SENATE BILL 727

L5   2lr2556

By: **Senator Muse**
Introduced and read first time: February 3, 2012
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1   AN ACT concerning

2   **Washington Suburban Sanitary Commission Procurement Oversight**
3   **Committee and Minority Business Enterprise Utilization Program –**
4   **Termination Extension**

5   FOR the purpose of establishing a Washington Suburban Sanitary Commission
6   (WSSC) Procurement Oversight Committee; providing for the membership,
7   terms, and duties of the Committee; requiring the WSSC to submit, on or before
8   a certain date, a written report to the Committee demonstrating compliance
9   with a certain minority business enterprise law; stating the findings of the
10   General Assembly; requiring the Committee to report to certain delegations to
11   the General Assembly on or before a certain date; continuing until a certain
12   date certain provisions relating to procurement from minority business
13   enterprises by the Commission; and generally relating to the procurement
14   activities and minority business enterprise participation of the Washington
15   Suburban Sanitary Commission and the WSSC Procurement Oversight
16   Committee.

17   BY adding to
18   Article – Public Utilities
19   Section 20–207.1
20   Annotated Code of Maryland
21   (2010 Replacement Volume and 2011 Supplement)

22   BY repealing and reenacting, with amendments,
23   Article – Public Utilities
24   Section 20–208
25   Annotated Code of Maryland
26   (2010 Replacement Volume and 2011 Supplement)

27   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28   MARYLAND, 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 – Public Utilities

2   **20–207.1.**

3   (A)   THE GENERAL ASSEMBLY FINDS THAT THE COMMISSION IS NOT IN
4   COMPLIANCE WITH THE MINORITY BUSINESS ENTERPRISE REQUIREMENTS OF
5   THIS SUBTITLE.

6   (B)   (1)   THERE   IS   A   WASHINGTON   SUBURBAN   SANITARY
7   COMMISSION (WSSC) PROCUREMENT OVERSIGHT COMMITTEE.

8   (2)   (I)   THE   COMMITTEE   CONSISTS   OF   THE   FOLLOWING
9   MEMBERS:

10   1.   ONE MEMBER APPOINTED BY THE PRESIDENT OF
11   THE SENATE;

12   2.   ONE MEMBER APPOINTED BY THE SPEAKER OF
13   THE HOUSE OF DELEGATES;

14   3.   ONE   MEMBER   APPOINTED   BY   THE   COUNTY
15   EXECUTIVE OF MONTGOMERY COUNTY; AND

16   4.   ONE   MEMBER   APPOINTED   BY   THE   COUNTY
17   EXECUTIVE OF PRINCE GEORGE'S COUNTY.

18   (II)   EACH MEMBER SHALL:

19   1.   BE A RESIDENT OF THE SANITARY DISTRICT; AND

20   2.   HAVE   EXPERIENCE   WITH   PROCUREMENT
21   ACTIVITIES OR MINORITY BUSINESS ENTERPRISES.

22   (III)   THE MEMBERS SHALL BE APPOINTED ON OR BEFORE
23   OCTOBER 1, 2012.

24   (IV)   THE MEMBERS SHALL SERVE FOR A TERM OF 4 YEARS
25   AND MAY BE REAPPOINTED IF THE COMMITTEE ASSUMES AUTHORITY OVER
26   PROCUREMENT ACTIVITIES OF THE COMMISSION UNDER SUBSECTION (C)(2) OF
27   THIS SECTION.

28   (C)   (1)   THE COMMITTEE SHALL REVIEW ANY PROCUREMENT MADE
29   BY THE COMMISSION FOR COMPLIANCE WITH THIS SUBTITLE.

1   **(2)** **NOTWITHSTANDING ANY OTHER LAW, IF THE COMMITTEE**
2   **DETERMINES THAT THE COMMISSION HAS NOT ACHIEVED COMPLIANCE WITH**
3   **THIS SUBTITLE AS DEMONSTRATED BY THE REPORT REQUIRED BY SUBSECTION**
4   **(D) OF THIS SECTION, THE COMMITTEE SHALL HAVE SOLE AUTHORITY OVER**
5   **ANY PROCUREMENT ACTIVITIES OF THE COMMISSION.**

6   **(D)** **ON OR BEFORE DECEMBER 1, 2012, THE COMMISSION SHALL**
7   **SUBMIT A WRITTEN REPORT TO THE COMMITTEE DEMONSTRATING ITS**
8   **COMPLIANCE WITH THIS SUBTITLE.**

9   20–208.

10   This subtitle shall be of no effect and may not be enforced after July 1, **[**2012**]**
11   **2017**.

12   SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,
13   2014, the WSSC Procurement Oversight Committee shall report to the Montgomery
14   County and Prince George's County Senate and House delegations to the Maryland
15   General Assembly, in accordance with § 2–1246 of the State Government Article, on
16   the status of minority business enterprise participation in procurements for the
17   Washington Suburban Sanitary Commission.

18   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19   June 1, 2012.