

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 702

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “certain” in line 6 down through “in” in line 7; in line 9, strike “publication”; in line 10, after “fee;” insert “repealing certain references to the Maryland Contract Weekly; providing for certain delayed effective dates;”; and strike in its entirety line 14 and substitute “Section 3-405(c)(3), 11-203(b)(4)(i), 13-103(c) and (f), 13-104(g), 13-106(e), 13-107(c), 13-107.1(i), (j), and (k), 13-108(c), 13-111(g), and 13-314(b)”.

On page 2, in line 4, strike “and”; in the same line, after “13-107.1(k)” insert “, and 13-111(h)”; and after line 6, insert:

“BY repealing

Article - State Finance and Procurement
Section 13-101(e)
Annotated Code of Maryland
(2001 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, with amendments,

Article - State Government
Section 7-201, 7-204, 7-207, 7-210, 7-211(a), 7-212(a) and (b), 7-215, 7-216, and 7-221
Annotated Code of Maryland
(1999 Replacement Volume and 2003 Supplement)

BY repealing

Article - State Government
Section 7-206.1
Annotated Code of Maryland
(1999 Replacement Volume and 2003 Supplement)”.

(Over)

AMENDMENT NO. 2

On page 2, in lines 15 and 23, in each instance, strike “2007” and substitute “2006”.

On page 3, in lines 3 and 5, in each instance, strike “2007” and substitute “2006”.

On page 4, in lines 7 and 9, in each instance, strike “2007” and substitute “2006”.

On page 5, in line 14, strike “2007” and substitute “2006”; and in line 16, strike “2007” and substitute “2006”.

On page 6, in lines 6 and 8, in each instance, strike “2007” and substitute “2006”.

AMENDMENT NO. 3

On page 3, strike beginning with “THE” in line 6 down through “IN” in line 7; strike beginning with “INCURRED” in line 9 down through “IN” in line 10 and substitute “OF OPERATING”; and strike in its entirety line 20 and substitute “PAY THE COSTS OF OPERATING”.

AMENDMENT NO. 4

On page 4, strike beginning with “THE” in line 10 down through “IN” in line 11; strike beginning with “INCURRED” in line 13 down through “IN” in line 14 and substitute “OF OPERATING”; and strike in its entirety line 24 and substitute “PAY THE COSTS OF OPERATING”.

On page 6, strike beginning with “THE” in line 9 down through “IN” in line 10; strike beginning with “INCURRED” in line 12 down through “IN” in line 13 and substitute “OF OPERATING”; strike in its entirety line 23 and substitute “PAY THE COSTS OF OPERATING”; and after line 33, insert:

“13-111.

(g) Not more than 30 days after the execution and approval of a procurement contract awarded under this section, a unit shall publish [in the Contract Weekly] notice of the award:

(1) UNTIL JULY 1, 2006, IN THE CONTRACT WEEKLY AND MARYLAND MARKETPLACE; AND

(2) ON AND AFTER JULY 1, 2006, IN EMARYLAND MARKETPLACE.

(H) (1) A UNIT MAY NOT CHARGE A FEE TO ACCESS EMARYLAND MARKETPLACE.

(2) TO PAY THE COSTS OF OPERATING EMARYLAND MARKETPLACE, THE UNIT SHALL DEDUCT AND RETAIN FROM THE PROCUREMENT CONTRACT PRICE THAT WAS SUBMITTED BY THE RESPONSIBLE BIDDER TO WHOM THE PROCUREMENT CONTRACT WAS AWARDED THE FEE SPECIFIED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) (I) THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL ESTABLISH BY REGULATION, AND ADJUST EACH FISCAL YEAR AS NECESSARY, THE FEE THAT IS TO BE DEDUCTED FROM EACH PROCUREMENT CONTRACT UNDER THIS SECTION.

(II) THE FEE SHALL BE SET AT AN AMOUNT THAT IS SUFFICIENT TO PAY THE COSTS OF OPERATING EMARYLAND MARKETPLACE.”.

AMENDMENT NO. 5

On page 6, strike in their entirety lines 34 and 35 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - State Finance and Procurement

3-405.

(c) (3) If the value of any proposal submitted in accordance with this subsection equals or exceeds \$100,000 and the Secretary and unit agree to proceed with the proposal, information on the proposal shall be:

(Over)

(i) advertised for a period of at least 30 days in [the “Contract Weekly”, as published by the Office of the Secretary of State] EMARYLAND MARKETPLACE; and

(ii) submitted, simultaneously with the advertisement, to the Legislative Policy Committee for a 60-day review and comment period, during which time the Committee may recommend that the proposal be treated as a procurement contract under Division II of this article.

11-203.

(b) (4) (i) A unit that procures human, social, or educational services from an entity enumerated in subsection (a)(2) of this section shall publish in [the Contract Weekly] EMARYLAND MARKETPLACE notice of a procurement contract or an extension or renewal of a procurement contract if:

1. the procurement contract, extension, or renewal costs more than \$25,000; and

2. the procurement is made for 3rd party clients described in § 13-106 of this article.

13-101.

[(e) “Contract Weekly Online” means the Internet-based version of the Maryland Contract Weekly.]

13-106.

(e) A unit shall publish in [the Contract Weekly] EMARYLAND MARKETPLACE notice of a procurement contract awarded under this section.

13-107.

(c) Not more than 30 days after the execution and approval of a procurement contract awarded under this section, a unit shall publish in [the Contract Weekly] EMARYLAND

MARKETPLACE notice of the award.

13-108.

(c) Not more than 30 days after the execution and approval of a procurement contract awarded under this section, a unit shall publish in [the Contract Weekly] EMARYLAND MARKETPLACE notice of the award.

13-314.

(b) A waiver and the reasons for it shall be documented and:

(1) immediately reported to [the Contract Weekly] EMARYLAND MARKETPLACE for [printing in the next available issue] PUBLICATION; and

(2) reported to the Legislative Policy Committee within 30 days after the waiver occurs.

Article - State Government

7-201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Administrator” means the Administrator of the Division.

(c) “Code of Maryland Regulations” means the Code of Maryland Regulations and its permanent supplements.

(d) “Committee” means the Joint Committee on Administrative, Executive, and Legislative Review.

(e) [“Contract Weekly” means the Maryland Contract Weekly.

(Over)

(f) “Division” means the Division of State Documents.

[(g)] (F) “Executive order” has the meaning stated in § 3-401 of this article.

[(h)] (G) “Register” means the Maryland Register.

[(i)] (H) “Regulation” has the meaning stated in § 10-101 of this article, unless the context clearly requires otherwise.

[(j)] (I) (1) “Unit” means an officer or unit in the Executive Branch of the State government that is authorized by law to adopt regulations or to adjudicate contested cases.

(2) “Unit” does not include a board of license commissioners.

7-204.

(a) The Division shall compile and edit:

(1) the Code of Maryland Regulations; AND

(2) as a temporary supplement, the Maryland Register; and

(3) the Contract Weekly].

(b) Subject to the limitations in this subtitle, the Administrator is responsible for the publication and distribution of the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly].

[7-206.1.

(a) An issue of the Contract Weekly shall contain:

(1) on the first page:

(i) the closing date and hour of the issue; and

(ii) the issue date, which shall be the date of deposit in the United States mail and shall appear prominently;

(2) the text of each of the following documents that has been submitted to the Division before the closing date and hour and has not been published previously:

(i) unless otherwise exempted, each document that is required by law to be published in the Contract Weekly;

(ii) each other document that is required to be published in the Contract Weekly; and

(iii) unless otherwise privileged, each other document that the Committee permits to be published in the Contract Weekly; and

(3) a table of contents.

(b) (1) Each issue of the Contract Weekly shall contain a certification of the Administrator that the issue contains all of the documents that have been submitted to the Division as of the closing date and hour of the issue.

(2) The certification of the Administrator in the Contract Weekly is conclusive evidence of this fact.

(c) (1) If the Committee permits a unit or an agency of a county or municipal government to publish a document in the Contract Weekly and publication otherwise would not be required, the Committee may require the unit or agency to reimburse the Division for the cost of the publication.

(2) The Division shall bill for and collect the reimbursement.]

7-207.

(Over)

(a) (1) Unless the Committee provides otherwise, the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly] may not reprint any text from:

(i) the Annotated Code of Maryland;

(ii) the Session Laws;

(iii) the United States Code;

(iv) the United States Statutes at Large;

(v) the Code of Federal Regulations;

(vi) the Federal Register; or

(vii) any other generally available publication that the Administrator specifies.

(2) These publications may be incorporated by reference.

(b) (1) If the Administrator determines that publication would be in the public interest, nothing in this section prohibits the Administrator from publishing factual information concerning:

(i) documents published or to be published in the Code of Maryland Regulations[,] AND the Register[, or the Contract Weekly]; or

(ii) the Code of Maryland Regulations[,] AND the Register[, or the Contract Weekly].

(2) Notwithstanding any other provision of this subtitle or Title 10, Subtitle 1 of this article, the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly] may not include news material or a press release, speech, or other comment.

(a) Except as otherwise provided in this subsection, an issue of the Register complying with the requirements of § 7-206 of this subtitle shall be published at least once every 2 weeks.

[(b) (1) An issue of the Contract Weekly complying with the requirements of § 7-206.1 of this subtitle, devoted in whole or in part to procurement, shall be published at least once each week and contain every document:

(i) required or, if the unit as defined in § 11-101 of the State Finance and Procurement Article requests publication, permitted to be published by that article; and

(ii) filed with the Division prior to the closing date and time of the Contract Weekly.

(2) The closing date for any procurement document may not be more than 5 working days before the issue.]

[(c) (B) (1) (i) To avoid a conflict with a State or national holiday, with the approval of the Committee, the Administrator may alter the publication date of an issue of the Register [or the Contract Weekly] by not more than 3 days.

(ii) At least 30 days before a change of publication date occurs, the Administrator shall publish, as appropriate, notice of the change in the Register [or the Contract Weekly].

(2) The Committee may provide for more frequent publication of all or any part of the Register [or the Contract Weekly].

[(d) (C) (1) An index shall be published at least quarterly for[:

(i) the Register[; and

(ii) the Contract Weekly].

(2) For the Register [and the Contract Weekly], the last index for a calendar year shall be a cumulative index of that publication for that year.

[(e)] (D) A supplement to the index to the Code of Maryland Regulations or a new index shall be published at least once a year.

7-211.

(a) Subject to the conditions that the Board of Public Works sets, the Administrator shall contract for the prompt printing and distribution of the Code of Maryland Regulations, including its permanent supplements, AND the Register[, and the Contract Weekly].

7-212.

(a) (1) The Administrator may adopt a codification system and set editorial standards for the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly], including a numbering system and captions or tag lines.

(2) The numbering system, captions, or tag lines are not part of the official text of a document.

(b) Except for rules of court, each document that is submitted for publication in the Code of Maryland Regulations[,] AND the Register[, or the Contract Weekly] shall conform to the codification system and editorial standards.

7-215.

The Administrator may require a unit to reimburse the Division for the cost of a publication of a document in an issue of the Register [or the Contract Weekly] if the unit submits, withdraws, or changes the document after the closing date and hour of that issue.

7-216.

(a) (1) The Committee shall adopt guidelines for the Administrator to:

(i) sell a subscription list for any publication of the Division; and

(ii) set the price for:

1. a copy of or a subscription to the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly]; and

2. a copy of a data base or other computer readable information on magnetic tape or some other electronic media.

(2) The Committee may allow:

(i) a volume discount; and

(ii) the free, reciprocal exchange of publications by the State and other jurisdictions.

(b) A copy of the Code of Maryland Regulations[,] AND the Register[, and the Contract Weekly] shall be available to the public at the price set under this section.

(c) The Administrator shall provide, without charge:

(1) to each member of the General Assembly[:]

(i) each issue of the Register; [and

(ii) each issue of the Contract Weekly that the member requests;]

(2) to the Enoch Pratt Library and the State Law Library, 1 copy of:

(i) the Code of Maryland Regulations;

(ii) each issue of the permanent supplements to the Code of Maryland Regulations; AND

(iii) each issue of the Register; and

~~[(iv) each issue of the Contract Weekly; and]~~

(3) to a judge of a State court except the orphans' court, 1 copy of:

(i) the current Code of Maryland Regulations; and

(ii) each issue of the Register [and the Contract Weekly] that the judge requests.

(d) Unless authorized by the Committee, the Administrator may not allow public access to a document that is to be included in the Register [or the Contract Weekly] earlier than the date immediately following the issue date of the Register [or the Contract Weekly] in which the document is published.

7-221.

The provisions of a document in the Code of Maryland Regulations[,] AND the Register[,or the Contract Weekly] are severable, unless the document expressly states otherwise.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2006.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2005.”.