


## Law & Legislation

as of: June 6<sup>th</sup>, 2018



Association for the Improvement  
of American Infrastructure



Pending bills	State	Pending bill seeks to:	Status   Notes
<b>AB 1866</b>	California	Re-authorize P3s for Caltrans and regional transp. authorities to enter into leases until Jan. 2030	Looking to leadership for sponsors. Critical date: June 9 <sup>th</sup> <i>Working w/Calif P3 Coalition.</i>
<b>SB 262</b>	California	Amend sections of Public Resources Code, climate change, includes infrastructure and innovative finance, partnerships	Engrossed by Senate. April 20. Hearing scheduled for June 11 <sup>th</sup> <i>Opportunities for P3 in next session, if passed.</i>
<b>SB 1</b> 	Colorado	Transportation omnibus funding bill, includes provisions related to managed lanes, tolling and processes to restrict their use.	<b><i>Signed in law.</i></b> May 31 <sup>st</sup> . Adopted version has need for study of managed lanes.
<b>SJR 62</b>	Illinois	Create Task Force on Long-Term, Sustainable Infrastructure Funding to assess P3s and methods of delivery: DBFOM.	Introduced April 13 <sup>th</sup> , 2018.
<b>HB 4318</b>	Massachusetts	Promote climate change adaptation, environmental and natural resource protection, and investment in recreational assets.	Governor's climate change bill <i>AIAI provided letters of support.</i>
<b>HB 2746</b>	Massachusetts	Provide for construction of public-private transportation facilities in Commonwealth.	Reported favorably by comm. and assigned to House Ways and Means. April 11 <sup>th</sup> , 2018.
<b>SB 2300</b> <b>HB 4045</b> <b>(HB 4018)</b>	Massachusetts	Create a special commission on public-private partnerships (P3s) to develop framework to expand P3s on state   municipal projects.	Provision contained in capital improvement funding bill. Engrossed in Senate. Feb. 8 <sup>th</sup> . Conferees appointed.
<b>SB 97</b>	Michigan	Secure state financing and management; for authorities; P3s for certain public authorities.	Referred to Committee. Nov. 28 <sup>th</sup> , 2017.

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<b>SB 865</b> <b>AB 1299</b>		New Jersey	Permit P3 agreements for certain building   highway infrastructure; provides for EDA oversight.	Recommitted to Senate Budget and Appropriations. May 21 <sup>st</sup> . <i>AIAI working w/local interests.</i>
<b>AB 129</b>		New Jersey	Authorize county colleges to establish   operate student dorms.	Referred to Higher Education Committee. Jan. 9 <sup>th</sup> , 2018.
<b>AB 1150</b>		New Jersey	Eliminate need for P3s for construction of certain higher ed facilities be approved by EDA.	Referred to Higher Education Committee. Jan. 9 <sup>th</sup> , 2018.
<b>AB 1653</b>		New Jersey	Authorize water supply P3s.	Referred to Assembly Telecomm & Utilities. Jan. 9 <sup>th</sup> .
<b>SB 689</b>		New Jersey	Allow school districts to enter into school construction P3 agreements with private entities.	Introduced and referred to Senate Education. Jan. 9 <sup>th</sup> .
<b>AB 2353</b> <b>SB 1788</b>		New Jersey	Establish P3s for transportation projects; and require that 10% of P3s be small business set-asides.	Referred to Assembly Transp. and Independent Authorities Committee. Feb. 1 <sup>st</sup> , 2018.
<b>SB 3091</b>		New York	Encourage P3s to help spread broadband deployment	Introduced and referred to Senate Infrastructure and Capital Investment. Jan. 3 <sup>rd</sup> .
<b>AB 6240</b>		New York	Enact P3 disclosure act; requiring state agencies entering into P3s to promulgate rules for review, disclosure; and reporting.	Referred to Assembly Ways and Means Committee. March 1 <sup>st</sup> , 2018.
<b>SB 99</b>		North Carolina	"Current Operations Appropriations Act of 2018" includes provisions related to the comprehensive development agreement for P3 (I-77).	Enrolled on June 1 <sup>st</sup> . Sent to Governor.
<b>SB 1163</b>		Pennsylvania	Establish the P3 Infrastructure Board; solicitation of public-private projects/agreements; and establish Public-Private Account.	Senator Killion's P3 bill, introduced May 7 <sup>th</sup> . Assistance from AIAI: prepared draft for legislative counsel.
<b>SB 1005</b>		Pennsylvania	Revise existing County Code to allow development authorities to use an "alternative contracting procedure" (DBFOM).	Re-referred to Senate Appropriations Committee. March 21 <sup>st</sup> , 2018. Awaiting hearings (as of May 22 <sup>nd</sup> ).

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Capitol Hill

Washington, DC



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Pending bills	Chamber	Pending bill seeks to:	Status   Notes
<b>HR 4 SB 1405</b>	US Congress	FAA Reauthorization bill	<i>AIAI Supporting</i> appropriations bill. Engrossed May 7 <sup>th</sup> Placed on Senate schedule.
<b>HB 8</b>	US Congress	Water Resources Development Act of 2018	Reported out of House T&I Comm. Hearing scheduled: June 5 @ 5:00 PM (H-313)
<b>SR 2279</b>	US Congress	Bridge Investment Act seeks to establish competitive grants to repair, improve, rehabilitate, or replace bridges to improve safety, efficiency, and reliability of movement of people and freight over bridge crossings.	Introduced and referred to Senate Committee on Environment and Public Works. Jan 4 <sup>th</sup> , 2018.
<b>SR 2364</b>	US Congress	Modernize investment in water infrastructure, WIFIA. "Securing Required Funding for Water Infrastructure Now (SRF WIN) Act" would authorize \$200 M annually over 5 years to support state revolving fund projects.	Co-sponsors: Sen. Boozman, Feinstein, Inhofe and Booker. Referred to Senate Comm. on Environment and Public Works. Jan 30 <sup>th</sup> , 2018. <i>AIAI supporting bill through P3 Coalition</i>
<b>HR 5003</b>	US Congress	Amend Internal Revenue Code of 1986 to reinstate advance refunding bonds.	Introduced and referred to the House Committee on Ways and Means. Feb 13 <sup>th</sup> , 2018.
<b>HR 4739</b>	US Congress	Amend funding for TIFIA and create a 'National Infrastructure Investment Trust Fund'. "Build America Act of 2018"	House T&I Comm. Jan 9 <sup>th</sup> . Subcommittee on Water Resources and Environment.
<b>SR 2320</b>	US Congress	"Building United States Infrastructure and Leveraging Development Act" (BUILD Act) seeks to raise the cap on PABs from \$15 Bn to \$20.8 Bn.	Introduced Jan. 18 <sup>th</sup> , 2018 by Senators Cornyn and Warner. Referred to Senate Finance Committee.
<b>HR 960</b>	US Congress	To amend IRS Code of 1986 to provide tax-exempt financing of government owned buildings.	Performance Based Building Coalition bill to allow gov't owned buildings to use tax exempt finance resources-PABs

Passed into law	Chamber	New Act is:	Status   Notes
<b>HR 1</b> 	US Congress	"Tax Cuts and Jobs Act of 2017", includes impacts on P3s (PABs, interest deductibility, AMT)	<b><u>Signed into law.</u></b> Public Law No. 115-97. Dec. 22 <sup>nd</sup> , 2017.

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as of: June 6<sup>th</sup>, 2018



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Bills no longer pending in current legislature  
(Passed, failed, adjourned sine die (for sessions which have concluded))

Bills Introduced		State	Bill sought to:	Status   Notes
SB 184	✗	Alabama	Amend Sect. 8-29-9 for contracts, public-private agreements, and reqmts. for certain contracts	<i>Adjourned Sine Die.</i> Under Federal court order re: prisons Anticipate action next year.
HB 1383	✗	Colorado	Direct bonding requirements for a project that uses private financing for construction contracts on public property.	Senate Finance Committee. <i>Postponed indefinitely.</i> May 2 <sup>nd</sup>
HB 295	☑	Delaware	Amend laws relating to the Bond and Capital Improvements Act and certain of its Authorities for FY ending June 30, 2018.	<b><i>Signed by the Governor.</i></b> Feb. 14 <sup>th</sup> , 2018.
HB 1393	☑	Florida	Create the Water Street Tampa improvement District and authorize it to use P3s for construction and operations of communications services.	<b><i>Passed</i></b> on April 9 <sup>th</sup> , 2018. Chapter No. 2018-183.
HB 2271	✗	Florida	Secure \$1m from State Transp. Trust Fund for planned State Road 7 P3 development.	Left pending in Committee. <i>Adjourned Sine Die.</i>
SB 2739 HB 2312	✗	Hawaii	Provide public entities with an alternative method to deliver and finance state projects.	<i>Adjourned Sine Die.</i>
HB 2172	✗	Hawaii	Allow Univ. of Hawaii to enter into P3s and establish an Office of Strategic Partnerships and Development for P3s that would benefit UH.	<i>Adjourned Sine Die.</i>
HB 2581	✗	Hawaii	Establish Office of P3s and State P3 Coordinator. Adds D+B, DBFOM to Procurement Code.	<i>Adjourned Sine Die.</i>
SB 2705	✗	Hawaii	Establish state-level coordinator positions to manage P3s (except by Public Housing Authority).	<i>Adjourned Sine Die.</i>

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<b>HB 1301</b>		Indiana	Urges legislative council to assign the issue of bond requirements for public-private agreements for study during the 2018 interim of the general assembly	<b>Signed into law by Governor.</b> March 25, 2018. Public Law 208
<b>HB 1374</b>		Indiana	Specify powers and duties of IFA - Indiana Finance Authority, and governing programs and funds administered by IFA	<b>Signed into law by Governor.</b> March 21, 2018. Public Law 189
<b>SB 203</b>		Kentucky	Removes legislative review for P3s posted before July 2020.	<b>Signed into law by Governor.</b> April 2, 2018 Acts, Chapter 92.
<b>SB 92</b> <b>HB 968</b>		Maryland	Establish the Maryland School Overcrowding Reduction Act	Passed. P3 provisions were deleted from amended version that was enrolled.
<b>HB 1641</b>		Maryland	Establish Office of Transportation Oversight for overseeing transportation P3 projects.	Reported unfavorably from House Env. and Transp. Comm. <i>Adjourned Sine Die.</i>
<b>HB 195</b> <b>SB 473</b>		Maryland	Establish Prince George's County Public School Facility Constr. Innovation Incentive Program to encourage adoption of DBFOM.	<i>Adjourned Sine Die.</i>
<b>SB 3602</b>		Minnesota	Address design, acquisition, construction, improvement, maintenance and operation of wide range of infrastructure.	<i>Adjourned Sine Die.</i>
<b>HB 794</b>		Minnesota	Authorize state agencies, institutions of higher learning, education building corporations, to enter into P3 and adopt a delivery method, including D+B.	<i>Adjourned Sine Die.</i>
<b>SB 2689</b>		Mississippi	Authorize Board of Trustees of State Institutions of Higher Learning to partner with private real estate developers.	<i>"Died in Committee". Jan. 30<sup>th</sup>.</i> <i>Adjourned Sine Die.</i>

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<b>HB 794</b>		Mississippi	Establish the Miss. Public-Private Partnership Act of 2018.	<i>"Died in Committee". Feb. 27<sup>th</sup>. Adjourned Sine Die.</i>
<b>HB 1109</b>		Mississippi	Authorize Dept. of Finance and Administration, on behalf of Dept. of Public Safety.	<i>"Died in Committee" (Senate Finance) Feb. 27<sup>th</sup>. Adjourned Sine Die.</i>
<b>LB 1113</b>		Nebraska	Authorize the State and political subdivisions to enter into a P3 for developing public infrastructure.	Indefinitely postponed April 18. <i>In recess.</i>
<b>SB 1379</b>		Oklahoma	Authorize OK Dept. of Transp. to enter into P3s with railroad owners for acquisition and/or use of Tulsa rights-of-way and tracks for light rail passenger routes.	<i>Adjourned Sine Die.</i>
<b>SB 136</b>		Utah	Creates Planning and Investment Division under Dept. of Transp., which is responsible for overseeing and coordinating P3s.	<b><i>Signed into law.</i></b> March 22 <sup>nd</sup> , 2018.
<b>HB 917</b>		Vermont	Provide for pilot P3 program for Dept. of Transp.; requirements and approval for P3 projects, with a project lifetime cost of more than \$2 million, unless it has been approved in recently adopted Transportation Program.	<b><i>Signed by the Governor.</i></b> May 21 <sup>st</sup> , 2018.
<b>HB 841</b>		Vermont	Introduce certain economic development provisions.	<i>Adjourned Sine Die.</i>
<b>HB 883</b>		Vermont	Introduce an act relating to P3s.	<i>Adjourned Sine Die.</i>
<b>HB 474</b>		Virginia	Authorize solar energy collection; land lease for solar installation.	Left pending in Committee. <i>Adjourned Sine Die.</i>
<b>HB 1070</b>		Virginia	Require economic impact analysis for adverse impacts on affected jurisdictions for a PPTA (transportation) or qualifying PPEA project.	Left pending in House Transportation Committee. <i>Adjourned Sine Die.</i>

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<b>SB 125</b> <b>{SB 117}</b>		Virginia	Raise minimum project cost requiring use of value eng'ring from \$5 M to \$15 M. Seeks to exempt D+B and P3s from value engineering rqmt for VDOT.	<b><i>Passed</i></b> March 9 <sup>th</sup> , 2018.
<b>SB 5330</b>		Washington	Implement P3 best practices for non-toll transportation projects.	Left pending in Committee. <i>Adjourned Sine Die.</i>
<b>HB 2664</b> SB 6426		Washington	Extend telecomm authority to ports in Washington to facilitate P3s in wholesale telecomm services and infrastructure.	<b><i>Passed</i></b> March 22 <sup>nd</sup> . Effective June 7 <sup>th</sup> , 2018.
<b>HB 2726</b>		Washington	Authorize P3s for agencies, higher ed, counties, cities, towns, ports, schools, special districts.	Hearing held in House Capital Budget Committee. Jan. 23 <sup>rd</sup> . <i>Adjourned Sine Die.</i>