

Chapter 3

(Senate Bill 780 of the 2021 Regular Session)

AN ACT concerning

**States of Emergency – Emergency Procurement and Budget Amendments –
Notice and Authorization**

FOR the purpose of requiring the Governor or the head of a certain unit to provide certain notice to the Legislative Policy Committee within a certain time frame when authorizing a certain emergency procurement during a state of emergency under certain circumstances; ~~requiring the Office of Legislative Audits to perform a certain audit within a certain time frame under certain circumstances;~~ requiring the Governor or the head of a certain unit to provide a copy of a certain procurement contract to the Legislative Policy Committee under certain circumstances; authorizing the Legislative Policy Committee to request that the Office of Legislative Audits perform a certain audit under certain circumstances; requiring the Governor to provide certain notice to certain persons within a certain time frame after suspending the effect of a certain statute or rule or regulation under certain circumstances; ~~authorizing a certain appropriation to be increased by budget amendment if the Board of Public Works makes a certain declaration; prohibiting the Governor from suspending the effects of certain provisions under certain circumstances;~~ and generally relating to emergency procurements and the Governor’s authority to suspend the effect of a statute, rule, or regulation during a state of emergency.

BY adding to
Article – Public Safety
Section 14-117
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

~~BY adding to
Article – State Finance and Procurement
Section 7-214
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)~~

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

Article – Public Safety

14-117.

(A) (1) THIS SUBSECTION APPLIES ONLY WHEN THE GOVERNOR OR THE HEAD OF A UNIT AUTHORIZES AN EMERGENCY PROCUREMENT DURING A STATE OF EMERGENCY IN ORDER TO PREPARE FOR OR ADDRESS THE STATE OF EMERGENCY UNDER:

(I) § 14-106(B)(3) OF THIS SUBTITLE;

(II) § 13-108(A) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

(III) ANY OTHER LAW THAT GRANTS THE GOVERNOR AUTHORITY TO AUTHORIZE AN EMERGENCY PROCUREMENT.

(2) WHEN THE GOVERNOR OR THE HEAD OF A UNIT AUTHORIZES AN EMERGENCY PROCUREMENT, WITHIN 72 HOURS AFTER THE EARLIER OF THE EXECUTION OF THE CONTRACT OR THE EXPENDITURE OF FUNDS, THE GOVERNOR OR HEAD OF THE UNIT SHALL PROVIDE WRITTEN NOTICE TO THE LEGISLATIVE POLICY COMMITTEE, INCLUDING:

(I) A COPY OF THE PROCUREMENT CONTRACT THE NAME, BUSINESS ADDRESS, AND, IF APPLICABLE, WEBSITE ADDRESS OF THE VENDOR AND THE DOLLAR VALUE OF THE CONTRACT;

(II) A DESCRIPTION OF HOW THE FUNDS ARE TO BE USED; AND

(III) AN EXPLANATION OF THE REASONS THE PROCUREMENT IS NECESSARY TO PREPARE FOR OR ADDRESS THE EMERGENCY.

(3) ~~WITHIN 8 MONTHS AFTER~~ AFTER AN EMERGENCY PROCUREMENT CONTRACT IS EXECUTED UNDER THIS SUBSECTION, SUBSECTION:

(I) IF REQUESTED BY THE LEGISLATIVE POLICY COMMITTEE, THE GOVERNOR OR HEAD OF THE UNIT SHALL PROVIDE A COPY OF THE CONTRACT TO THE LEGISLATIVE POLICY COMMITTEE; AND

(II) THE LEGISLATIVE POLICY COMMITTEE MAY REQUEST THAT THE OFFICE OF LEGISLATIVE AUDITS SHALL CONDUCT AN AUDIT OF THE EMERGENCY PROCUREMENT.

(B) (1) THIS SUBSECTION APPLIES ONLY WHEN THE GOVERNOR SUSPENDS THE EFFECT OF A STATUTE OR RULE OR REGULATION OF AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION DURING A STATE OF EMERGENCY UNDER:

(I) § 14-107(D)(1)(I) OF THIS SUBTITLE;

(II) § 14-108(A)(2) OF THIS SUBTITLE; OR

(III) ANY OTHER PROVISION THAT GRANTS THE GOVERNOR AUTHORITY TO SUSPEND THE EFFECT OF ANY STATUTE OR RULE OR REGULATION OF AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION DURING A STATE OF EMERGENCY.

(2) WITHIN 72 HOURS AFTER SUSPENDING THE EFFECT OF A STATUTE OR RULE OR REGULATION, THE GOVERNOR SHALL PROVIDE WRITTEN NOTICE TO THE LEGISLATIVE POLICY COMMITTEE THAT:

(I) IDENTIFIES THE STATUTE OR RULE OR REGULATION BEING SUSPENDED; AND

(II) EXPLAINS THE REASONS THAT SUSPENDING THE STATUTE OR RULE OR REGULATION IS NECESSARY TO ADDRESS THE EMERGENCY.

(3) WHEN THE GOVERNOR SUSPENDS THE EFFECT OF A REGULATION, THE GOVERNOR SHALL ALSO PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE.

(C) THE GOVERNOR MAY NOT SUSPEND THE EFFECT OF THIS SECTION UNDER:

(1) § 14-107(D)(1)(I) OF THIS SUBTITLE;

(2) § 14-108(A)(2) OF THIS SUBTITLE; OR

(3) ANY OTHER LAW THAT GRANTS THE GOVERNOR AUTHORITY TO SUSPEND THE EFFECT OF ANY STATUTE DURING A STATE OF EMERGENCY.

~~Article State Finance and Procurement~~

~~7-214.~~

~~(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY FEDERAL, SPECIAL, OR HIGHER EDUCATION FUND APPROPRIATION MAY BE INCREASED BY BUDGET AMENDMENT IF THE BOARD OF PUBLIC WORKS DECLARES THAT THE BUDGET AMENDMENT IS ESSENTIAL TO MAINTAINING PUBLIC SAFETY, HEALTH, OR WELFARE, INCLUDING PROTECTING THE ENVIRONMENT OR THE ECONOMIC WELFARE OF THE STATE.~~

~~(B) THE GOVERNOR MAY NOT SUSPEND THE EFFECT OF THIS SECTION UNDER:~~

~~(1) § 14-107(D)(1)(i) OF THE PUBLIC SAFETY ARTICLE;~~

~~(2) § 14-108(A)(2) OF THE PUBLIC SAFETY ARTICLE; OR~~

~~(3) ANY OTHER LAW THAT GRANTS THE GOVERNOR AUTHORITY TO SUSPEND THE EFFECT OF ANY STATUTE DURING A STATE OF EMERGENCY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2021.

Gubernatorial Veto Override, December 6, 2021.