

SENATE BILL 780

P1, E4

(1lr2953)

ENROLLED BILL

— *Education, Health, and Environmental Affairs and Budget and Taxation / Appropriations and Health and Government Operations* —

Introduced by **Senator Pinsky**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

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 or the head of a certain unit to provide a copy of a certain procurement
10 contract to the Legislative Policy Committee under certain circumstances;
11 authorizing the Legislative Policy Committee to request that the Office of Legislative
12 Audits perform a certain audit under certain circumstances; requiring the Governor
13 to provide certain notice to certain persons within a certain time frame after

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.

Italics indicate opposite chamber / conference committee amendments.



1 suspending the effect of a certain statute or rule or regulation under certain
 2 circumstances; ~~authorizing a certain appropriation to be increased by budget~~
 3 ~~amendment if the Board of Public Works makes a certain declaration; prohibiting~~
 4 ~~the Governor from suspending the effects of certain provisions under certain~~
 5 ~~circumstances;~~ and generally relating to emergency procurements and the
 6 Governor's authority to suspend the effect of a statute, rule, or regulation during a
 7 state of emergency.

8 BY adding to

9 Article – Public Safety

10 Section 14–117

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2020 Supplement)

13 ~~BY adding to~~

14 ~~Article – State Finance and Procurement~~

15 ~~Section 7–214~~

16 ~~Annotated Code of Maryland~~

17 ~~(2015 Replacement Volume and 2020 Supplement)~~

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Public Safety**

21 **14–117.**

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

26 **(I) § 14–106(B)(3) OF THIS SUBTITLE;**

27 **(II) § 13–108(A) OF THE STATE FINANCE AND PROCUREMENT**
 28 **ARTICLE; OR**

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

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

1 (I) ~~A COPY OF THE PROCUREMENT CONTRACT~~ THE NAME,
2 BUSINESS ADDRESS, AND, IF APPLICABLE, WEBSITE ADDRESS OF THE VENDOR AND
3 THE DOLLAR VALUE OF THE CONTRACT;

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

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

7 (3) ~~WITHIN 8 MONTHS AFTER~~ AFTER AN EMERGENCY PROCUREMENT
8 CONTRACT IS EXECUTED UNDER THIS ~~SUBSECTION,~~ SUBSECTION:

9 (I) IF REQUESTED BY THE LEGISLATIVE POLICY COMMITTEE,
10 THE GOVERNOR OR HEAD OF THE UNIT SHALL PROVIDE A COPY OF THE CONTRACT
11 TO THE LEGISLATIVE POLICY COMMITTEE; AND

12 (II) THE LEGISLATIVE POLICY COMMITTEE MAY REQUEST THAT
13 THE OFFICE OF LEGISLATIVE AUDITS ~~SHALL~~ CONDUCT AN AUDIT OF THE
14 EMERGENCY PROCUREMENT.

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

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

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

20 (III) ANY OTHER PROVISION THAT GRANTS THE GOVERNOR
21 AUTHORITY TO SUSPEND THE EFFECT OF ANY STATUTE OR RULE OR REGULATION
22 OF AN AGENCY OF THE STATE OR A POLITICAL SUBDIVISION DURING A STATE OF
23 EMERGENCY.

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

27 (I) IDENTIFIES THE STATUTE OR RULE OR REGULATION BEING
28 SUSPENDED; AND

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

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

5 **(C) THE GOVERNOR MAY NOT SUSPEND THE EFFECT OF THIS SECTION**
 6 **UNDER:**

7 **(1) § 14-107(D)(1)(I) OF THIS SUBTITLE;**

8 **(2) § 14-108(A)(2) OF THIS SUBTITLE; OR**

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

11 ~~**Article State Finance and Procurement**~~

12 ~~**7-214.**~~

13 ~~**(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY FEDERAL,**~~
 14 ~~**SPECIAL, OR HIGHER EDUCATION FUND APPROPRIATION MAY BE INCREASED BY**~~
 15 ~~**BUDGET AMENDMENT IF THE BOARD OF PUBLIC WORKS DECLARES THAT THE**~~
 16 ~~**BUDGET AMENDMENT IS ESSENTIAL TO MAINTAINING PUBLIC SAFETY, HEALTH, OR**~~
 17 ~~**WELFARE, INCLUDING PROTECTING THE ENVIRONMENT OR THE ECONOMIC**~~
 18 ~~**WELFARE OF THE STATE.**~~

19 ~~**(B) THE GOVERNOR MAY NOT SUSPEND THE EFFECT OF THIS SECTION**~~
 20 ~~**UNDER:**~~

21 ~~**(1) § 14-107(D)(1)(I) OF THE PUBLIC SAFETY ARTICLE;**~~

22 ~~**(2) § 14-108(A)(2) OF THE PUBLIC SAFETY ARTICLE; OR**~~

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 26 ~~October~~ *July* 1, 2021.