

HOUSE BILL 779

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HB 722/01 - W&M

2002 Regular Session  
2lr0206

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By: ~~Delegates Dypski, Krysiak, Cryor, Kach, and Hammen~~ Hammen, Clagett, Malone, Snodgrass, Arnick, Bates, Crouse, DeCarlo, Glassman, McIntosh, Parrott, Riley, Shank, Sophocleus, Swain, and Wood

Introduced and read first time: February 6, 2002  
Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 8, 2002

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CHAPTER 390

1 AN ACT concerning

2 **Department of General Services - Procurements on Behalf of Private**  
3 **Schools**

4 FOR the purpose of authorizing the Department of General Services to purchase  
5 materials, supplies, and equipment on behalf of certain private elementary and  
6 secondary schools; clarifying that the Department of General Services has the  
7 authority to purchase materials, supplies, and equipment on behalf of certain  
8 nonpublic institutions of higher education; ~~providing that this Act does not~~  
9 ~~authorize prohibiting~~ the Department of General Services ~~to purchase from~~  
10 purchasing religious materials on behalf of a private elementary or secondary  
11 school or nonpublic institutions of higher education; and generally relating to  
12 the authority of the Department of General Services to purchase materials,  
13 supplies, and equipment for certain schools.

14 BY repealing and reenacting, with amendments,  
15 Article 41 - Governor - Executive and Administrative Departments  
16 Section 18-201  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 2001 Supplement)

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

1 **Article 41 - Governor - Executive and Administrative Departments**

2 18-201.

3 (a) Subject to the initial approval of the Secretary of General Services, the  
4 services of the Purchasing Bureau of the Department of General Services may be used  
5 to purchase materials, supplies, and equipment by the county commissioners or the  
6 appropriate purchasing entity for:

7 (1) A county or Baltimore City;

8 (2) A municipal corporation;

9 (3) A governmental agency in the State;

10 (4) A public or quasi-public agency that:

11 (i) Receives State money; and

12 (ii) Is exempt from taxation under § 501(c)(3) of the Internal  
13 Revenue Code;

14 (5) A PRIVATE ELEMENTARY OR SECONDARY SCHOOL THAT:

15 (I) EITHER HAS BEEN ISSUED A CERTIFICATE OF APPROVAL FROM  
16 THE STATE BOARD OF EDUCATION OR IS ACCREDITED BY THE ASSOCIATION OF  
17 INDEPENDENT SCHOOLS; AND

18 (II) IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE  
19 INTERNAL REVENUE CODE; OR

20 (6) A NONPUBLIC INSTITUTION OF HIGHER EDUCATION UNDER § 17-106  
21 OF THE EDUCATION ARTICLE.

22 (b) The right to purchase through the Department of General Services under  
23 subsection (a) of this section shall be in addition to, but not in substitution for, the  
24 applicable purchasing power granted to any county, municipal corporation, the Mayor  
25 and City Council of Baltimore, any other governmental agency in this State, or any  
26 public or quasi-public agency pursuant to any statutory or charter provision.

27 (C) NOTWITHSTANDING SUBSECTION (A)(5) AND (6) OF THIS SECTION DOES  
28 NOT AUTHORIZE, THE DEPARTMENT OF GENERAL SERVICES TO MAY NOT PURCHASE  
29 RELIGIOUS MATERIALS ON BEHALF OF A PRIVATE ELEMENTARY OR SECONDARY  
30 SCHOOL OR A NONPUBLIC INSTITUTION OF HIGHER EDUCATION.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2002.

