

HB0653/153329/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 653

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 18, after “provisions;” insert “requiring the Maryland Environmental Service to review and evaluate the results of certain pay-for-success contracts with a certain frequency; requiring each unit that enters into a pay-for-success contract to execute an agreement with the Maryland Environmental Service to reimburse the Service for its review under this Act;”.

On page 3, after line 22, insert:

“BY repealing and reenacting, without amendments,
Article - Natural Resources
Section 3-103(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement);

and in line 25, strike “3-201 and 5-102(b)” and substitute “3-103(g), 3-201, and 5-102(b)”.

AMENDMENT NO. 2

On page 23, after line 27, insert:

“3-103.

(a) (1) There is a body politic and corporate known as the “Maryland Environmental Service”.

(2) The Service is an instrumentality of the State and a public corporation by that name, style, and title, and the exercise by the Service of the powers conferred by this subtitle is the performance of an essential governmental function of the State.

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(g) (1) The Service is exempt from the provisions of Subtitles 3, 4, 5, and 7 of Title 4 of the State Finance and Procurement Article.

(2) The Service is exempt from the provisions of Division II of the State Finance and Procurement Article, but is not exempt from Subtitle 3 of Title 14, Subtitle 4 of Title 12, Title 16, and Title 17 of the State Finance and Procurement Article.

(3) (i) Except as otherwise provided in this paragraph, all procurements by the Service for materials, equipment, services, or supplies performed or furnished in connection with the planning, development, design, equipping, construction, or operation of any project owned or controlled by the Service, shall be awarded in accordance with rules and regulations adopted pursuant to the Administrative Procedure Act.

(ii) The Service may procure materials, equipment, services, or supplies by utilizing:

1. Competitive sealed bids;
2. Competitive sealed proposals;
3. Sole source procurement;
4. Intergovernmental cooperative purchasing agreements;

5. A small procurement process, if the procurement is estimated by the Service to result in an expenditure of \$25,000 or less; [or]

6. An emergency procurement process, if the procurement is necessary to avoid or to mitigate serious damage to public health, safety, or welfare;
OR

7. PAY-FOR-SUCCESS CONTRACTING UNDER § 13-112.1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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(4) (i) The approval of the Board shall be required on any nonemergency expenditure that exceeds \$200,000.

(ii) The Service shall notify the Board of any nonemergency expenditure that exceeds \$25,000.

(5) The Service may adopt rules and regulations to provide a process to resolve disputes between the Service and its contractors, that may include alternative dispute resolution by the parties to the dispute.”.

On page 42, after line 10, insert:

“(E) (1) (I) BEGINNING JULY 2025 AND EVERY 3 YEARS THEREAFTER, THE MARYLAND ENVIRONMENTAL SERVICE SHALL REVIEW AND EVALUATE THE RESULTS OF ALL PAY-FOR-SUCCESS CONTRACTS COMPLETED UNDER THIS SECTION FOR THE PREVIOUS 3 FISCAL YEARS.

(II) THE FIRST REVIEW CONDUCTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE A REVIEW OF ALL PAY-FOR-SUCCESS CONTRACTS COMPLETED UNDER THIS SECTION BETWEEN JULY 1, 2022, AND JUNE 30, 2025.

(2) THE REVIEW CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE COST OF EACH PROJECT PERFORMED UNDER A CONTRACT;

(II) THE LENGTH OF TIME TAKEN TO COMPLETE THE PROJECT, FROM THE DATE OF NOTICE TO PROCEED UNTIL COMPLETION;

(Over)

(III) THE AVERAGE COST AND PROJECT DURATION FOR EACH PROJECT TYPE; AND

(IV) WHETHER EACH PROJECT MET THE TERMS OF ITS CONTRACT.

(3) EACH UNIT THAT ENTERS INTO A PAY-FOR-SUCCESS CONTRACT UNDER THIS SECTION SHALL EXECUTE AN AGREEMENT WITH THE MARYLAND ENVIRONMENTAL SERVICE TO REIMBURSE THE SERVICE FOR EACH OF THE UNIT'S COMPLETED CONTRACTS THE SERVICE REVIEWS UNDER THIS SECTION.

(4) THE MARYLAND ENVIRONMENTAL SERVICE SHALL PROVIDE COPIES OF EACH REVIEW CONDUCTED UNDER THIS SUBSECTION TO:

(I) EACH UNIT FOR WHICH THE SERVICE REVIEWED AND EVALUATED A CONTRACT; AND

(II) IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE.”.

AMENDMENT NO. 3

On page 46, after line 21, insert:

“(c) The Secretary of the Environment shall ensure that, to the extent practicable, the membership of the Task Force reflects the geographic, racial, gender, and cultural diversity of the State.”;

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and in lines 22, 25, and 27, strike “(c)”, “(d)”, and “(e)”, respectively, and substitute “(d)”, “(e)”, and “(f)”, respectively.

On page 47, in lines 1, 23, and 24, strike “(f)”, “(g)”, and “(f)”, respectively, and substitute “(g)”, “(h)”, and “(g)”, respectively.