

AMENDMENTS TO SENATE BILL NO. 382

Sponsor: REPRESENTATIVE DELOZIER

Printer's No. 638

1 Amend Bill, page 1, line 4, by striking out "and" where it
2 occurs the first time and inserting a comma

3 Amend Bill, page 1, line 4, by inserting after "board" where
4 it occurs the second time
5 and for selection of development entities

6 Amend Bill, page 10, line 1, by striking out "THE" and
7 inserting

8 Except as provided for under subsection (b.5), the

9 Amend Bill, page 10, line 2, by striking out "FOR" and
10 inserting

11 to

12 Amend Bill, page 10, line 18, by inserting after "DAYS"

13 and the public entity may not proceed with the public-
14 private partnership agreement

15 Amend Bill, page 10, lines 19 through 30; page 11, lines 1
16 through 23; by striking out all of said lines on said pages and
17 inserting

18 (2) Upon receipt of the resolution from the Governor
19 under paragraph (1), the General Assembly may adopt a
20 concurrent resolution approving the resolution submitted by
21 the Governor, subject to all of the following:

22 (i) The Senate and the House of Representatives
23 shall each have 20 calendar days or 10 legislative days,
24 whichever is longer, from the date of receipt of the
25 resolution from the Governor to adopt the concurrent
26 resolution.

27 (ii) If one or both chambers of the General Assembly
28 is prevented from adopting a concurrent resolution during

1 the time period provided under subparagraph (i) because
2 of the adjournment sine die or the expiration of the
3 legislative session in an even-numbered year, each
4 chamber shall have 20 calendar days or 10 legislative
5 days, whichever is longer, from the first legislative day
6 of the succeeding legislative session to adopt the
7 concurrent resolution.

8 (iii) If the General Assembly adopts the concurrent
9 resolution approving the resolution submitted by the
10 Governor during the time periods provided under
11 subparagraphs (i) or (ii), the public entity may proceed
12 with the public-private partnership agreement.

13 (3) If either chamber of the General Assembly fails to
14 adopt the concurrent resolution in the time periods provided
15 under paragraph (2), the resolution submitted by the Governor
16 shall be deemed disapproved and the public entity may not
17 proceed with the public-private partnership agreement. The
18 presiding officer of a chamber that fails to adopt a
19 concurrent resolution shall transmit the objections of the
20 chamber to the department within 10 calendar days of the date
21 on which the time periods provided under paragraph (2)
22 expires.

23 (4) If the Governor disapproves a resolution adopted by
24 the board under paragraph (1), or if the General Assembly
25 fails to adopt a concurrent resolution under paragraph (2),
26 the department may, in consultation with the public entity
27 that is the subject of the proposed transportation project if
28 the public entity is not the department, amend the proposed
29 transportation project and submit an amended resolution to
30 the board for approval, subject to all of the following:

31 (i) An amended resolution submitted to the board
32 under this paragraph shall not be subject to subsection
33 (b.1), but shall be subject to all other requirements
34 under this section applicable to the approval of a
35 proposed transportation project through a resolution
36 adopted by the board.

37 (ii) If the Governor disapproves an amended
38 resolution adopted by the board under paragraph (1) or if
39 the General Assembly fails to adopt a concurrent
40 resolution under paragraph (2) approving the amended
41 resolution submitted by the Governor, the public entity
42 may not proceed with the public-private partnership
43 agreement and additional amended resolutions may not be
44 considered under the provisions of this paragraph,
45 provided that the proposed transportation project that is
46 the subject of the disapproved amended resolution may be
47 subsequently submitted for approval to the board as a new
48 resolution and be subject to the provisions of this
49 chapter.

50 Amend Bill, page 11, line 24, by striking out "THE" and

1 inserting

2 Except as provided for under subsection (b.5), the
3 Amend Bill, page 11, line 25, by striking out "FOR" and

4 inserting

5 to
6 Amend Bill, page 12, line 11, by inserting after "DAYS"

7 and the public entity may not proceed with the public-
8 private partnership agreement

9 Amend Bill, page 12, lines 12 through 30; page 13, lines 1
10 through 16; by striking out all of said lines on said pages and
11 inserting

12 (2) Upon receipt of the resolution from the Governor
13 under paragraph (1), the General Assembly may adopt a
14 concurrent resolution disapproving the resolution submitted
15 by the Governor, subject to all of the following:

16 (i) The Senate and the House of Representatives
17 shall each have 20 calendar days or 10 legislative days,
18 whichever is longer, from the date of receipt of the
19 resolution from the Governor to adopt the concurrent
20 resolution disapproving the resolution submitted by the
21 Governor.

22 (ii) If one or both chambers of the General Assembly
23 is prevented from adopting a concurrent resolution during
24 the time period provided under subparagraph (i) because
25 of the adjournment sine die or the expiration of the
26 legislative session in an even-numbered year, each
27 chamber shall have 20 calendar days or 10 legislative
28 days, whichever is longer, from the first legislative day
29 of the succeeding legislative session to adopt the
30 concurrent resolution.

31 (iii) If the General Assembly adopts the concurrent
32 resolution disapproving the resolution submitted by the
33 Governor during the time periods provided under
34 subparagraphs (i) or (ii), the public entity may not
35 proceed with the public-private partnership agreement.
36 The presiding officer of each chamber shall transmit the
37 objections of their respective chamber to the department
38 within 10 calendar days of the date on which the General
39 Assembly adopted the concurrent resolution.

40 (3) If either chamber of the General Assembly fails to
41 adopt the concurrent resolution in the time periods provided
42 under paragraph (2), the resolution submitted by the Governor
43 shall be deemed approved and the public entity may proceed
44 with the public-private partnership agreement.

1 (4) If the Governor disapproves a resolution adopted by
2 the board under paragraph (1) or if the General Assembly
3 adopts a concurrent resolution under paragraph (2), the
4 department may, in consultation with the public entity that
5 is the subject of the proposed transportation project if the
6 public entity is not the department, amend the proposed
7 transportation project and submit an amended resolution to
8 the board for approval, subject to all of the following:

9 (i) An amended resolution submitted to the board
10 under this paragraph shall not be subject to subsection
11 (b.1), but shall be subject to all other requirements
12 under this section applicable to the approval of a
13 proposed transportation project through a resolution
14 adopted by the board.

15 (ii) If the Governor disapproves an amended
16 resolution adopted by the board under paragraph (1) or if
17 the General Assembly adopts a concurrent resolution under
18 paragraph (2), the public entity may not proceed with the
19 public-private partnership agreement and additional
20 amended resolutions may not be considered under the
21 provisions of this paragraph, provided that the proposed
22 transportation project that is the subject of the
23 disapproved amended resolution may be subsequently
24 submitted for approval to the board as a new resolution
25 and be subject to the provisions of this chapter.

26 (b.5) Approval of local transportation projects.--

27 (1) Subsections (b.3) and (b.4) shall not apply to a
28 proposed transportation project if the transportation
29 facility which is the subject of the proposed transportation
30 project is not owned by the Commonwealth.

31 (2) A proposed transportation project as described in
32 paragraph (1) shall be deemed approved upon the adoption of a
33 resolution by the board under section 9104(a)(4) (relating to
34 duties of board).

35 Amend Bill, page 13, by inserting between lines 17 and 18

36 Section 4. Section 9109(a) of Title 74 is amended to read:
37 § 9109. Selection of development entities.

38 (a) Conditions for use.--If a transportation project is
39 approved under [section] sections 9104 (relating to duties of
40 board) and 9105 (relating to operation of board), the public
41 entity may enter into a contract for the transportation project
42 by competitive sealed proposals.

43 * * *

44 Amend Bill, page 13, line 18, by striking out "4" and
45 inserting

46 5

47 Amend Bill, page 13, line 18, by striking out "\$ 9105" and

1 inserting

2 §§ 9102, 9104, 9105 and 9109

3 Amend Bill, page 13, line 23, by striking out "authorizing"
4 and inserting

5 adopted by the Public-Private Transportation Partnership
6 Board on November 12, 2020, approving the public-private
7 partnership delivery model for interstate bridges or expressway
8 bridges and referred to in the resolution as

9 Amend Bill, page 13, lines 25 and 26, by striking out all of
10 said lines and inserting

11 the Department of Transportation is prohibited from entering
12 into a public-private transportation partnership agreement with
13 a development entity to utilize a public-private partnership
14 delivery model for interstate bridges or expressway bridges,
15 including associated roadwork, unless the Department of
16 Transportation submits a resolution after the effective date of
17 this act to the Public-Private Transportation Partnership Board
18 and the resolution is approved under 74 Pa.C.S. Ch. 91 as
19 amended by this act.

20 Amend Bill, page 13, line 27, by striking out "5" and
21 inserting

22 6