

Chapter 322

(House Bill 1237)

AN ACT concerning

Procurement – Disposition of Property – Public Universities

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

BY repealing and reenacting, with amendments,

Article – Education

Section 12–104(b)(6) and (g)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 11–203(e)(1) and (2)

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 11–203(e)(3)

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

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

Article – Education**12–104.**

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

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

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

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

Article – State Finance and Procurement

11–203.

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

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

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

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

A. capital improvements; **AND**

B. services[; and

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

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

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

Approved by the Governor, April 24, 2018.