

HOUSE BILL 1237

P2, F2

8lr2843

By: **Delegates Hayes, Angel, Barron, Bromwell, Miele, Pena–Melnik, Rosenberg, and West**

Introduced and read first time: February 8, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2018

CHAPTER _____

1 AN ACT concerning

2 **Procurement – Disposition of Property – Public Universities**

3 FOR the purpose of specifying the type of property for which the Board of Regents of the
4 University System of Maryland shall obtain the approval of the Board of Public
5 Works before selling or exchanging; altering the requirement for approval by the
6 Board of Public Works for contracts of a certain amount that dispose of certain
7 property of certain public universities; and generally relating to the disposition of
8 property held by public universities.

9 BY repealing and reenacting, with amendments,

10 Article – Education

11 Section 12–104(b)(6) and (g)

12 Annotated Code of Maryland

13 (2014 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – State Finance and Procurement

16 Section 11–203(e)(1) and (2)

17 Annotated Code of Maryland

18 (2015 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – State Finance and Procurement

21 Section 11–203(e)(3)

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 (2015 Replacement Volume and 2017 Supplement)

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

5 **Article – Education**

6 12–104.

7 (b) In addition to the powers set forth elsewhere in this title, the University may:

8 (6) Subject to the provisions of [subsection (h)] SUBSECTIONS (G) AND (H)
9 of this section, acquire, hold, lease, use, encumber, transfer, exchange, or dispose of real
10 and personal property;

11 (g) (1) With the approval of the Board of Public Works, the Board of Regents
12 may sell or exchange any part of its REAL properties.

13 (2) Money received from the sale of property may be used, if approved by
14 the Board of Public Works, only to purchase or improve property and facilities. This money
15 may not be applied to the Annuity Bond Fund Account.

16 **Article – State Finance and Procurement**

17 11–203.

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

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

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

29 (ii) 1. The review and approval of the Board of Public Works
30 shall be required for the following types of contracts with a value that exceeds \$1,000,000:

31 A. capital improvements; AND

32 B. services[; and

1 C. dispositions of personal property subject to § 10–305 of
2 this article, except for dispositions of personal property that was purchased with the
3 proceeds of a general obligation loan].

4 2. In its review of a contract for services or capital
5 improvements with a value that exceeds \$1,000,000, the Board of Public Works may request
6 the comments of the appropriate agencies, including the Department of Budget and
7 Management and the Department of General Services.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.