

SENATE BILL 764

F2

71r2755
CF HB 1095

By: **Senator Dyson**

Introduced and read first time: February 12, 2007

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 22, 2007

Committee Report: Favorable

Senate action: Adopted

Read second time: March 30, 2007

CHAPTER _____

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2006 Replacement Volume)

3 BY repealing and reenacting, without amendments,
4 Article – State Finance and Procurement
5 Section 11–203(e)(1), (2), and (3)(i)
6 Annotated Code of Maryland
7 (2006 Replacement Volume and 2006 Supplement)

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

10 **Article – Education**

11 12–112.

12 (a) (1) Except as provided in § 11–203(e) of the State Finance and
13 Procurement Article, the University is exempt from Division II of the State Finance
14 and Procurement Article.

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

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

22 14–109.

23 (b) (1) Except as provided in § 11–203(e) of the State Finance and
24 Procurement Article, the University is exempt from Division II of the State Finance
25 and Procurement Article.

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

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

1 14-405.

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

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

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

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

18 **Article – State Finance and Procurement**

19 11-203.

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.