

# SENATE BILL 780

P1, E4

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CF HB 1003

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By: Senator Pinsky

Introduced and read first time: February 5, 2021

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

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## 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,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

## Article – Public Safety

3 14-117.

8 (I) § 14-106(B)(3) OF THIS SUBTITLE;

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

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

**(1) A COPY OF THE PROCUREMENT CONTRACT;**

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

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

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

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

(II) § 14-108(a)(2) OF THIS SUBTITLE: OR

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

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

16 (c) THE GOVERNOR MAY NOT SUSPEND THE EFFECT OF THIS SECTION  
17 UNDER:

18 (1) § 14–107(d)(1)(I) OF THIS SUBTITLE;

19 (2) § 14–108(a)(2) OF THIS SUBTITLE; OR

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

## Article – State Finance and Procurement

23 7-214.

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

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

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  
6                   October 1, 2021.