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By: **Delegates Conway, Bozman, Cane, Elmore, and Rudolph**

Introduced and read first time: January 31, 2003

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Procurement - Percentage Price Preference for Recycled Materials -**  
3                                   **Chicken Litter**

4 FOR the purpose of establishing a certain percentage price preference for items made  
5 with processed and pasteurized chicken litter; altering the definition of a certain  
6 term; providing for a certain effective date; and generally relating to a  
7 percentage price preference for chicken litter.

8 BY repealing and reenacting, with amendments,  
9 Article - State Finance and Procurement  
10 Section 14-405  
11 Annotated Code of Maryland  
12 (2001 Replacement Volume and 2002 Supplement)

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

15                                   **Article - State Finance and Procurement**

16 14-405.

17       (a)       (1)       In this section the following words have the meanings indicated.

18                   (2)       (i)       "Recycled materials" means material recovered from or  
19 otherwise destined for the waste stream.

20                               (ii)       "Recycled materials" includes post-consumer material,  
21 industrial scrap material, compost, PROCESSED AND PASTEURIZED CHICKEN LITTER,  
22 and obsolete inventories.

23                   (3)       "Percentage price preference" means the percent by which a  
24 responsive bid from a responsible bidder whose product contains recycled materials  
25 may exceed the lowest responsive bid submitted by a responsible bidder whose  
26 products do not contain recycled materials.

1 (b) No later than January 1, 1994, the Board shall adopt regulations that  
2 require the Secretary of General Services, the Secretary of Transportation, and the  
3 Chancellor of the University System of Maryland to establish a percentage price  
4 preference, not to exceed 5%, for the purchase of products made from recycled  
5 materials.

6 (c) A percentage price preference under this section may not be used in  
7 conjunction with any other percentage price preference established under this title.

8 (d) (1) To encourage the maximum purchase of commodities utilizing  
9 recycled materials, the Department of General Services, in consultation with the  
10 Department of the Environment, the University of Maryland, the Maryland  
11 Environmental Service, the Department of Transportation, the Department of  
12 Natural Resources, the Department of Health and Mental Hygiene, and as necessary  
13 with representatives of the recycling industry and environmental organizations, shall  
14 establish a list of acceptable products which contain recycled materials.

15 (2) The list shall be published for use by State agencies at least twice  
16 each year.

17 (e) By January 1, 1991, each State unit shall review the procurement  
18 specifications currently used by the unit and, to the extent practicable, require the  
19 use of a percentage price preference in their purchase of supplies and commodities  
20 containing recycled materials.

21 (f) (1) Except as provided in paragraph (2) of this subsection, this section is  
22 broadly applicable to all procurements by the State if the quality of the product is  
23 consistent with the requirements of the bid specifications.

24 (2) Only to the extent necessary to prevent the denial of federal moneys  
25 or eliminate the inconsistency with federal law, this section does not apply to a  
26 procurement by the State if the procurement officer determines that compliance with  
27 this section would:

28 (i) cause denial of federal moneys; or

29 (ii) be inconsistent with the requirements of federal law.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 June 1, 2003.