

HB0312/516581/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 312

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Repeal” and substitute “Extension of”; in line 3, strike “repealing” and substitute “altering the format of certain affidavits required to be attached to certain bid security; altering”; in lines 3 and 4, strike “on the implementation of” and substitute “included in”; in line 4, strike “on” and substitute “relating to”; in the same line, strike “repealing” and substitute “altering”; strike in their entirety lines 7 through 11, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article – Economic Development

Section 5-568 and 5-569

Annotated Code of Maryland

(As enacted by Chapter (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 13-207 and 17-104

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)”;

strike line 14 in its entirety and substitute “Section 13-208 and 13-216”; strike in their entirety lines 17 through 19, inclusive; and in line 22, strike “3 and 4” and substitute “2, 3, and 4”.

AMENDMENT NO. 2

(Over)

On pages 1 through 3, strike in their entirety the lines beginning with line 25 on page 1 through line 24 on page 3, inclusive, and substitute:

“Article – Economic Development

5–568.

(a) The Authority may guarantee a surety up to the lesser of 90% or \$5,000,000 of its loss under a bid bond, payment bond, or performance bond on a contract financed by the federal government, a state government, a local government, a private entity, or a utility that the Public Service Commission regulates.

(b) The term of a guaranty under this part may not exceed the contract term, including:

- (1) the maintenance or warranty period required by the contract; and
- (2) the period during which the surety may be liable for latent defects.

(c) The Authority may vary the terms and conditions of a guaranty based on:

- (1) the Authority’s history of experience with a surety; and
- (2) any other factor the Authority considers relevant.

5–569.

(a) The Authority may execute and perform a bid bond, performance bond, and payment bond as a surety for the benefit of a principal in connection with a contract financed by the federal government or a state government, a local government, a private entity, or a utility regulated by the Public Service Commission.

(b) (1) This subsection does not apply if the sources of funding for the bonds are grants.

(2) The bonds may not exceed \$5,000,000 each.

(c) Bonds are subject to the approval of the authority based on the bond worthiness of the principal.

AMENDMENT NO. 3

On page 5, in lines 3 and 4, strike “the GSA Standard Form 28, Affidavit of Individual Surety,” and substitute “AN AFFIDAVIT OF INDIVIDUAL SURETY IN A FORMAT THAT THE BOARD REQUIRES”.

On page 8, in lines 19 and 20, strike “the GSA Standard Form 28, Affidavit of Individual Surety,” and substitute “AN AFFIDAVIT OF INDIVIDUAL SURETY IN A FORMAT THAT THE BOARD REQUIRES”.

AMENDMENT NO. 4

On page 10, in lines 5, 12, 13, 17, 18, and 20, in each instance strike the bracket; strike beginning with “September” in line 5 down through “inclusive,” in line 6 and substitute “September 30, 2009 and every 2 years thereafter”; in line 10, strike “implementation” and substitute “effectiveness”; in lines 10 and 11, strike “Act during the immediately preceding fiscal year,” and substitute “Act.”; in lines 13 and 17, strike “**2.**” and “**3.**”, respectively; in line 18, strike “3” and substitute “8”; and in line 19, strike “September 30, 2009” and substitute “September 30, 2014”.