

HOUSE BILL 702

Unofficial Copy  
P2

2004 Regular Session  
(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 \_\_\_\_\_

1 AN ACT concerning

2 **Procurement - Request for Proposals or Invitation for Bids - Notice**

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

1 certain procurements.

2 BY repealing and reenacting, with amendments,

3 Article - State Finance and Procurement

4 ~~Section 13-103(e) and (f), 13-104(g), and 13-107.1(i), (j), and (k)~~

5 Section 3-405(c)(3), 11-203(b)(4)(i), 13-103(c) and (f), 13-104(g), 13-106(e),

6 13-107(c), 13-107.1(i), (j), and (k), 13-108(c), 13-111(g), and 13-314(b)

7 Annotated Code of Maryland

8 (2001 Replacement Volume and 2003 Supplement)

9 BY repealing and reenacting, without amendments,

10 Article - State Finance and Procurement

11 Section 13-104(a) and (c) and 13-107.1(a) and (b)

12 Annotated Code of Maryland

13 (2001 Replacement Volume and 2003 Supplement)

14 BY adding to

15 Article - State Finance and Procurement

16 Section 13-103(g), 13-104(h), ~~and~~ 13-107.1(k), and 13-111(h)

17 Annotated Code of Maryland

18 (2001 Replacement Volume and 2003 Supplement)

19 BY repealing

20 Article - State Finance and Procurement

21 Section 13-101(e)

22 Annotated Code of Maryland

23 (2001 Replacement Volume and 2003 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article - State Government

26 Section 7-201, 7-204, 7-207, 7-210, 7-211(a), 7-212(a) and (b), 7-215, 7-216,

27 and 7-221

28 Annotated Code of Maryland

29 (1999 Replacement Volume and 2003 Supplement)

30 BY repealing

31 Article - State Government

32 Section 7-206.1

33 Annotated Code of Maryland

34 (1999 Replacement Volume and 2003 Supplement)

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

36 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,

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

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

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

12 13-104.

13 (a) Competitive sealed proposals may be used if:

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

16 (2) with the approval of the head of a unit, the procurement officer  
17 determines that specifications cannot be prepared that allow an award based on the  
18 lowest bid price, the lowest evaluated bid price or, if the procurement is subject to §  
19 11-202(3) of this article, the bid most favorable to the State; or

20 (3) the head of the unit determines that:

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

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

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

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

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

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

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

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

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

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

17 13-107.1.

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

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

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

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

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

27 (1) is in writing;

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

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

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

33 (4) is for the delivery of:

34 (i) educational services;

35 (ii) health or social services; or

1 (iii) business and economic development services; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 16 (1) the Department of Health and Mental Hygiene;
- 17 (2) the Department of Human Resources;
- 18 (3) the Department of Labor, Licensing, and Regulation;
- 19 (4) the Department of Juvenile Services;
- 20 (5) the Office for Individuals with Disabilities;
- 21 (6) the Department of Aging; and
- 22 (7) the Department of Business and Economic Development.

23 13-111.

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

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

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

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

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

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

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

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

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

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

13 Article - State Finance and Procurement

14 3-405.

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

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

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

25 11-203.

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

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

32 2. the procurement is made for 3rd party clients described in  
 33 § 13-106 of this article.



1 13-101.

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

4 13-106.

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

7 13-107.

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

11 13-108.

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

15 13-314.

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

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

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

21 **Article - State Government**

22 7-201.

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

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

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

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

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

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

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

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

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

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

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

8 7-204.

9 (a) The Division shall compile and edit:

10 (1) the Code of Maryland Regulations; AND

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

12 (3) the Contract Weekly].

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

16 [7-206.1.

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

18 (1) on the first page:

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

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

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

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

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

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

30 (3) a table of contents.

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

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

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

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

11 7-207.

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

15                   **(i)**    the Annotated Code of Maryland;

16                   **(ii)**   the Session Laws;

17                   **(iii)**   the United States Code;

18                   **(iv)**   the United States Statutes at Large;

19                   **(v)**    the Code of Federal Regulations;

20                   **(vi)**   the Federal Register; or

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

23              **(2)**    These publications may be incorporated by reference.

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

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

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

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

1 7-210.

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

5 [(b) (1) An issue of the Contract Weekly complying with the requirements of  
6 § 7-206.1 of this subtitle, devoted in whole or in part to procurement, shall be  
7 published at least once each week and contain every document:

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

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

13 (2) The closing date for any procurement document may not be more than  
14 5 working days before the issue.]

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

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

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

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

24 (i) the Register]; and

25 (ii) the Contract Weekly].

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

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

30 7-211.

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

1 7-212.

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

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

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

10 7-215.

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

15 7-216.

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

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

18 (ii) set the price for:

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

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

23 (2) The Committee may allow:

24 (i) a volume discount; and

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

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

29 (c) The Administrator shall provide, without charge:

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

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

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

1           (2)     to the Enoch Pratt Library and the State Law Library, 1 copy of:  
2                     (i)     the Code of Maryland Regulations;  
3                     (ii)    each issue of the permanent supplements to the Code of  
4 Maryland Regulations; AND  
5                     (iii)  each issue of the Register; and  
6                     [(iv)  each issue of the Contract Weekly; and]  
7           (3)     to a judge of a State court except the orphans' court, 1 copy of:  
8                     (i)     the current Code of Maryland Regulations; and  
9                     (ii)    each issue of the Register [and the Contract Weekly] that the  
10 judge requests.

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

15 7-221.

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

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

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