

# SENATE BILL 764

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71r2755  
CF 71r2548

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By: **Senator Dyson**

Introduced and read first time: February 12, 2007

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – St. Mary’s College of Maryland – Procurement Authority**

3 FOR the purpose of clarifying that St. Mary’s College of Maryland is exempt from  
4 certain provisions of State procurement law; clarifying that certain procurement  
5 policies and procedures of the College are subject to review and approval by the  
6 Board of Public Works and the Administrative, Executive, and Legislative  
7 Review Committee of the General Assembly; clarifying that certain  
8 procurement policies and procedures of the College shall promote certain  
9 purposes; and generally relating to the procurement authority of St. Mary’s  
10 College of Maryland.

11 BY repealing and reenacting, without amendments,  
12 Article – Education  
13 Section 12–112(a) and 14–109(b)  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume)

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 14–405(f)  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume)

21 BY repealing and reenacting, without amendments,  
22 Article – State Finance and Procurement  
23 Section 11–203(e)(1), (2), and (3)(i)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2006 Supplement)

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

5 **Article - Education**

6 12-112.

7 (a) (1) Except as provided in § 11-203(e) of the State Finance and  
8 Procurement Article, the University is exempt from Division II of the State Finance  
9 and Procurement Article.

10 (2) (i) Subject to review and approval by the Board of Public Works  
11 and the Administrative, Executive, and Legislative Review Committee of the General  
12 Assembly, the Board of Regents shall develop policies and procedures governing  
13 procurements by the University.

14 (ii) The policies and procedures developed under subparagraph  
15 (i) of this paragraph shall promote the purposes of the State procurement law as set  
16 forth in § 11-201 of the State Finance and Procurement Article.

17 14-109.

18 (b) (1) Except as provided in § 11-203(e) of the State Finance and  
19 Procurement Article, the University is exempt from Division II of the State Finance  
20 and Procurement Article.

21 (2) (i) Subject to review and approval by the Board of Public Works  
22 and the Administrative, Executive, and Legislative Review Committee of the General  
23 Assembly, the Board of Regents shall develop policies and procedures governing  
24 procurements by the University.

25 (ii) The policies and procedures developed under subparagraph  
26 (i) of this paragraph shall promote the purposes of the State procurement law as set  
27 forth in § 11-201 of the State Finance and Procurement Article.

28 14-405.

1           (f)     **(1) EXCEPT AS PROVIDED IN § 11-203(E) OF THE STATE FINANCE**  
2 **AND PROCUREMENT ARTICLE, THE COLLEGE IS EXEMPT FROM DIVISION II OF**  
3 **THE STATE FINANCE AND PROCUREMENT ARTICLE.**

4           [(1)] **(2) (I)** Subject to review **AND APPROVAL** by the [Legislative  
5 Policy Committee] **BOARD OF PUBLIC WORKS AND THE ADMINISTRATIVE,**  
6 **EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE** of the General Assembly, the  
7 Board of Trustees shall [establish procurement standards and procedures for the  
8 College] **DEVELOP POLICIES AND PROCEDURES GOVERNING PROCUREMENTS BY**  
9 **THE COLLEGE.**

10                       **(II) THE POLICIES AND PROCEDURES DEVELOPED UNDER**  
11 **SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL PROMOTE THE PURPOSES OF**  
12 **THE STATE PROCUREMENT LAW AS SET FORTH IN § 11-201 OF THE STATE**  
13 **FINANCE AND PROCUREMENT ARTICLE.**

14           [(2) The Board shall notify the Legislative Policy Committee of any  
15 subsequent substantive changes to the standards and procedures established under  
16 this subsection.]

17                               **Article – State Finance and Procurement**

18     11-203.

19           (e)     (1) In this subsection, “University” means the University System of  
20 Maryland, Morgan State University, or St. Mary’s College of Maryland.

21           (2)     Except as otherwise provided in this subsection, this Division II  
22 does not apply to the University System of Maryland, Morgan State University, or St.  
23 Mary’s College of Maryland.

24           (3)     (i) A procurement by a University shall comply with the  
25 policies and procedures developed by the University and approved by the Board of  
26 Public Works and the Administrative, Executive, and Legislative Review Committee of  
27 the General Assembly in accordance with § 12-112 of the Education Article for the  
28 University System of Maryland, § 14-109 of the Education Article for Morgan State  
29 University, or § 14-405(f) of the Education Article for St. Mary’s College of Maryland.

30           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 June 1, 2007.