

CHAPTER 635

(Senate Bill 926)

AN ACT concerning

Procurement – Chesapeake Bay Trust – State Contracts and Grants

FOR the purpose of providing that the State procurement law does not apply to a contract or grant from a unit of State government to the Chesapeake Bay Trust for certain projects; providing that the State procurement law applies to certain expenditures by the Trust; excepting units of State government from a requirement under certain circumstances that the units adopt certain procurement policies and procedures; and generally relating to the application of the State procurement law to State contracts and grants awarded to the Chesapeake Bay Trust.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 8–1901

Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 8–1909

Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 11–202

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Finance and Procurement

Section 11–203(g)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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:

Article – Natural Resources

8–1901.

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.

8–1909.

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

(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

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

(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

11–202.

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

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

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

(3) each procurement by a unit, even if a resulting procurement 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:

- (i) State officials, State employees, or students at a State facility, including a school, hospital, institution, or recreational facility;
- (ii) clients or patients at a State hospital or State institution;
- (iii) the public at a State recreational facility; or
- (iv) the public at a State transportation facility or State higher education facility, as required by the Board.

11-203.

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

12-401.

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

(2) This section does not apply to:

- (i) § 11-203(a)(1)(iii) of this article;
- (ii) § 11-203(a)(2) of this article; [or]
- (iii) § 11-203(e) of this article; **OR**
- (IV) § 11-203(G) OF THIS ARTICLE.**

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

Approved by the Governor, May 22, 2008.