

HOUSE BILL 68

M3, P2

01r0063

(PRE-FILED)

By: **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Requested: October 5, 2009

Introduced and read first time: January 13, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Department of the Environment – Grants – Small Businesses and Certified**
3 **Minority Business Enterprises**

4 FOR the purpose of requiring applicants for certain financial assistance from the
5 Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund to demonstrate
6 that certain steps were taken to include certain small businesses and certain
7 certified minority business enterprises; authorizing the Department of the
8 Environment to withhold certain financial assistance under certain
9 circumstances; establishing a threshold to require grantees that receive grants
10 that exceed a certain amount from a certain fund to take steps to include
11 certain small businesses and certain certified minority business enterprises;
12 and generally relating to small businesses and certified minority business
13 enterprise participation and the Chesapeake and Atlantic Coastal Bays
14 Nonpoint Source Fund.

15 BY repealing and reenacting, with amendments,
16 Article – Environment
17 Section 9–1605.3
18 Annotated Code of Maryland
19 (2007 Replacement Volume and 2009 Supplement)

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

22 **Article – Environment**

23 9–1605.3.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) There is a Chesapeake and Atlantic Coastal Bays Nonpoint Source
2 Fund.

3 (2) The Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund
4 shall be maintained and administered by the Administration in accordance with the
5 provisions of this subtitle and such rules or Program directives as the Secretary or the
6 Board may from time to time prescribe.

7 (b) The purpose of the Chesapeake and Atlantic Coastal Bays Nonpoint
8 Source Fund is to provide financial assistance for the implementation of urban and
9 suburban stormwater management practices, and stream and wetland restoration.

10 (c) There shall be deposited in the Chesapeake and Atlantic Coastal Bays
11 Nonpoint Source Fund:

12 (1) Money distributed to the Chesapeake and Atlantic Coastal Bays
13 Nonpoint Source Fund under § 8–2A–04 of the Natural Resources Article and
14 appropriated in the State budget for the Fund;

15 (2) Net proceeds of bonds issued by the Administration;

16 (3) Interest or other income earned on the investment of moneys in the
17 Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund; and

18 (4) Any other moneys from any other source accepted for the benefit of
19 the Fund.

20 (d) (1) The Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund
21 is a special, continuing, nonlapsing fund that is not subject to § 7–302 of the State
22 Finance and Procurement Article.

23 (2) Money in the Chesapeake and Atlantic Coastal Bays Nonpoint
24 Source Fund may not revert or be transferred to the General Fund of the State.

25 (3) Subject to the provisions of any applicable bond resolution
26 regarding the holding or application of amounts in the Chesapeake and Atlantic
27 Coastal Bays Nonpoint Source Fund, the Treasurer shall separately hold, and the
28 Comptroller shall account for, the Chesapeake and Atlantic Coastal Bays Nonpoint
29 Source Fund.

30 (4) Subject to the provision of any applicable bond resolution
31 governing the investment of amounts in the Chesapeake and Atlantic Coastal Bays
32 Nonpoint Source Fund, the Chesapeake and Atlantic Coastal Bays Nonpoint Source
33 Fund shall be invested and reinvested in the same manner as other State funds.

34 (5) Any investment earnings shall be retained to the credit of the
35 Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund.

1 (6) The Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund
2 shall be subject to audit by the Office of Legislative Audits as provided under § 2–1220
3 of the State Government Article.

4 (7) The Administration may from time to time establish accounts and
5 subaccounts within the Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund
6 as may be deemed desirable to effectuate the purposes of this subtitle, to comply with
7 the provisions of any bond resolution, or to meet any requirement or rules or program
8 directives established by the Secretary or the Board.

9 (8) The Administration shall operate the Chesapeake and Atlantic
10 Coastal Bays Nonpoint Source Fund in accordance with §§ 9–1607 through 9–1622 of
11 this subtitle.

12 (e) The Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund shall
13 be used:

14 (1) To award grants for up to 100 percent of project costs relating to
15 planning, design, and construction of urban and suburban stormwater management
16 practices, and stream and wetland restoration;

17 (2) As a source of revenue or security for the payment of principal and
18 interest on bonds issued by the Administration if the proceeds of the sale of such bonds
19 will be deposited in the Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund;

20 (3) For costs associated with the issuance of bonds;

21 (4) To earn interest on the Chesapeake and Atlantic Coastal Bays
22 Nonpoint Source Fund accounts; and

23 (5) For the reasonable costs of administering the Chesapeake and
24 Atlantic Coastal Bays Nonpoint Source Fund.

25 **(F) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
26 **THE MEANINGS INDICATED.**

27 **(II) “CERTIFIED MINORITY BUSINESS ENTERPRISE” HAS**
28 **THE MEANING STATED IN § 14–301 OF THE STATE FINANCE AND**
29 **PROCUREMENT ARTICLE.**

30 **(III) “SMALL BUSINESS” HAS THE MEANING STATED IN**
31 **§ 14–501 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

32 **(2) FOR FINANCIAL ASSISTANCE OVER \$500,000 AWARDED**
33 **UNDER THE FUND, THE GRANTEE SHALL DEMONSTRATE, TO THE SATISFACTION**
34 **OF THE DEPARTMENT, THAT STEPS WERE TAKEN TO INCLUDE SMALL**

1 **BUSINESSES, CERTIFIED MINORITY BUSINESS ENTERPRISES, AND CERTIFIED**
2 **MINORITY BUSINESS ENTERPRISES CLASSIFIED AS WOMEN-OWNED BUSINESSES**
3 **BY:**

4 **(I) PLACING SMALL BUSINESSES, CERTIFIED MINORITY**
5 **BUSINESS ENTERPRISES, AND CERTIFIED MINORITY BUSINESS ENTERPRISES**
6 **CLASSIFIED AS WOMEN-OWNED BUSINESSES ON SOLICITATION LISTS;**

7 **(II) ASSURING THAT SMALL BUSINESSES, CERTIFIED**
8 **MINORITY BUSINESS ENTERPRISES, AND CERTIFIED MINORITY BUSINESS**
9 **ENTERPRISES CLASSIFIED AS WOMEN-OWNED BUSINESSES ARE SOLICITED**
10 **WHENEVER THEY ARE POTENTIAL SOURCES;**

11 **(III) DIVIDING TOTAL REQUIREMENTS, WHEN**
12 **ECONOMICALLY FEASIBLE, INTO SMALL TASKS OR QUANTITIES TO PERMIT**
13 **MAXIMUM PARTICIPATION OF SMALL BUSINESSES, CERTIFIED MINORITY**
14 **BUSINESS ENTERPRISES, AND CERTIFIED MINORITY BUSINESS ENTERPRISES**
15 **CLASSIFIED AS WOMEN-OWNED BUSINESSES;**

16 **(IV) ESTABLISHING DELIVERY SCHEDULES, WHERE THE**
17 **REQUIREMENT PERMITS, THAT ENCOURAGE PARTICIPATION BY SMALL**
18 **BUSINESSES, CERTIFIED MINORITY BUSINESS ENTERPRISES, CLASSIFIED AS**
19 **WOMEN-OWNED BUSINESSES; AND**

20 **(V) USING THE SERVICES AND ASSISTANCE OF THE**
21 **DEPARTMENT OF TRANSPORTATION AND THE GOVERNOR'S OFFICE OF**
22 **MINORITY AFFAIRS IN IDENTIFYING AND SOLICITING SMALL BUSINESSES,**
23 **CERTIFIED MINORITY BUSINESS ENTERPRISES, AND CERTIFIED MINORITY**
24 **BUSINESS ENTERPRISES CLASSIFIED AS WOMEN-OWNED BUSINESSES.**

25 **(G) IF THE STEPS REQUIRED UNDER SUBSECTION (F) OF THIS SECTION**
26 **ARE NOT DEMONSTRATED TO THE SATISFACTION OF THE DEPARTMENT, THE**
27 **DEPARTMENT MAY WITHHOLD FINANCIAL ASSISTANCE FOR THE PROJECT.**

28 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
29 **October 1, 2010.**