
By: **Delegates Dypski, Krysiak, Cryor, Kach, and Hammen**

Introduced and read first time: February 6, 2002

Assigned to: Commerce and Government Matters

A BILL ENTITLED

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 the Department of General Services to purchase religious materials
10 on behalf of a private elementary or secondary school or nonpublic institutions
11 of higher education; and generally relating to the authority of the Department of
12 General Services to purchase materials, supplies, and equipment for certain
13 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:

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

22 18-201.

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

27 (1) A county or Baltimore City;

28 (2) A municipal corporation;

1 (3) A governmental agency in the State;

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

3 (i) Receives State money; and

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

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

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

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

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

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

19 (C) SUBSECTION (A)(5) AND (6) OF THIS SECTION DOES NOT AUTHORIZE THE
20 DEPARTMENT OF GENERAL SERVICES TO PURCHASE RELIGIOUS MATERIALS ON
21 BEHALF OF A PRIVATE ELEMENTARY OR SECONDARY SCHOOL OR A NONPUBLIC
22 INSTITUTION OF HIGHER EDUCATION.

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