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P3 Bills In Play In Two States.

The Massachusetts and Pennsylvania legislatures are considering bills that would authorize the development of certain infrastructure projects through public-private partnerships.

The Massachusetts bill (S. 1722), sponsored by Senate Minority Leader Bruce Tarr, would allow municipalities to enter into P3s to develop, finance, operate and maintain municipal water, wastewater and stormwater infrastructure projects for up to 30 years. The developer would be authorized to charge fees or negotiate service contracts for its services. The public agency that negotiates the P3 would be required to provide a copy of the preferred proposal to each affected local jurisdiction and to consider all comments received before signing an agreement. The bill has been referred to the Senate Ways and Means Committee.

The bill is supported by a coalition of associations and industry groups including the Massachusetts Municipal Association, the Massachusetts Municipal Lawyers Association, the American Council of Engineering Companies of Massachusetts, the Boston Society of Civil Engineers/ASCE and the National Association of Industrial and Office Properties.

Matthew Feher, an attorney with the law firm Burns & Levinson, LLP, and a staunch proponent of the bill since it was introduced in January 2015, will be a featured speaker at NCPPP's annual conference, P3Connect 2016, June 27-29 in Chicago.

In Pennsylvania, Rep. Eli Evankovich introduced a bill that would launch a P3 pilot program to build up to 12 social infrastructure projects and establish a state P3 oversight board. The legislation (HB 2113) would authorize the use of P3s to develop water, wastewater and stormwater projects, schools and related infrastructure, government buildings, telecommunications infrastructure, and utility projects. To be eligible, all projects must be valued at \$25 million or more and no more than two could be conducted in each of six regions. State agencies and local governments would be permitted to consider unsolicited proposals. The pilot program would end once the last P3 agreement negotiated under it has expired. The bill has been referred to the House Committee on State Government.

Massachusetts and Pennsylvania are the latest states to consider P3 legislation to meet their infrastructure needs. Kentucky and Tennessee recently enacted P3-enabling legislation. For a full list of state P3 laws and regulations, visit the Resources section of the NCPPP website.

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