

SENATE BILL 70

P1, P2

1lr1218

By: **Senators Pugh, Conway, Ferguson, Jones–Rodwell, and McFadden**

Introduced and read first time: January 19, 2011

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Public–Private Partnerships Oversight – Baltimore City Community College**

3 FOR the purpose of exempting certain public–private partnership agreements entered
4 into by the Baltimore City Community College under certain circumstances
5 from the provisions of law relating to the oversight of public–private
6 partnerships; and generally relating to the oversight of public–private
7 partnerships.

8 BY repealing and reenacting, with amendments,
9 Article – State Finance and Procurement
10 Section 10A–101
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 Supplement)

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

15 **Article – State Finance and Procurement**

16 10A–101.

17 (a) (1) In this title the following words have the meanings indicated.

18 (2) “Budget committees” means the Senate Budget and Taxation
19 Committee, the House Committee on Ways and Means, and the House Appropriations
20 Committee.

21 (3) “Private entity” means an individual, a corporation, a general or
22 limited partnership, a limited liability company, a joint venture, a business trust, a
23 public benefit corporation, a nonprofit entity, or another business entity.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) “Public notice of solicitation” includes a request for expressions of
2 interest, a request for proposals, a memorandum of understanding, an interim
3 development agreement, a letter of intent, or a preliminary development plan.

4 (5) (i) “Public-private partnership” means a sale or lease
5 agreement between a unit of State government and a private entity under which:

6 1. the private entity assumes control of the operation
7 and maintenance of an existing State facility; or

8 2. the private entity constructs, reconstructs, finances,
9 or operates a State facility or a facility for State use and will collect fees, charges,
10 rents, or tolls for the use of the facility.

11 (ii) “Public-private partnership” does not include:

12 1. a short-term operating space lease entered into in the
13 ordinary course of business by a unit of State government and a private entity and
14 approved under § 10-305 of this article;

15 2. a procurement governed by Division II of this article;
16 or

17 3. public-private partnership agreements entered into
18 by the University System of Maryland **OR THE BALTIMORE CITY COMMUNITY**
19 **COLLEGE**, where no State funds are used to fund or finance any portion of a capital
20 project.

21 (6) “Reporting agency” means:

22 (i) the Department of General Services;

23 (ii) the Maryland Department of Transportation;

24 (iii) the University System of Maryland;

25 (iv) Morgan State University;

26 (v) St. Mary’s College of Maryland; and

27 (vi) the Baltimore City Community College.

28 (b) The requirements of this title do not apply to the Maryland
29 Transportation Authority or to a public-private partnership proposed or entered into
30 by the Maryland Transportation Authority.

1 (c) (1) The reports provided by the Department of General Services under
2 this section shall include information concerning all public-private partnerships
3 involving units within the Executive Branch of State government, except for those
4 units that are also reporting agencies.

5 (2) Following the submission of each of the reports required under this
6 section, the budget committees shall have 45 days to review and comment on the
7 reports.

8 (d) (1) Not less than 45 days before issuing a public notice of solicitation
9 for a public-private partnership, a reporting agency shall submit to the State
10 Treasurer and the budget committees, in accordance with § 2-1246 of the State
11 Government Article, a report concerning the proposed public-private partnership.

12 (2) By January 1 of each year, each reporting agency shall submit to
13 the budget committees, in accordance with § 2-1246 of the State Government Article,
14 a report concerning each public-private partnership under consideration at that time
15 by the reporting agency that has not been reviewed or approved previously by the
16 General Assembly.

17 (3) By January 1 of each year, each reporting agency shall submit to
18 the budget committees, in accordance with § 2-1246 of the State Government Article,
19 a status report concerning each existing public-private partnership in which the
20 reporting agency is involved.

21 (e) By January 1 of each year, a unit of State government that provides
22 conduit financing for a public-private partnership shall submit to the budget
23 committees, in accordance with § 2-1246 of the State Government Article, a report
24 concerning each public-private partnership for which the unit is providing conduit
25 financing.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2011.