

HOUSE BILL 1003

P1, E4

11r2390
CF SB 780

By: **Delegate Lierman**

Introduced and read first time: February 5, 2021

Assigned to: Appropriations and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **States of Emergency – Emergency Procurement and Budget Amendments –**
3 **Notice and Authorization**

4 FOR the purpose of requiring the Governor or the head of a certain unit to provide certain
5 notice to the Legislative Policy Committee within a certain time frame when
6 authorizing a certain emergency procurement during a state of emergency under
7 certain circumstances; requiring the Office of Legislative Audits to perform a certain
8 audit within a certain time frame under certain circumstances; requiring the
9 Governor to provide certain notice to certain persons within a certain time frame
10 after suspending the effect of a certain statute or rule or regulation under certain
11 circumstances; authorizing a certain appropriation to be increased by budget
12 amendment if the Board of Public Works makes a certain declaration; prohibiting
13 the Governor from suspending the effects of certain provisions under certain
14 circumstances; and generally relating to emergency procurements and the
15 Governor's authority to suspend the effect of a statute, rule, or regulation during a
16 state of emergency.

17 BY adding to
18 Article – Public Safety
19 Section 14–117
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2020 Supplement)

22 BY adding to
23 Article – State Finance and Procurement
24 Section 7–214
25 Annotated Code of Maryland
26 (2015 Replacement Volume and 2020 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Public Safety

14-117.

(A) (1) THIS SUBSECTION APPLIES ONLY WHEN THE GOVERNOR OR THE HEAD OF A UNIT AUTHORIZES AN EMERGENCY PROCUREMENT DURING A STATE OF EMERGENCY IN ORDER TO PREPARE FOR OR ADDRESS THE STATE OF EMERGENCY UNDER:

(I) § 14-106(B)(3) OF THIS SUBTITLE;

(II) § 13-108(A) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

(III) ANY OTHER LAW THAT GRANTS THE GOVERNOR AUTHORITY TO AUTHORIZE AN EMERGENCY PROCUREMENT.

(2) WHEN THE GOVERNOR OR THE HEAD OF A UNIT AUTHORIZES AN EMERGENCY PROCUREMENT, WITHIN 72 HOURS AFTER THE EARLIER OF THE EXECUTION OF THE CONTRACT OR THE EXPENDITURE OF FUNDS, THE GOVERNOR OR HEAD OF THE UNIT SHALL PROVIDE WRITTEN NOTICE TO THE LEGISLATIVE POLICY COMMITTEE, INCLUDING:

(I) A COPY OF THE PROCUREMENT CONTRACT;

(II) A DESCRIPTION OF HOW THE FUNDS ARE TO BE USED; AND

(III) AN EXPLANATION OF THE REASONS THE PROCUREMENT IS NECESSARY TO PREPARE FOR OR ADDRESS THE EMERGENCY.

(3) WITHIN 1 YEAR AFTER AN EMERGENCY PROCUREMENT CONTRACT IS EXECUTED UNDER THIS SUBSECTION, THE OFFICE OF LEGISLATIVE AUDITS SHALL CONDUCT AN AUDIT OF THE EMERGENCY PROCUREMENT.

(B) (1) THIS SUBSECTION APPLIES ONLY WHEN THE GOVERNOR SUSPENDS THE EFFECT OF A STATUTE OR RULE OR REGULATION OF AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION DURING A STATE OF EMERGENCY UNDER:

(I) § 14-107(D)(1)(I) OF THIS SUBTITLE;

(II) § 14-108(A)(2) OF THIS SUBTITLE; OR

(III) ANY OTHER PROVISION THAT GRANTS THE GOVERNOR

1 AUTHORITY TO SUSPEND THE EFFECT OF ANY STATUTE OR RULE OR REGULATION
2 OF AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION DURING A STATE OF
3 EMERGENCY.

4 (2) WITHIN 72 HOURS AFTER SUSPENDING THE EFFECT OF A
5 STATUTE OR RULE OR REGULATION, THE GOVERNOR SHALL PROVIDE WRITTEN
6 NOTICE TO THE LEGISLATIVE POLICY COMMITTEE THAT:

7 (I) IDENTIFIES THE STATUTE OR RULE OR REGULATION BEING
8 SUSPENDED; AND

9 (II) EXPLAINS THE REASONS THAT SUSPENDING THE STATUTE
10 OR RULE OR REGULATION IS NECESSARY TO ADDRESS THE EMERGENCY.

11 (3) WHEN THE GOVERNOR SUSPENDS THE EFFECT OF A
12 REGULATION, THE GOVERNOR SHALL ALSO PROVIDE THE NOTICE REQUIRED
13 UNDER PARAGRAPH (2) OF THIS SUBSECTION TO THE ADMINISTRATIVE,
14 EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE.

15 (C) THE GOVERNOR MAY NOT SUSPEND THE EFFECT OF THIS SECTION
16 UNDER:

17 (1) § 14-107(D)(1)(I) OF THIS SUBTITLE;

18 (2) § 14-108(A)(2) OF THIS SUBTITLE; OR

19 (3) ANY OTHER LAW THAT GRANTS THE GOVERNOR AUTHORITY TO
20 SUSPEND THE EFFECT OF ANY STATUTE DURING A STATE OF EMERGENCY.

21 Article – State Finance and Procurement

22 7-214.

23 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY FEDERAL,
24 SPECIAL, OR HIGHER EDUCATION FUND APPROPRIATION MAY BE INCREASED BY
25 BUDGET AMENDMENT IF THE BOARD OF PUBLIC WORKS DECLARES THAT THE
26 BUDGET AMENDMENT IS ESSENTIAL TO MAINTAINING PUBLIC SAFETY, HEALTH, OR
27 WELFARE, INCLUDING PROTECTING THE ENVIRONMENT OR THE ECONOMIC
28 WELFARE OF THE STATE.

29 (B) THE GOVERNOR MAY NOT SUSPEND THE EFFECT OF THIS SECTION
30 UNDER:

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- 1 **(1) § 14–107(D)(1)(I) OF THE PUBLIC SAFETY ARTICLE;**
2 **(2) § 14–108(A)(2) OF THE PUBLIC SAFETY ARTICLE; OR**
3 **(3) ANY OTHER LAW THAT GRANTS THE GOVERNOR AUTHORITY TO**
4 **SUSPEND THE EFFECT OF ANY STATUTE DURING A STATE OF EMERGENCY.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2021.