HOUSE BILL 1512

P2, M1 8lr3243 CF SB 926

By: **Delegate V. Clagett**

Introduced and read first time: February 20, 2008 Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations and Environmental Matters,

February 29, 2008

Committee Report: Favorable

House action: Adopted

Read second time: March 22, 2008

CHAPTER

AN ACT concerning 1

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Procurement - Chesapeake Bay Trust - State Contracts and Grants

- 3 FOR the purpose of providing that the State procurement law does not apply to a 4 contract or grant from a unit of State government to the Chesapeake Bay Trust 5 for certain projects; providing that the State procurement law applies to certain 6 expenditures by the Trust; excepting units of State government from a 7 requirement under certain circumstances that the units adopt certain 8 procurement policies and procedures; and generally relating to the application 9 of the State procurement law to State contracts and grants awarded to the
- Chesapeake Bay Trust. 10
- BY repealing and reenacting, without amendments, 11
- 12 Article – Natural Resources
- Section 8–1901 13
- Annotated Code of Maryland 14
- (2007 Replacement Volume) 15
- BY repealing and reenacting, with amendments, 16
- Article Natural Resources 17
- 18 Section 8–1909
- 19 Annotated Code of Maryland
- (2007 Replacement Volume) 20
- 21 BY repealing and reenacting, without amendments,

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 2 3 4	Article – State Finance and Procurement Section 11–202 Annotated Code of Maryland (2006 Replacement Volume and 2007 Supplement)							
5 6 7 8 9	BY adding to Article – State Finance and Procurement Section 11–203(g) Annotated Code of Maryland (2006 Replacement Volume and 2007 Supplement)							
10 11 12 13 14 15 16	BY repealing and reenacting, with amendments, Article – State Finance and Procurement Section 12–401(a) Annotated Code of Maryland (2006 Replacement Volume and 2007 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:							
17	Article - Natural Resources							
18	8–1901.							
19 20 21 22	There is a Chesapeake Bay Trust established to promote public awareness and participation in the restoration and protection of the water quality and aquatic and land resources of the Chesapeake Bay and other aquatic and land resources of the State.							
23	8–1909.							
24 25	(a) Except as provided in subsection (b) of this section, in exercising its powers, the Trust:							
26 27 28 29 30	(1) Is exempt from the provisions of the State Finance and Procurement Article, the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System, the provisions of Division II and Title 37 of the State Personnel and Pensions Article, and the provisions of Article 78A of the Code; and							
31 32	(2) May carry out its corporate purposes without obtaining the consent of any department, board, or agency of the State.							
33 34	(b) The Trust is subject to the provisions of the State Finance and Procurement Article and Article 78A of the Code to the extent of State appropriations							

OR CONTRACTS OR GRANTS FROM A UNIT OF STATE GOVERNMENT, if any.

Article - State Finance and Procurement 1 2 11-202.3 Except as otherwise expressly provided by law, this Division II applies to: 4 **(1)** each expenditure by a unit under a procurement contract; 5 each procurement by a unit on behalf of another unit, 6 governmental agency, or other entity; and 7 (3)each procurement by a unit, even if a resulting procurement 8 contract will involve no expenditure by the State and will produce revenue for the State, for services that are to be provided for the benefit of: 9 10 (i) State officials, State employees, or students at a State 11 facility, including a school, hospital, institution, or recreational facility; 12 (ii) clients or patients at a State hospital or State institution; 13 the public at a State recreational facility; or (iii) 14 (iv) the public at a State transportation facility or State higher education facility, as required by the Board. 15 16 11-203.17 THIS DIVISION II DOES NOT APPLY TO A CONTRACT OR GRANT **(G)** 18 AWARDED BY A UNIT OF STATE GOVERNMENT TO THE CHESAPEAKE BAY TRUST 19 FOR A PROJECT INVOLVING THE RESTORATION OR PROTECTION OF THE 20 CHESAPEAKE BAY AND OTHER AQUATIC AND LAND RESOURCES OF THE STATE. 2112-401. 22 (a) (1) Except as provided in paragraph (2) of this subsection, each unit 23 with an exemption from any provision of Division II of this article shall have written policies and procedures for the exempted unit's procurements. 2425 (2)This section does not apply to: 26 § 11–203(a)(1)(iii) of this article; (i) 27 § 11–203(a)(2) of this article; [or] (ii) 28 $\S 11-203(e)$ of this article; **OR** (iii)

§ 11–203(G) OF THIS ARTICLE.

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(IV)

O	SECTI October 1, 20	ON 2	. AND	BE IT	FURTHER	ENACTED,	That this A	act shall t	ake effect
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						Speaker o	of the House	of Delega	ates.
_							President	of the Son	nato.