
By: **Delegates Sophocleus, Cadden, Cane, DeCarlo, Dypski, Greenip, Heller, Klausmeier, Riley, Rzepkowski, Stocksdale, Valderrama, Boschert, Busch, Leopold, Clagett, Hubers, Shriver, Turner, and Pitkin**

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Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Procurement - Exceptions - Maryland Developmental Disabilities**
3 **Administration**

4 FOR the purpose of excluding certain procurements by the Developmental
5 Disabilities Administration of the Department of Health and Mental Hygiene
6 from certain procurement requirements.

7 BY repealing and reenacting, with amendments,
8 Article - State Finance and Procurement
9 Section 11-203(a)
10 Annotated Code of Maryland
11 (2001 Replacement Volume)

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

14 **Article - State Finance and Procurement**

15 11-203.

16 (a) Except as provided in subsection (b) of this section, this Division II does
17 not apply to:

18 (1) procurement by:

19 (i) the Blind Industries and Services of Maryland;

- 1 (ii) the Maryland State Arts Council, for the support of the arts;
- 2 (iii) the Maryland Health and Higher Educational Facilities
3 Authority, if no State money is to be spent on a procurement contract;
- 4 (iv) the Maryland Higher Education Supplemental Loan Authority,
5 if no State money is to be spent on a procurement contract;
- 6 (v) the Maryland Industrial Training Program or the Partnership
7 for Workforce Quality Program in the Department of Business and Economic
8 Development, for training services or programs for new or expanding businesses or
9 industries or businesses or industries in transition;
- 10 (vi) the Maryland Food Center Authority, to the extent the
11 Authority is exempt under Title 13, Subtitle 1 of Article 41 of the Code;
- 12 (vii) the Maryland Public Broadcasting Commission, for services of
13 artists for educational and cultural television productions;
- 14 (viii) public institutions of higher education, for cultural,
15 entertainment, and intercollegiate athletic procurement contracts;
- 16 (ix) the Maryland State Planning Council on Developmental
17 Disabilities, for services to support demonstration, pilot, and training programs;
- 18 (x) the Maryland Automobile Insurance Fund;
- 19 (xi) the Maryland Historical Trust for:
- 20 1. surveying and evaluating architecturally, archeologically,
21 historically, or culturally significant properties; and
- 22 2. other than as to architectural services, preparing historic
23 preservation planning documents and educational material;
- 24 (xii) the University of Maryland, for University College Overseas
25 Programs, if the University adopts regulations that:
- 26 1. establish policies and procedures governing procurement
27 for University College Overseas Programs; and
- 28 2. promote the purposes stated in § 11-201(a) of this subtitle;
- 29 (xiii) St. Mary's College of Maryland;
- 30 (xiv) the Department of Business and Economic Development, for
31 negotiating and entering into private sector cooperative marketing projects that
32 directly enhance promotion of Maryland and the tourism industry where there will be
33 a private sector contribution to the project if not less than 50% of the total cost of the
34 project, if the project is reviewed by the Attorney General and approved by the
35 Secretary of Business and Economic Development or the Secretary's designee;

1 (xv) the Forum for Rural Maryland; [and]

2 (xvi) the Maryland State Lottery Agency, for negotiating and
 3 entering into private sector cooperative marketing projects that directly enhance
 4 promotion of the Maryland State Lottery and its products, if the cooperative
 5 marketing project:

6 1. provides a substantive promotional or marketing value
 7 that the lottery determines acceptable in exchange for advertising or other
 8 promotional activities provided by the lottery;

9 2. does not involve the advertising or other promotion of
 10 alcohol or tobacco products; and

11 3. is reviewed by the Attorney General and approved by the
 12 Maryland Lottery Director or the Director's designee; AND

13 (XVII) THE MARYLAND DEVELOPMENTAL DISABILITIES
 14 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR
 15 ~~SUPPLIES AND SERVICES THAT DIRECTLY BENEFIT INDIVIDUALS WITH DISABILITIES~~
 16 IN COMMUNITY BASED PROGRAMS.

17 (2) procurement by a unit from:

18 (i) another unit;

19 (ii) a political subdivision of the State;

20 (iii) an agency of a political subdivision of the State;

21 (iv) a government, including the government of another state, of the
 22 United States, or of another country;

23 (v) an agency or political subdivision of a government; or

24 (vi) a bistate, multistate, bicounty, or multicounty governmental
 25 agency; or

26 (3) procurement in support of enterprise activities for the purpose of:

27 (i) direct resale; or

28 (ii) remanufacture and subsequent resale.

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

