

SENATE BILL 926

P2, M1

8lr3244
CF HB 1512

By: **Senator Astle**

Introduced and read first time: February 20, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **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
10 Chesapeake Bay Trust.

11 BY repealing and reenacting, without amendments,
12 Article – Natural Resources
13 Section 8–1901
14 Annotated Code of Maryland
15 (2007 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 8–1909
19 Annotated Code of Maryland
20 (2007 Replacement Volume)

21 BY repealing and reenacting, without amendments,
22 Article – State Finance and Procurement
23 Section 11–202
24 Annotated Code of Maryland
25 (2006 Replacement Volume and 2007 Supplement)

26 BY adding to
27 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 11-203(g)
2 Annotated Code of Maryland
3 (2006 Replacement Volume and 2007 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – State Finance and Procurement
6 Section 12-401(a)
7 Annotated Code of Maryland
8 (2006 Replacement Volume and 2007 Supplement)

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

11 **Article – Natural Resources**

12 8-1901.

13 There is a Chesapeake Bay Trust established to promote public awareness and
14 participation in the restoration and protection of the water quality and aquatic and
15 land resources of the Chesapeake Bay and other aquatic and land resources of the
16 State.

17 8-1909.

18 (a) Except as provided in subsection (b) of this section, in exercising its
19 powers, the Trust:

20 (1) Is exempt from the provisions of the State Finance and
21 Procurement Article, the provisions of Division I of the State Personnel and Pensions
22 Article that govern the State Personnel Management System, the provisions of
23 Division II and Title 37 of the State Personnel and Pensions Article, and the
24 provisions of Article 78A of the Code; and

25 (2) May carry out its corporate purposes without obtaining the consent
26 of any department, board, or agency of the State.

27 (b) The Trust is subject to the provisions of the State Finance and
28 Procurement Article and Article 78A of the Code to the extent of State appropriations
29 **OR CONTRACTS OR GRANTS FROM A UNIT OF STATE GOVERNMENT**, if any.

30 **Article – State Finance and Procurement**

31 11-202.

32 Except as otherwise expressly provided by law, this Division II applies to:

33 (1) each expenditure by a unit under a procurement contract;

1 (2) each procurement by a unit on behalf of another unit,
2 governmental agency, or other entity; and

3 (3) each procurement by a unit, even if a resulting procurement
4 contract will involve no expenditure by the State and will produce revenue for the
5 State, for services that are to be provided for the benefit of:

6 (i) State officials, State employees, or students at a State
7 facility, including a school, hospital, institution, or recreational facility;

8 (ii) clients or patients at a State hospital or State institution;

9 (iii) the public at a State recreational facility; or

10 (iv) the public at a State transportation facility or State higher
11 education facility, as required by the Board.

12 11-203.

13 **(G) THIS DIVISION II DOES NOT APPLY TO A CONTRACT OR GRANT**
14 **AWARDED BY A UNIT OF STATE GOVERNMENT TO THE CHESAPEAKE BAY TRUST**
15 **FOR A PROJECT INVOLVING THE RESTORATION OR PROTECTION OF THE**
16 **CHESAPEAKE BAY AND OTHER AQUATIC AND LAND RESOURCES OF THE STATE.**

17 12-401.

18 (a) (1) Except as provided in paragraph (2) of this subsection, each unit
19 with an exemption from any provision of Division II of this article shall have written
20 policies and procedures for the exempted unit's procurements.

21 (2) This section does not apply to:

22 (i) § 11-203(a)(1)(iii) of this article;

23 (ii) § 11-203(a)(2) of this article; [or]

24 (iii) § 11-203(e) of this article; **OR**

25 **(IV) § 11-203(G) OF THIS ARTICLE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2008.