HOUSE BILL 702

Unofficial Copy 2004 Regular Session
P2 (4lr1207)

ENROLLED BILL

-- Health and Government Operations/Education, Health, and Environmental Affairs --

Introduced by **Delegates Morhaim, Busch, Barve, Jones, Hurson, Owings, Bromwell, Bronrott, Burns, Cardin, V. Clagett, Donoghue, Goldwater, Hammen, Hubbard, Kach, Krebs, Lee, Moe, Murray, Nathan-Pulliam, Oaks, Rosenberg, Rudolph, Smigiel, Sophocleus, Weldon, ~~and Zirkin~~ Zirkin, Benson, Boteler, Boutin, Costa, Elliott, Mandel, McDonough, Pendergrass, and V. Turner**

Read and Examined by Proofreaders:

_____
Proofreader.

_____
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____M.

_____
Speaker.

CHAPTER 515

AN ACT concerning

Procurement - Request for Proposals or Invitation for Bids - Notice

FOR the purpose of requiring that, until a certain date, notice of certain procurements be provided in a certain manner; providing that, on and after a certain date, notice of certain procurements be provided in a certain manner; prohibiting a unit from charging a fee to access ~~certain information that is required to be published in~~ eMaryland Marketplace; providing for the assessment of a fee against persons to whom certain procurement contracts are awarded to pay certain ~~publication~~ costs; requiring the Department of Budget and Management to adopt certain regulations to establish a certain fee; *repealing certain references to the Maryland Contract Weekly; providing for certain delayed effective dates;* and generally relating to notice requirements for

certain procurements.

BY repealing and reenacting, with amendments,
Article - State Finance and Procurement
~~Section 13-103(c) and (f), 13-104(g), and 13-107.1(i), (j), and (k)~~
Section 3-405(c)(3), 11-203(b)(4)(i), 13-103(c) and (f), 13-104(g), 13-106(e), 13-107(c), 13-107.1(i), (j), and (k), 13-108(c), 13-111(g), and 13-314(b)
Annotated Code of Maryland
(2001 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, without amendments,
Article - State Finance and Procurement
Section 13-104(a) and (c) and 13-107.1(a) and (b)
Annotated Code of Maryland
(2001 Replacement Volume and 2003 Supplement)

BY adding to
Article - State Finance and Procurement
Section 13-103(g), 13-104(h), ~~and~~ 13-107.1(k)*, and 13-111(h)*
Annotated Code of Maryland
(2001 Replacement Volume and 2003 Supplement)

BY repealing
Article - State Finance and Procurement
Section 13-101(e)
Annotated Code of Maryland
(2001 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, with amendments,
Article - State Government
Section 7-201, 7-204, 7-207, 7-210, 7-211(a), 7-212(a) and (b), 7-215, 7-216, and 7-221
Annotated Code of Maryland
(1999 Replacement Volume and 2003 Supplement)

BY repealing
Article - State Government
Section 7-206.1
Annotated Code of Maryland
(1999 Replacement Volume and 2003 Supplement)

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

Article - State Finance and Procurement

13-103.

(c) (1) A unit shall give public notice of an invitation for bids before bid opening in accordance with this subsection.

(2) A unit shall give reasonable notice that shall be at least 10 days before bid opening.

(3) [The] UNTIL JULY 1, ~~2007~~ *2006*, THE unit shall publish notice in the Contract Weekly [and], Contract Weekly Online, AND EMARYLAND MARKETPLACE at least 20 days before bid opening if:

(i) the procurement officer reasonably expects bid prices to exceed $25,000 or a lower amount set by the Board by regulation in accordance with Title 10, Subtitle 1 of the State Government Article; and

(ii) at least part of the procurement contract is to be performed in this State or the District of Columbia.

(4) ON AND AFTER JULY 1, ~~2007~~ *2006*, THE UNIT SHALL PUBLISH THE NOTICE REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION IN EMARYLAND MARKETPLACE.

[(4)] (5) In addition to any notice required under this subsection, a unit may publish notice of an invitation for bids:

(i) [in the Contract Weekly in accordance with Title 7, Subtitle 2 of the State Government Article;

(ii)] on a bid board or eMaryland Marketplace; or

[(iii)] (II) in a newspaper, periodical, or trade journal.

(f) Not more than 30 days after the execution and approval of a procurement contract in excess of $25,000 awarded under this section, or a lower amount set by the Board by regulation in accordance with Title 10, Subtitle 1 of the State Government Article, a unit shall publish [in the Contract Weekly] notice of the award:

(1) UNTIL JULY 1, ~~2007~~ *2006*, IN THE CONTRACT WEEKLY AND EMARYLAND MARKETPLACE; AND

(2) ON AND AFTER JULY 1, ~~2007~~ *2006*, IN EMARYLAND MARKETPLACE.

(G) (1) A UNIT MAY NOT CHARGE A FEE TO ACCESS ~~THE INFORMATION THAT IS REQUIRED TO BE PUBLISHED UNDER THIS SECTION IN~~ EMARYLAND MARKETPLACE.

(2) TO PAY THE COSTS ~~INCURRED TO PUBLISH THE INFORMATION REQUIRED UNDER THIS SECTION IN~~ *OF OPERATING* EMARYLAND MARKETPLACE,

THE UNIT SHALL DEDUCT AND RETAIN FROM THE PROCUREMENT CONTRACT PRICE THAT WAS SUBMITTED BY THE RESPONSIBLE BIDDER TO WHOM THE PROCUREMENT CONTRACT WAS AWARDED THE FEE SPECIFIED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) (I) THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL ESTABLISH BY REGULATION, AND ADJUST EACH FISCAL YEAR AS NECESSARY, THE FEE THAT IS TO BE DEDUCTED FROM EACH PROCUREMENT CONTRACT UNDER THIS SECTION.

(II) THE FEE SHALL BE SET AT AN AMOUNT THAT IS SUFFICIENT TO ~~PAY THE COSTS TO PUBLISH THE INFORMATION REQUIRED UNDER THIS SECTION IN~~ *PAY THE COSTS OF OPERATING* EMARYLAND MARKETPLACE.

13-104.

(a) Competitive sealed proposals may be used if:

(1) the procurement is for human, social, cultural, or educational services;

(2) with the approval of the head of a unit, the procurement officer determines that specifications cannot be prepared that allow an award based on the lowest bid price, the lowest evaluated bid price or, if the procurement is subject to § 11-202(3) of this article, the bid most favorable to the State; or

(3) the head of the unit determines that:

(i) the need to use a method other than competitive sealed bids is sufficiently compelling to override the general public policy that favors awarding procurement contracts on the basis of competitive sealed bids; and

(ii) the use of competitive sealed bidding for that procurement contract is not practicable or not advantageous to the State.

(c) A unit shall publish a request for proposals in the same manner as required for an invitation for bids.

(g) A unit shall publish [in the Contract Weekly] notice of a contract in excess of $25,000 awarded under this section, or a lower amount set by the Board by regulation in accordance with Title 10, Subtitle 1 of the State Government Article AS FOLLOWS:

(1) UNTIL JULY 1, ~~2007~~ *2006*, IN THE CONTRACT WEEKLY AND IN EMARYLAND MARKETPLACE; AND

(2) ON AND AFTER JULY 1, ~~2007~~ *2006*, IN EMARYLAND MARKETPLACE.

(H) (1) A UNIT MAY NOT CHARGE A FEE TO ACCESS ~~THE INFORMATION THAT IS REQUIRED TO BE PUBLISHED UNDER THIS SECTION IN~~ EMARYLAND MARKETPLACE.

(2) TO PAY THE COSTS ~~INCURRED TO PUBLISH THE INFORMATION REQUIRED UNDER THIS SECTION IN~~ *OF OPERATING* EMARYLAND MARKETPLACE, THE UNIT SHALL DEDUCT AND RETAIN FROM THE PROCUREMENT CONTRACT PRICE THAT WAS SUBMITTED BY THE RESPONSIBLE BIDDER TO WHOM THE PROCUREMENT CONTRACT WAS AWARDED THE FEE SPECIFIED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) (I) THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL ESTABLISH BY REGULATION, AND ADJUST EACH FISCAL YEAR AS NECESSARY, THE FEE THAT IS TO BE DEDUCTED FROM EACH PROCUREMENT CONTRACT UNDER THIS SECTION.

(II) THE FEE SHALL BE SET AT AN AMOUNT THAT IS SUFFICIENT TO ~~PAY THE COSTS TO PUBLISH THE INFORMATION REQUIRED UNDER THIS SECTION IN~~ *PAY THE COSTS OF OPERATING* EMARYLAND MARKETPLACE.

13-107.1.

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

(2) "Business and economic development services" means services procured by the Department of Business and Economic Development.

(3) "Educational services" means services procured to provide or assist in providing training to third-party clients under a contract.

(4) "Health or social services" means services procured to provide or assist in providing support, care, or shelter to third-party clients under a contract.

(b) A procurement officer may enter into a contract based on an unsolicited proposal if the unsolicited proposal:

(1) is in writing;

(2) (i) contains a novel or innovative concept, application, approach, or method which, to the knowledge of the procurement officer, is not used by or available to another unit; or

(ii) demonstrates a novel capability of the offeror of the proposal;

(3) has not been previously submitted to the unit by another person;

(4) is for the delivery of:

(i) educational services;

(ii) health or social services; or

(iii) business and economic development services; and

(5) meets a need of or is otherwise advantageous to the unit.

(i) (1) Not less than 30 days before the execution and award, of a contract based on an unsolicited proposal under this section, the contracting unit shall publish a general notice of the intent to award the contract [in] AS FOLLOWS:

(i) UNTIL JULY 1, ~~2007~~ *2006*, IN the Contract Weekly AND IN EMARYLAND MARKETPLACE; ~~and~~

(II) ON AND AFTER JULY 1, ~~2007~~ *2006*, IN EMARYLAND MARKETPLACE; AND

~~(ii)~~ (III) ~~[~~IN at least one newspaper of general circulation in:

1. the county of the agency to be served under the contract; and

2. if applicable, the county of the client population to be served by the agency under the contract~~] ON AND AFTER JULY 1, 2007, IN EMARYLAND MARKETPLACE~~.

(2) ~~[~~For purposes of this subsection:

(i) the Baltimore Sun and the Washington Post shall be considered newspapers of general circulation in the counties of the State; and

(ii) in Baltimore City, Baltimore County, and Anne Arundel County, the Baltimore Afro-American shall be considered a newspaper of general circulation.

(3)~~]~~ If, during the 30-day period established under paragraph (1) of this subsection, a person petitions the interagency panel for reconsideration of a determination of approval under subsection (b) of this section, the interagency panel shall reconsider the determination of approval and make written findings affirming or reversing the determination of approval.

(j) In addition to publishing notice of the intent to award a contract based on an unsolicited proposal under subsection (i) of this section, not more than 30 days after the execution and approval of a procurement contract awarded under this section, a unit shall publish notice of the award [in the Contract Weekly] AS FOLLOWS:

(1) UNTIL JULY 1, ~~2007~~ *2006*, IN THE CONTRACT WEEKLY AND IN EMARYLAND MARKETPLACE; AND

(2) ON AND AFTER JULY 1, ~~2007~~ *2006*, IN EMARYLAND MARKETPLACE.

(K) (1) A UNIT MAY NOT CHARGE A FEE TO ACCESS ~~THE INFORMATION THAT IS REQUIRED TO BE PUBLISHED UNDER THIS SECTION IN~~ EMARYLAND MARKETPLACE.

(2) TO PAY THE COSTS ~~INCURRED TO PUBLISH THE INFORMATION REQUIRED UNDER THIS SECTION IN~~ *OF OPERATING* EMARYLAND MARKETPLACE, THE UNIT SHALL DEDUCT AND RETAIN FROM THE PROCUREMENT CONTRACT PRICE THAT WAS SUBMITTED BY THE RESPONSIBLE BIDDER TO WHOM THE PROCUREMENT CONTRACT WAS AWARDED THE FEE SPECIFIED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) (I) THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL ESTABLISH BY REGULATION, AND ADJUST EACH FISCAL YEAR AS NECESSARY, THE FEE THAT IS TO BE DEDUCTED FROM EACH PROCUREMENT CONTRACT UNDER THIS SECTION.

(II) THE FEE SHALL BE SET AT AN AMOUNT THAT IS SUFFICIENT TO ~~PAY THE COSTS TO PUBLISH THE INFORMATION REQUIRED UNDER THIS SECTION IN~~ *PAY THE COSTS OF OPERATING* EMARYLAND MARKETPLACE.

[(k)] (L) The following agencies shall implement an educational outreach campaign on the availability of the unsolicited proposal method of procurement:

(1) the Department of Health and Mental Hygiene;

(2) the Department of Human Resources;

(3) the Department of Labor, Licensing, and Regulation;

(4) the Department of Juvenile Services;

(5) the Office for Individuals with Disabilities;

(6) the Department of Aging; and

(7) the Department of Business and Economic Development.

13-111.

(g) Not more than 30 days after the execution and approval of a procurement contract awarded under this section, a unit shall publish [in the Contract Weekly] notice of the award:

(1) UNTIL JULY 1, 2006, IN THE CONTRACT WEEKLY AND EMARYLAND MARKETPLACE; AND

(2) ON AND AFTER JULY 1, 2006, IN EMARYLAND MARKETPLACE.

(H) (1) A UNIT MAY NOT CHARGE A FEE TO ACCESS EMARYLAND MARKETPLACE.

(2) TO PAY THE COSTS OF OPERATING EMARYLAND MARKETPLACE, THE UNIT SHALL DEDUCT AND RETAIN FROM THE PROCUREMENT CONTRACT PRICE THAT WAS SUBMITTED BY THE RESPONSIBLE BIDDER TO WHOM THE PROCUREMENT

CONTRACT WAS AWARDED THE FEE SPECIFIED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) (I) THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL ESTABLISH BY REGULATION, AND ADJUST EACH FISCAL YEAR AS NECESSARY, THE FEE THAT IS TO BE DEDUCTED FROM EACH PROCUREMENT CONTRACT UNDER THIS SECTION.

(II) THE FEE SHALL BE SET AT AN AMOUNT THAT IS SUFFICIENT TO PAY THE COSTS OF OPERATING EMARYLAND MARKETPLACE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2004.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - State Finance and Procurement

3-405.

(c) (3) If the value of any proposal submitted in accordance with this subsection equals or exceeds $100,000 and the Secretary and unit agree to proceed with the proposal, information on the proposal shall be:

(i) advertised for a period of at least 30 days in [the "Contract Weekly", as published by the Office of the Secretary of State] EMARYLAND MARKETPLACE; and

(ii) submitted, simultaneously with the advertisement, to the Legislative Policy Committee for a 60-day review and comment period, during which time the Committee may recommend that the proposal be treated as a procurement contract under Division II of this article.

11-203.

(b) (4) (i) A unit that procures human, social, or educational services from an entity enumerated in subsection (a)(2) of this section shall publish in [the Contract Weekly] EMARYLAND MARKETPLACE notice of a procurement contract or an extension or renewal of a procurement contract if:

1. the procurement contract, extension, or renewal costs more than $25,000; and

2. the procurement is made for 3rd party clients described in § 13-106 of this article.

13-101.

[(e) "Contract Weekly Online" means the Internet-based version of the Maryland Contract Weekly.]

13-106.

(e) A unit shall publish in [the Contract Weekly] EMARYLAND MARKETPLACE notice of a procurement contract awarded under this section.

13-107.

(c) Not more than 30 days after the execution and approval of a procurement contract awarded under this section, a unit shall publish in [the Contract Weekly] EMARYLAND MARKETPLACE notice of the award.

13-108.

(c) Not more than 30 days after the execution and approval of a procurement contract awarded under this section, a unit shall publish in [the Contract Weekly] EMARYLAND MARKETPLACE notice of the award.

13-314.

(b) A waiver and the reasons for it shall be documented and:

(1) immediately reported to [the Contract Weekly] EMARYLAND MARKETPLACE for [printing in the next available issue] PUBLICATION; and

(2) reported to the Legislative Policy Committee within 30 days after the waiver occurs.

Article - State Government

7-201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Administrator" means the Administrator of the Division.

(c) "Code of Maryland Regulations" means the Code of Maryland Regulations and its permanent supplements.

(d) "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

(e) ["Contract Weekly" means the Maryland Contract Weekly.

(f)] "Division" means the Division of State Documents.

[(g)] (F) "Executive order" has the meaning stated in § 3-401 of this article.

[(h)] (G) "Register" means the Maryland Register.

[(i)] (H) "Regulation" has the meaning stated in § 10-101 of this article, unless the context clearly requires otherwise.

[(j)] (I) (1) "Unit" means an officer or unit in the Executive Branch of the State government that is authorized by law to adopt regulations or to adjudicate contested cases.

(2) "Unit" does not include a board of license commissioners.

7-204.

(a) The Division shall compile and edit:

(1) the Code of Maryland Regulations; AND

(2) as a temporary supplement, the Maryland Register[; and

(3) the Contract Weekly].

(b) Subject to the limitations in this subtitle, the Administrator is responsible for the publication and distribution of the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly].

[7-206.1.

(a) An issue of the Contract Weekly shall contain:

(1) on the first page:

(i) the closing date and hour of the issue; and

(ii) the issue date, which shall be the date of deposit in the United States mail and shall appear prominently;

(2) the text of each of the following documents that has been submitted to the Division before the closing date and hour and has not been published previously:

(i) unless otherwise exempted, each document that is required by law to be published in the Contract Weekly;

(ii) each other document that is required to be published in the Contract Weekly; and

(iii) unless otherwise privileged, each other document that the Committee permits to be published in the Contract Weekly; and

(3) a table of contents.

(b) (1) Each issue of the Contract Weekly shall contain a certification of the Administrator that the issue contains all of the documents that have been submitted to the Division as of the closing date and hour of the issue.

(2) The certification of the Administrator in the Contract Weekly is conclusive evidence of this fact.

(c) (1) If the Committee permits a unit or an agency of a county or municipal government to publish a document in the Contract Weekly and publication otherwise would not be required, the Committee may require the unit or agency to reimburse the Division for the cost of the publication.

(2) The Division shall bill for and collect the reimbursement.]

7-207.

(a) (1) Unless the Committee provides otherwise, the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly] may not reprint any text from:

(i) the Annotated Code of Maryland;

(ii) the Session Laws;

(iii) the United States Code;

(iv) the United States Statutes at Large;

(v) the Code of Federal Regulations;

(vi) the Federal Register; or

(vii) any other generally available publication that the Administrator specifies.

(2) These publications may be incorporated by reference.

(b) (1) If the Administrator determines that publication would be in the public interest, nothing in this section prohibits the Administrator from publishing factual information concerning:

(i) documents published or to be published in the Code of Maryland Regulations[,] AND the Register[, or the Contract Weekly]; or

(ii) the Code of Maryland Regulations[,] AND the Register[, or the Contract Weekly].

(2) Notwithstanding any other provision of this subtitle or Title 10, Subtitle 1 of this article, the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly] may not include news material or a press release, speech, or other comment.

7-210.

(a) Except as otherwise provided in this subsection, an issue of the Register complying with the requirements of § 7-206 of this subtitle shall be published at least once every 2 weeks.

[(b) (1) An issue of the Contract Weekly complying with the requirements of § 7-206.1 of this subtitle, devoted in whole or in part to procurement, shall be published at least once each week and contain every document:

(i) required or, if the unit as defined in § 11-101 of the State Finance and Procurement Article requests publication, permitted to be published by that article; and

(ii) filed with the Division prior to the closing date and time of the Contract Weekly.

(2) The closing date for any procurement document may not be more than 5 working days before the issue.]

[(c)] (B) (1) (i) To avoid a conflict with a State or national holiday, with the approval of the Committee, the Administrator may alter the publication date of an issue of the Register [or the Contract Weekly] by not more than 3 days.

(ii) At least 30 days before a change of publication date occurs, the Administrator shall publish, as appropriate, notice of the change in the Register [or the Contract Weekly].

(2) The Committee may provide for more frequent publication of all or any part of the Register [or the Contract Weekly].

[(d)] (C) (1) An index shall be published at least quarterly for[:

(i)] the Register[; and

(ii) the Contract Weekly].

(2) For the Register [and the Contract Weekly], the last index for a calendar year shall be a cumulative index of that publication for that year.

[(e)] (D) A supplement to the index to the Code of Maryland Regulations or a new index shall be published at least once a year.

7-211.

(a) Subject to the conditions that the Board of Public Works sets, the Administrator shall contract for the prompt printing and distribution of the Code of Maryland Regulations, including its permanent supplements, AND the Register[, and the Contract Weekly].

7-212.

(a) (1) The Administrator may adopt a codification system and set editorial standards for the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly], including a numbering system and captions or tag lines.

(2) The numbering system, captions, or tag lines are not part of the official text of a document.

(b) Except for rules of court, each document that is submitted for publication in the Code of Maryland Regulations[,] AND the Register[, or the Contract Weekly] shall conform to the codification system and editorial standards.

7-215.

The Administrator may require a unit to reimburse the Division for the cost of a publication of a document in an issue of the Register [or the Contract Weekly] if the unit submits, withdraws, or changes the document after the closing date and hour of that issue.

7-216.

(a) (1) The Committee shall adopt guidelines for the Administrator to:

(i) sell a subscription list for any publication of the Division; and

(ii) set the price for:

1. a copy of or a subscription to the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly]; and

2. a copy of a data base or other computer readable information on magnetic tape or some other electronic media.

(2) The Committee may allow:

(i) a volume discount; and

(ii) the free, reciprocal exchange of publications by the State and other jurisdictions.

(b) A copy of the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly] shall be available to the public at the price set under this section.

(c) The Administrator shall provide, without charge:

(1) to each member of the General Assembly[:

(i)] each issue of the Register; [and

(ii) each issue of the Contract Weekly that the member requests;]

(2) to the Enoch Pratt Library and the State Law Library, 1 copy of:

(i) the Code of Maryland Regulations;

(ii) each issue of the permanent supplements to the Code of Maryland Regulations; AND

(iii) each issue of the Register; and

[(iv) each issue of the Contract Weekly; and]

(3) to a judge of a State court except the orphans' court, 1 copy of:

(i) the current Code of Maryland Regulations; and

(ii) each issue of the Register [and the Contract Weekly] that the judge requests.

(d) Unless authorized by the Committee, the Administrator may not allow public access to a document that is to be included in the Register [or the Contract Weekly] earlier than the date immediately following the issue date of the Register [or the Contract Weekly] in which the document is published.

7-221.

The provisions of a document in the Code of Maryland Regulations[,] AND the Register[, or the Contract Weekly] are severable, unless the document expressly states otherwise.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2006.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2005.