership contracts for school construction.”;

and in line 23, strike “2.” and substitute “3.”.