

SENATE BILL 274

P2, M3
SB 414/20 – EHE

(PRE-FILED)

1lr1228

By: **Senator Kramer**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Finance and Procurement – Chesapeake Bay Watershed States – Expenses**
3 **and Contracts**
4 **(Quit Polluting My Bay Act of 2021)**

5 FOR the purpose of requiring the Standard State Travel Regulations adopted under certain
6 provisions of law to prohibit the reimbursement for travel expenses related to travel
7 to a certain state for which the U.S. Environmental Protection Agency has identified
8 certain pollution source sectors at a certain level of oversight; prohibiting a certain
9 public body from awarding a procurement contract for goods or services to a certain
10 business from a certain state for which the U.S. Environmental Protection Agency
11 has identified certain pollution source sectors at a certain level of oversight; defining
12 certain terms; and generally relating to sources of pollution to the Chesapeake Bay
13 and prohibited activities under the Standard State Travel Regulations and State
14 procurement law.

15 BY repealing and reenacting, with amendments,
16 Article – State Finance and Procurement
17 Section 10–203
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2020 Supplement)

20 BY adding to
21 Article – State Finance and Procurement
22 Section 17–901 and 17–902 to be under the new subtitle “Subtitle 9. Chesapeake Bay
23 Watershed States”
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2020 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Finance and Procurement**

2 10–203.

3 (a) **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(2) “BACKSTOP ACTIONS LEVEL” MEANS A LEVEL OF OVERSIGHT FOR**
6 **A POLLUTION SOURCE SECTOR IN A STATE IDENTIFIED BY THE U.S.**
7 **ENVIRONMENTAL PROTECTION AGENCY AFTER IDENTIFYING SUBSTANTIAL**
8 **CONCERNS WITH THE STATE’S STRATEGY TO IMPLEMENT GOALS UNDER THE BAY**
9 **TMDL.**

10 **(3) (I) “BAY TMDL” MEANS THE TOTAL MAXIMUM DAILY LOAD**
11 **(TMDL) FOR THE CHESAPEAKE BAY ESTABLISHED UNDER THE FEDERAL CLEAN**
12 **WATER ACT BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY ON DECEMBER**
13 **29, 2010.**

14 **(II) “BAY TMDL” INCLUDES ANY MODIFICATION TO THE BAY**
15 **TMDL MADE BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY.**

16 **(B) (1)** On the recommendation of the Comptroller, the Board shall adopt
17 regulations in accordance with Title 10, Subtitle 1 of the State Government Article covering
18 matters of business administration in the units of the State government.

19 (2) The regulations adopted under this section may include regulations
20 that establish:

21 (i) uniform rates of mileage allowance; and

22 (ii) the terms and renewals of bonds furnished by State officials and
23 employees.

24 **(3) THE STANDARD STATE TRAVEL REGULATIONS ADOPTED UNDER**
25 **THIS SECTION SHALL PROHIBIT THE REIMBURSEMENT FOR TRAVEL EXPENSES**
26 **RELATED TO TRAVEL TO A STATE FOR WHICH THE U.S. ENVIRONMENTAL**
27 **PROTECTION AGENCY, IN ITS MOST RECENT OVERSIGHT OF WATERSHED**
28 **IMPLEMENTATION PLANS AND MILESTONES IN THE CHESAPEAKE BAY WATERSHED,**
29 **HAS IDENTIFIED TWO OR MORE POLLUTION SOURCE SECTORS AT A BACKSTOP**
30 **ACTIONS LEVEL OF OVERSIGHT.**

31 **[(b)] (C)** Regulations adopted under this section are binding on all units of the
32 State government affected by the regulations.

1 **SUBTITLE 9. CHESAPEAKE BAY WATERSHED STATES.**

2 **17-901.**

3 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(B) “BACKSTOP ACTIONS LEVEL” MEANS A LEVEL OF OVERSIGHT FOR A**
6 **POLLUTION SOURCE SECTOR IN A STATE IDENTIFIED BY THE U.S. ENVIRONMENTAL**
7 **PROTECTION AGENCY AFTER IDENTIFYING SUBSTANTIAL CONCERNS WITH THE**
8 **STATE’S STRATEGY TO IMPLEMENT GOALS UNDER THE BAY TMDL.**

9 **(C) (1) “BAY TMDL” MEANS THE TOTAL MAXIMUM DAILY LOAD (TMDL)**
10 **FOR THE CHESAPEAKE BAY ESTABLISHED UNDER THE FEDERAL CLEAN WATER**
11 **ACT BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY ON DECEMBER 29, 2010.**

12 **(2) “BAY TMDL” INCLUDES ANY MODIFICATION TO THE BAY TMDL**
13 **MADE BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY.**

14 **(D) “PUBLIC BODY” HAS THE MEANING STATED IN § 17-701 OF THIS TITLE.**

15 **17-902.**

16 **A PUBLIC BODY MAY NOT AWARD A PROCUREMENT CONTRACT FOR GOODS OR**
17 **SERVICES TO A BUSINESS FROM A STATE FOR WHICH THE U.S. ENVIRONMENTAL**
18 **PROTECTION AGENCY, IN ITS MOST RECENT OVERSIGHT OF WATERSHED**
19 **IMPLEMENTATION PLANS AND MILESTONES IN THE CHESAPEAKE BAY WATERSHED,**
20 **HAS IDENTIFIED TWO OR MORE POLLUTION SOURCE SECTORS AT A BACKSTOP**
21 **ACTIONS LEVEL OF OVERSIGHT, IF THE BUSINESS:**

22 **(1) HAS ITS PRINCIPAL PLACE OF BUSINESS IN THAT STATE;**

23 **(2) HAS AT LEAST 51% OF ITS EMPLOYEES LOCATED IN THAT STATE;**

24 **(3) IS INCORPORATED IN THAT STATE; OR**

25 **(4) REPORTED ITS PRIMARY TAX LIABILITY IN THAT STATE.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **October 1, 2021.**