

Laws of the State of Maryland

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VOLUME IV

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Chapter 434**(House Bill 734)**

AN ACT concerning

Washington County – Advisory School Design Review Committee

FOR the purpose of codifying certain provisions relating to the Washington County Advisory School Design Review Committee; requiring the Washington County Board of Education to provide a schedule of project milestones to the Committee at the beginning of a certain schematic design stage; altering the timing of certain of the Committee's duties; authorizing the Committee to submit comments to the Washington County Board of Education; requiring the Washington County Board of Education to accept, reject, or modify the Committee's comments during a regularly scheduled public meeting; repealing a certain definition; defining certain terms; repealing a certain termination provision relating to the Committee; and generally relating to the Washington County Advisory School Design Review Committee.

BY adding to

The Public Local Laws of Washington County

Section 2-701(i)

Article 22 – Public Local Laws of Maryland

(2007 Edition and January 2009 Supplement, as amended)

BY repealing

Chapter 598 of the Acts of the General Assembly of 2005

Section 3

BY repealing and reenacting, with amendments,

Chapter 598 of the Acts of the General Assembly of 2005

Section 6

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

Article 22 – Washington County

2-701.

(I) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “BIDDING DOCUMENT STAGE” MEANS THE PERIOD OF TIME FOLLOWING THE COMPLETION OF DESIGN WHERE ALL DOCUMENTS ARE

COMPILED AND MADE SUITABLE FOR ADVERTISEMENT AND COMPETITIVE BIDDING.

(III) “COMMITTEE” MEANS THE ADVISORY SCHOOL DESIGN REVIEW COMMITTEE ESTABLISHED BY THE COUNTY COMMISSIONERS.

(IV) 1. “SCHEMATIC DESIGN” MEANS INITIAL DESIGN CONCEPTS.

2. “SCHEMATIC DESIGN” INCLUDES A BASIC FLOOR PLAN, EXTERIOR BUILDING ELEVATIONS, AND BUILDING CROSS SECTIONS.

(V) “SCHEMATIC DESIGN STAGE” MEANS THE PERIOD OF TIME WHEN THE SCHEMATIC DESIGN FOR THE PROJECT IS DEVELOPED.

(2) THE COUNTY COMMISSIONERS SHALL ESTABLISH AN ADVISORY SCHOOL DESIGN REVIEW COMMITTEE.

(3) THE WASHINGTON COUNTY BOARD OF EDUCATION SHALL PROVIDE A SCHEDULE OF PROJECT MILESTONES TO THE COMMITTEE AT THE BEGINNING OF THE SCHEMATIC DESIGN STAGE.

(4) THE COMMITTEE SHALL:

(I) REVIEW ALL CONSTRUCTION PLANS FOR SCHOOL CAPITAL IMPROVEMENT PROJECTS THAT EXCEED \$2,000,000; AND

(II) ENSURE THAT THE CONSTRUCTION AND OPERATIONAL AND MAINTENANCE EFFICIENCIES FOR EACH CAPITAL IMPROVEMENT PROJECT PROVIDE AN EFFECTIVE EDUCATIONAL ENVIRONMENT IN A COST-EFFICIENT MANNER.

(5) THE COMMITTEE SHALL BEGIN ITS DUTIES SPECIFIED IN PARAGRAPH (4) OF THIS SUBSECTION AT THE SCHEMATIC DESIGN STAGE FOR EACH CAPITAL IMPROVEMENT PROJECT AND CONCLUDE ITS REVIEW AT THE BIDDING DOCUMENT STAGE OF EACH CAPITAL IMPROVEMENT PROJECT.

(6) (I) THE COMMITTEE MAY SUBMIT COMMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATION AFTER REVIEW OF EACH STAGE OF THE PROJECT DESIGN.

(II) THE WASHINGTON COUNTY BOARD OF EDUCATION SHALL ACCEPT, REJECT, OR MODIFY THE COMMITTEE'S COMMENTS DURING A REGULARLY SCHEDULED PUBLIC MEETING.

(7) AT THE CONCLUSION OF THE COMMITTEE'S REVIEW OF A PROJECT, THE COMMITTEE SHALL PREPARE A REPORT SUMMARIZING ITS FINDINGS AND MAKING RECOMMENDATIONS REGARDING THE CAPITAL IMPROVEMENT PROJECT TO THE COUNTY COMMISSIONERS AND THE WASHINGTON COUNTY BOARD OF EDUCATION.

(8) BEFORE ADVERTISEMENT FOR COMPETITIVE BIDS, THE COUNTY COMMISSIONERS AND THE WASHINGTON COUNTY BOARD OF EDUCATION JOINTLY SHALL REVIEW THE RECOMMENDATIONS OF THE COMMITTEE.

(9) THE COUNTY COMMISSIONERS SHALL HAVE THE RESPONSIBILITY OF DETERMINING WHETHER A CAPITAL IMPROVEMENT PROJECT MAY PROCEED TO THE BIDDING DOCUMENT STAGE.

(10) THE COUNTY COMMISSIONERS ARE NOT BOUND BY THE RECOMMENDATIONS SUBMITTED BY THE COMMITTEE.

Chapter 598 of the Acts of 2005

[SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) In this subsection, the following words have the meanings indicated.

(2) "Bidding document stage" means the period of time following the completion of design where all documents are compiled and made suitable for advertisement and competitive bidding.

(3) "Committee" means the Advisory School Design Review Committee established by the County Commissioners.

(4) "Design development stage" means the point when the overall design for a school capital improvement project is approximately 60% complete.

(b) The Washington County Board of County Commissioners shall establish an Advisory School Design Review Committee.

(c) The Committee shall:

(1) review all construction plans for school capital improvement projects that exceed \$2,000,000; and

(2) ensure that the construction and operational and maintenance efficiencies for each capital improvement project provide an effective educational environment in a cost efficient manner.

(d) The school design review committee shall begin its duties specified in subsection (c) of this section at the design development stage for each capital improvement project and conclude its review at the bidding document stage of each capital improvement project.

(e) At the conclusion of the Committee's review of a project, the Committee shall prepare a report summarizing its findings and making recommendations regarding the capital improvement project to the Washington County Board of County Commissioners and the Washington County Board of Education.

(f) Prior to advertisement for competitive bids, the Washington County Board of County Commissioners and the Washington County Board of Education shall jointly review the recommendations of the Committee.

(g) The Washington County Board of County Commissioners shall have the responsibility of determining whether a capital improvement project may proceed to the bidding document stage.

(h) The Washington County Board of County Commissioners is not bound by the recommendations submitted by the Committee.]

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2005. [Section 3 shall remain effective for a period of 6 years and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.] Section 5 shall remain effective for a period of 1 year and, at the end of June 30, 2006, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 435

(House Bill 768)

AN ACT concerning

**Employees' Retirement and Pension Systems – Maryland School for the Deaf
Retirees – Overpayment of Benefits**

FOR the purpose of requiring ~~the Board of Trustees of the State Retirement and Pension System to reduce the retirement allowance of certain retirees by a certain amount beginning on a certain date and continuing the reduction until the retirement allowance equals a certain amount; requiring~~ the Board of Trustees of the State Retirement and Pension System to suspend the application of certain annual retirement allowance adjustments to certain retirees for a certain period of time until certain retirement allowances equal a certain amount; requiring the Board of Trustees to resume the application of certain annual retirement allowance adjustments to certain retirees under certain circumstances; requiring the Board of Trustees to calculate certain benefits for certain designated beneficiaries using a certain retirement allowance; providing that the Board of Trustees is not required to recover certain overpayments made prior to a certain date to certain retirees; and generally relating to the overpayment of retirement benefits to retirees of the Maryland School for the Deaf.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–113(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Personnel and Pensions
Section ~~29–402~~ ~~21–113(c)~~ 29–402
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – State Personnel and Pensions

21–113.

(a) [If,] ~~EXCEPT AS PROVIDED IN § 29–402 OF THIS ARTICLE SUBSECTION (C) OF THIS SECTION § 29–402 OF THIS ARTICLE~~, IF, because of an error in the records of the several systems, a retiree or beneficiary receives a benefit that differs from the benefit the retiree or beneficiary is entitled to receive, the Board of Trustees shall:

- (1) correct the error; and

(2) to the extent practicable, adjust the payment to the retiree or beneficiary to provide the actuarial equivalent to which the retiree or beneficiary is correctly entitled.

29-402.

(A) THIS SECTION APPLIES TO A RETIREE OF THE EMPLOYEES' RETIREMENT SYSTEM OR EMPLOYEES' PENSION SYSTEM WHO:

(1) RETIRED FROM THE EMPLOYEES' RETIREMENT SYSTEM OR EMPLOYEES' PENSION SYSTEM ON OR BEFORE JUNE 30, 2009;

(2) BEFORE RETIREMENT WAS AN EMPLOYEE OF THE MARYLAND SCHOOL FOR THE DEAF; AND

(3) BEFORE RETIREMENT, AS AN EMPLOYEE FOR THE MARYLAND SCHOOL FOR THE DEAF, WAS A 10-MONTH EMPLOYEE INCORRECTLY CLASSIFIED AS A 12-MONTH EMPLOYEE.

(B) (1) IF A RETIREE IS RECEIVING A BENEFIT THAT DIFFERS FROM THE BENEFIT THE RETIREE IS ENTITLED TO RECEIVE, THE BOARD OF TRUSTEES SHALL, BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, SUSPEND ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THE RETIREE MAY RECEIVE UNDER THIS SUBTITLE.

(2) BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, ANY ADJUSTMENT TO THE RETIREE'S ANNUAL RETIREMENT ALLOWANCE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CALCULATED USING:

(I) FOR ANY ADJUSTMENT CALCULATED UNDER PART II OR PART III OF THIS SUBTITLE, THE INITIAL ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE AND NOT THE INITIAL ALLOWANCE THE RETIREE DID RECEIVE;

(II) FOR ANY ADJUSTMENT CALCULATED UNDER PART IV AND PART VI OF THIS SUBTITLE, THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AND NOT THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING; OR

(III) FOR ANY ADJUSTMENT CALCULATED UNDER PART V OF THIS SUBTITLE, BOTH THE INITIAL ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE AND NOT THE INITIAL ALLOWANCE THE RETIREE DID RECEIVE AND THE

CURRENT RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AND NOT THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING.

(3) THE BOARD OF TRUSTEES SHALL SUSPEND ANY ANNUAL RETIREMENT ADJUSTMENT UNDER THIS SUBSECTION UNTIL THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING ON JULY 1, 2010.

(4) WHEN THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING ON JULY 1, 2010, THE BOARD OF TRUSTEES SHALL RESUME ADJUSTING THE RETIREE'S ANNUAL ALLOWANCE ON JULY 1 OF EACH YEAR IN ACCORDANCE WITH THIS SUBTITLE.

(C) IF A RETIREE DIES BEFORE THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE WAS RECEIVING ON JULY 1, 2010, AND THE RETIREE HAS SELECTED AN OPTIONAL FORM OF ALLOWANCE UNDER TITLE 21, SUBTITLE 4 OF THIS ARTICLE, THE DECEASED RETIREE'S BENEFICIARY SHALL RECEIVE A BENEFIT CALCULATED ON THE RETIREMENT ALLOWANCE THE DECEASED RETIREE WAS ENTITLED TO RECEIVE AT THE TIME OF THE RETIREE'S DEATH AND NOT WHAT THE RETIREE WAS RECEIVING AT THE TIME OF THE RETIREE'S DEATH.

~~29-402.~~

~~(A)(C) (1) THIS SECTION APPLIES TO A RETIREE OF THE EMPLOYEES' RETIREMENT SYSTEM OR EMPLOYEES' PENSION SYSTEM WHO:~~

~~(1) (I) RETIRED FROM THE EMPLOYEES' RETIREMENT SYSTEM OR EMPLOYEES' PENSION SYSTEM ON OR BEFORE JUNE 30, 2009;~~

~~(2) (II) BEFORE RETIREMENT WAS AN EMPLOYEE OF THE MARYLAND SCHOOL FOR THE DEAF; AND~~

~~(3) (III) BEFORE RETIREMENT, AS AN EMPLOYEE FOR THE MARYLAND SCHOOL FOR THE DEAF, WAS A 10 MONTH EMPLOYEE INCORRECTLY CLASSIFIED AS A 12 MONTH EMPLOYEE; AND~~

~~(IV) ON JULY 1, 2010, IS RECEIVING A RETIREMENT ALLOWANCE THAT IS GREATER THAN THE RETIREMENT ALLOWANCE THAT THE RETIREE IS ENTITLED TO RECEIVE.~~

~~(B) (1) IF A RETIREE IS RECEIVING A BENEFIT THAT DIFFERS FROM THE BENEFIT THE RETIREE IS ENTITLED TO RECEIVE, THE BOARD OF TRUSTEES SHALL, BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, SUSPEND ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THE RETIREE MAY RECEIVE UNDER THIS SUBTITLE.~~

~~(2) BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, ANY ADJUSTMENT TO THE RETIREE'S ANNUAL RETIREMENT ALLOWANCE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CALCULATED USING:~~

~~(I) FOR ANY ADJUSTMENT CALCULATED UNDER PART II OR PART III OF THIS SUBTITLE, THE INITIAL ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE AND NOT THE INITIAL ALLOWANCE THE RETIREE DID RECEIVE;~~

~~(II) FOR ANY ADJUSTMENT CALCULATED UNDER PART IV AND PART VI OF THIS SUBTITLE, THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AND NOT THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING; OR~~

~~(III) FOR ANY ADJUSTMENT CALCULATED UNDER PART V OF THIS SUBTITLE, BOTH THE INITIAL ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE AND NOT THE INITIAL ALLOWANCE THE RETIREE DID RECEIVE AND THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AND NOT THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING.~~

~~(3) THE BOARD OF TRUSTEES SHALL SUSPEND ANY ANNUAL RETIREMENT ADJUSTMENT UNDER THIS SUBSECTION UNTIL THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING ON JULY 1, 2010.~~

~~(4) WHEN THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING ON JULY 1, 2010, THE~~

~~BOARD OF TRUSTEES SHALL RESUME ADJUSTING THE RETIREE'S ANNUAL ALLOWANCE ON JULY 1 OF EACH YEAR IN ACCORDANCE WITH THIS SUBTITLE.~~

~~(2) (i) BEGINNING JULY 1, 2010, AND EVERY 6 MONTHS THEREAFTER, THE BOARD OF TRUSTEES SHALL REDUCE A RETIREE'S MONTHLY RETIREMENT ALLOWANCE BY 10% OF THE AMOUNT BY WHICH THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING AS OF JUNE 30, 2010, EXCEEDS THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.~~

~~(ii) THE BOARD OF TRUSTEES SHALL REDUCE A RETIREE'S MONTHLY RETIREMENT ALLOWANCE UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH UNTIL THE MONTHLY RETIREMENT ALLOWANCE THAT THE RETIREE IS RECEIVING EQUALS THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.~~

~~(3) (i) BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, THE BOARD OF TRUSTEES SHALL SUSPEND ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THE RETIREE IS ENTITLED TO RECEIVE UNDER TITLE 29, SUBTITLE 4 OF THIS ARTICLE UNTIL THE RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING EQUALS THE AMOUNT THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.~~

~~(ii) BEGINNING ON THE JULY 1 IMMEDIATELY FOLLOWING THE LAST REDUCTION MADE TO A RETIREE'S MONTHLY RETIREMENT ALLOWANCE BY THE BOARD OF TRUSTEES UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL:~~

~~1. REINSTATE THE APPLICATION OF ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THAT THE RETIREE IS ENTITLED TO RECEIVE UNDER TITLE 29, SUBTITLE 4 OF THIS ARTICLE; AND~~

~~2. ADJUST THE RETIREE'S ALLOWANCE TO INCLUDE ANY ACCUMULATED COST OF LIVING ADJUSTMENTS FROM THE DATE THE COST OF LIVING ADJUSTMENTS WERE SUSPENDED UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH.~~

~~(c) (4) IF A RETIREE DIES BEFORE THE TOTAL AMOUNT OF MONTHLY RETIREMENT ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF MONTHLY RETIREMENT ALLOWANCE THE RETIREE WAS RECEIVING ON JULY 1, 2010 IS RECEIVING AT THE TIME OF THE RETIREE'S DEATH, AND THE RETIREE HAS SELECTED AN OPTIONAL FORM OF ALLOWANCE UNDER TITLE 21, SUBTITLE 4 OF THIS ARTICLE, THE DECEASED~~

~~RETIREE'S BENEFICIARY SHALL RECEIVE A BENEFIT CALCULATED ON THE RETIREMENT ALLOWANCE THE DECEASED RETIREE WAS ENTITLED TO RECEIVE AT THE TIME OF THE RETIREE'S DEATH AND NOT WHAT THE RETIREE WAS RECEIVING AT THE TIME OF THE RETIREE'S DEATH.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, in accordance with § 21-113 of the State Personnel and Pensions Article, the Board of Trustees of the State Retirement and Pension System is not required to recover any improper overpayment received by a retiree on or before July 1, 2010, if the retiree:

- (1) retired from the Employees' Retirement System or Employees' Pension System on or before June 30, 2009;
- (2) before retirement was an employee of the Maryland School for the Deaf; and
- (3) before retirement, as an employee for the Maryland School for the Deaf, was a 10-month employee incorrectly classified with the State Retirement Agency as a 12-month employee.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 436

(House Bill 778)

AN ACT concerning

**Crimes – Unauthorized Computer Access for Sabotage of State Government,
~~or~~ Public Utilities, or Other Energy Infrastructure**

FOR the purpose of prohibiting a person from intentionally and willfully gaining unauthorized access to computer services with the intent to interrupt or impair the functioning of the State government, a service, device, or system related to the production, transmission, delivery, or storage of electricity or natural gas in the State that is owned, operated, or controlled by a person other than a public service company, or a service provided in the State by a public service company; establishing certain penalties; and generally relating to the unauthorized access of computer services to interrupt or impair the State government ~~or~~, certain public utility services, or other energy infrastructure.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–302
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

Article – Criminal Law

7–302.

(a) (1) In this section the following words have the meanings indicated.

(2) “Access” means to instruct, communicate with, store data in, retrieve or intercept data from, or otherwise use the resources of a computer program, computer system, or computer network.

(3) (i) “Aggregate amount” means a direct loss of property or services incurred by a victim.

(ii) “Aggregate amount” includes:

1. the value of any money, property, or service lost, stolen, or rendered unrecoverable by the crime; or

2. any actual reasonable expenditure incurred by the victim to verify whether a computer program, computer, computer system, or computer network was altered, acquired, damaged, deleted, disrupted, or destroyed by access in violation of this section.

(4) (i) “Computer” means an electronic, magnetic, optical, organic, or other data processing device or system that performs logical, arithmetic, memory, or storage functions.

(ii) “Computer” includes property, a data storage facility, or a communications facility that is directly related to or operated with a computer.

(iii) “Computer” does not include an automated typewriter, a typesetter, or a portable calculator.

(5) “Computer control language” means ordered statements that direct a computer to perform specific functions.

(6) “Computer database” means a representation of information, knowledge, facts, concepts, or instructions that:

(i) is intended for use in a computer, computer system, or computer network; and

(ii) 1. is being prepared or has been prepared in a formalized manner; or

2. is being produced or has been produced by a computer, computer system, or computer network.

(7) “Computer network” means the interconnection of one or more computers through:

(i) the use of a satellite, microwave, line, or other communication medium; and

(ii) terminals or a complex consisting of two or more interconnected computers regardless of whether the interconnection is continuously maintained.

(8) “Computer program” means an ordered set of instructions or statements that may interact with related data and, when executed in a computer system, causes a computer to perform specified functions.

(9) “Computer services” includes computer time, data processing, and storage functions.

(10) “Computer software” means a computer program, instruction, procedure, or associated document regarding the operation of a computer system.

(11) “Computer system” means one or more connected or unconnected computers, peripheral devices, computer software, data, or computer programs.

(b) This section does not preclude the applicability of any other provision of this Code.

(c) (1) A person may not intentionally, willfully, and without authorization:

(i) access, attempt to access, cause to be accessed, or exceed the person’s authorized access to all or part of a computer network, computer control language, computer, computer software, computer system, computer service, or computer database; or

(ii) copy, attempt to copy, possess, or attempt to possess the contents of all or part of a computer database accessed in violation of item (i) of this paragraph.

(2) A person may not commit an act prohibited by paragraph (1) of this subsection with the intent to:

(i) cause the malfunction or interrupt the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer service, or computer data; or

(ii) alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer service, or computer database.

(3) A person may not intentionally, willfully, and without authorization:

(i) possess, identify, or attempt to identify a valid access code; or

(ii) publicize or distribute a valid access code to an unauthorized person.

(4) A PERSON MAY NOT COMMIT AN ACT PROHIBITED UNDER THIS SUBSECTION WITH THE INTENT TO INTERRUPT OR IMPAIR THE FUNCTIONING OF:

(I) THE STATE GOVERNMENT; ~~OR~~

(II) A SERVICE, DEVICE, OR SYSTEM RELATED TO THE PRODUCTION, TRANSMISSION, DELIVERY, OR STORAGE OF ELECTRICITY OR NATURAL GAS IN THE STATE THAT IS OWNED, OPERATED, OR CONTROLLED BY A PERSON OTHER THAN A PUBLIC SERVICE COMPANY, AS DEFINED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE; OR

~~(H)~~ (III) A SERVICE PROVIDED IN THE STATE BY A PUBLIC SERVICE COMPANY, AS DEFINED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

(d) (1) A person who violates subsection (c)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A person who violates subsection (c)(2) or (3) of this section:

(i) if the aggregate amount of the loss is \$10,000 or more, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; or

(ii) if the aggregate amount of the loss is less than \$10,000, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(3) A PERSON WHO VIOLATES SUBSECTION (C)(4) OF THIS SECTION:

(I) IF THE AGGREGATE AMOUNT OF THE LOSS IS \$50,000 OR MORE, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~15~~ 10 YEARS OR A FINE NOT EXCEEDING ~~\$50,000~~ \$25,000 OR BOTH; OR

(II) IF THE AGGREGATE AMOUNT OF THE LOSS IS LESS THAN \$50,000, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

(e) Access achieved in violation of this section under a single scheme or a continuing course of conduct may be considered as one violation.

(f) A court of competent jurisdiction may try a person prosecuted under this section in any county in this State where:

- (1) the defendant performed the act; or
- (2) the accessed computer is located.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 437

(House Bill 801)

AN ACT concerning

Electricity – Net Energy Metering – Credits

FOR the purpose of ~~requiring a certain net metering contract or tariff to credit in a certain manner electricity generated by certain eligible customer generators calculated at certain rates under certain circumstances;~~ repealing a limitation

on the period of time that a certain eligible customer-generator may accrue certain generation credit; repealing a limitation on the time that a certain electric company is required to carry forward a generation credit or a negative kilowatt-hour reading; requiring a certain electric company to carry forward a certain generation credit in a certain manner until certain events occur; repealing a provision relating to the reversion of a certain generation credit to a certain electric company; requiring the amount of generation credit that a certain electric company credits to a certain eligible customer-generator to be calculated ~~at certain rates under certain circumstances~~ in a certain manner; requiring a certain generation credit to appear on an eligible customer-generator's bill in a dollar amount; requiring a certain electric company to reimburse a certain generation credit under certain circumstances; clarifying the manner in which net energy produced or consumed is measured; making technical changes; altering a certain definition; defining a certain term; requiring the Public Service Commission to adopt certain regulations, after taking certain items into consideration, by a certain date; requiring a certain technical working group to consider certain matters; requiring the Commission to report to certain persons and certain legislative committees on certain matters by a certain date; providing for the effective dates of this Act; and generally relating to net energy metering and payment for accrued generation credit.

BY repealing and reenacting, with amendments,

Article – Public Utility Companies

Section 7–306

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Article – Public Utility Companies

7–306.

(a) (1) In this section the following words have the meanings indicated.

(2) “Biomass” means “qualified biomass” as defined in § 7–701 of this title.

(3) “Eligible customer-generator” means a customer that owns and operates, leases and operates, or contracts with a third party that owns and operates a biomass, micro combined heat and power, solar, or wind electric generating facility that:

(i) is located on the customer's premises or contiguous property;

(ii) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and

(iii) is intended primarily to offset all or part of the customer's own electricity requirements.

(4) “GENERATION CREDIT” MEANS A CREDIT ASSOCIATED WITH THE GENERATION OF ELECTRICITY PRODUCED IN EXCESS OF THE ELECTRICITY CONSUMED BY AN ELIGIBLE CUSTOMER-GENERATOR IN ONE BILLING PERIOD.

~~(4)~~ **(5)** “Micro combined heat and power” means the simultaneous or sequential production of useful thermal energy and electrical or mechanical power not exceeding 30 kilowatts.

~~(5)~~ **(6)** “Net energy metering” means measurement of the difference between the electricity that is supplied by an electric company and the electricity that is generated by an eligible customer-generator and fed back to the electric ~~company~~ **GRID** over the eligible customer-generator's billing period.

~~(6) (I) “SOS WHOLESALE RATE” MEANS THE PORTION OF THE CHARGE FOR ELECTRICITY SUPPLY UNDER STANDARD OFFER SERVICE FOR A CUSTOMER IN A SINGLE RATE CLASS THAT:~~

~~1. REPRESENTS ELECTRICITY AS A COMMODITY; AND~~
~~2. IS CHARGED ON A PRICE PER KILOWATT HOUR BASIS.~~

~~(II) “SOS WHOLESALE RATE” DOES NOT INCLUDE:~~

~~1. ANY ADMINISTRATIVE OR PROFIT COMPONENT OF A CHARGE FOR STANDARD OFFER SERVICE; OR~~
~~2. OTHER CUSTOMER CHARGES UNDER SUBSECTION (E) OF THIS SECTION.~~

(b) The General Assembly finds and declares that a program to provide net energy metering for eligible customer-generators is a means to encourage private investment in renewable energy resources, stimulate in-State economic growth, enhance continued diversification of the State's energy resource mix, and reduce costs of interconnection and administration.

(c) An electric company serving an eligible customer-generator shall ensure that the meter installed for net energy metering is capable of measuring the flow of electricity in two directions.

(d) The Commission shall require electric utilities to develop a standard contract or tariff for net energy metering and make it available to eligible customer-generators on a first-come, first-served basis until the rated generating capacity owned and operated by eligible customer-generators in the State reaches 1,500 megawatts.

(e) (1) Except as provided in subsection (g) of this section, a net energy metering contract or tariff shall be identical, in energy rates, rate structure, and monthly charges, to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator.

~~(2) (I) SUBJECT TO SUBPARAGRAPH (H) OF THIS PARAGRAPH, A NET METERING CONTRACT OR TARIFF SHALL CREDIT THE EXCESS OF ELECTRICITY GENERATED BY AN ELIGIBLE CUSTOMER-GENERATOR, IF ANY, OVER THE ELECTRICITY THAT THE ELIGIBLE CUSTOMER-GENERATOR CONSUMES DURING A GIVEN BILLING PERIOD AT THE SOS WHOLESALE RATE THAT THE ELECTRIC COMPANY CHARGES TO CUSTOMERS IN THE SAME RATE CLASS AS THE ELIGIBLE CUSTOMER-GENERATOR IN THAT BILLING PERIOD.~~

~~(H) FOR AN ELIGIBLE CUSTOMER-GENERATOR THAT IS SERVED ON A TIME-OF-USE TARIFF, A NET METERING CONTRACT OR TARIFF SHALL CREDIT ELECTRICITY GENERATED BY THE ELIGIBLE CUSTOMER-GENERATOR USING THE APPLICABLE TIME-OF-USE SOS WHOLESALE RATES.~~

~~(HH) CREDIT FOR EXCESS GENERATION SHALL BE CALCULATED UNDER THIS PARAGRAPH AT THE APPLICABLE SOS WHOLESALE RATE WHETHER THE ELIGIBLE CUSTOMER-GENERATOR PURCHASES ELECTRICITY FROM:~~

~~1. A COMPETITIVE ELECTRICITY SUPPLIER; OR~~

~~2. THE DISTRIBUTION COMPANY'S STANDARD OFFER SERVICE.~~

~~{(2)}~~ (3) (i) A net energy metering contract or tariff may not include charges that would raise the eligible customer-generator's minimum monthly charge above that of customers of the rate class to which the eligible customer-generator would otherwise be assigned.

(ii) Charges prohibited by this paragraph include new or additional demand charges, standby charges, customer charges, and minimum monthly charges.

(f) (1) The electric company shall calculate net energy metering in accordance with this subsection.

(2) Net energy produced or consumed on a ~~monthly~~ **REGULAR** basis shall be measured in accordance with standard metering practices.

(3) If electricity supplied by the grid exceeds electricity generated by the eligible customer-generator during a month, the eligible customer-generator shall be billed for the net energy supplied in accordance with subsection (e) of this section.

(4) If electricity generated by the eligible customer-generator exceeds the electricity supplied by the grid, the eligible customer-generator shall be ~~required to pay~~ **BILLED** only customer charges for that month in accordance with subsection (e) of this section.

(5) (i) An eligible customer-generator under paragraph (4) of this subsection may accrue generation credit [for a period not to exceed 12 months].

(ii) ~~THE GENERATION CREDIT FOR A GIVEN BILLING PERIOD SHALL BE CREDITED TO THE ELIGIBLE CUSTOMER-GENERATOR AS A DOLLAR AMOUNT AT THE END OF THE BILLING PERIOD.~~

~~(III)~~ The electric company shall carry forward [a negative kilowatt-hour reading] **ACCRUED GENERATION CREDIT** until:

1. the eligible customer-generator's consumption of electricity from the grid eliminates the credit; or

2. the [12-month accrual period under subparagraph (i) of this paragraph expires] **ELIGIBLE CUSTOMER-GENERATOR HAS BEEN PAID BY THE ELECTRIC COMPANY FOR ANY REMAINING CREDIT IN ACCORDANCE WITH PARAGRAPH (6) OF THIS SUBSECTION.**

~~(IV) (III) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE~~ **THE** AMOUNT OF THE GENERATION CREDIT SHALL BE CALCULATED AT THE ~~SOS WHOLESALE RATE APPLICABLE TO THE ELIGIBLE CUSTOMER-GENERATOR~~ **PREVAILING MARKET PRICE OF ENERGY APPLICABLE TO THE ELECTRIC COMPANY IN THE PJM INTERCONNECTION ENERGY MARKET, AS THAT MARKET MAY CHANGE FROM TIME TO TIME.**

(IV) THE GENERATION CREDIT SHALL APPEAR ON THE ELIGIBLE CUSTOMER-GENERATOR'S BILL IN A DOLLAR AMOUNT.

~~2. FOR AN ELIGIBLE CUSTOMER-GENERATOR THAT IS SERVED ON A TIME-OF-USE TARIFF, THE AMOUNT OF THE GENERATION~~

~~CREDIT SHALL BE CALCULATED USING THE APPLICABLE TIME OF USE SOS WHOLESALE RATES.~~

(6) (I) BY WRITTEN REQUEST, THE ELIGIBLE CUSTOMER-GENERATOR MAY ~~CHOOSE TO~~ RECEIVE PAYMENT FROM THE ELECTRIC COMPANY FOR ANY ACCRUED GENERATION CREDIT THAT REMAINS AT THE END OF:

~~1. EACH CALENDAR QUARTER; OR~~

~~2. EACH CALENDAR YEAR~~ A 12-MONTH PERIOD.

(II) ON WRITTEN REQUEST OF THE ELIGIBLE CUSTOMER-GENERATOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, WITHIN 15 DAYS AFTER THE END OF ~~THE REQUESTED TIME PERIOD~~ A 12-MONTH PERIOD, THE ELECTRIC COMPANY SHALL PAY THE ELIGIBLE CUSTOMER-GENERATOR FOR ANY ACCRUED GENERATION CREDIT REMAINING AT THE END OF THE ~~REQUESTED TIME~~ 12-MONTH PERIOD.

(III) [Any remaining] WITHIN 15 DAYS AFTER THE DATE THE ELIGIBLE CUSTOMER-GENERATOR CLOSES THE ELIGIBLE CUSTOMER-GENERATOR'S ACCOUNT, THE ELECTRIC COMPANY SHALL PAY THE ELIGIBLE CUSTOMER-GENERATOR FOR ANY accrued generation credit REMAINING at the [expiration of the 12-month accrual period under paragraph (5)(ii)2 of this subsection:

(i) shall revert to the electric company; and

(ii) may not be recovered by the eligible customer-generator] ~~TIME THE ELIGIBLE CUSTOMER-GENERATOR CLOSES THE ELIGIBLE CUSTOMER-GENERATOR'S ACCOUNT.~~

(g) (1) For an eligible customer-generator whose facility is sized to produce energy in excess of the eligible customer-generator's annual energy consumption, the Commission:

(i) may require the eligible customer-generator to install a dual meter that is capable of measuring the flow of electricity in two directions; and

(ii) shall develop a credit formula that:

1. excludes recovery of transmission and distribution costs; and

2. provides that the credit may be calculated using a method other than a kilowatt-hour basis, including a method that allows a dollar-for-dollar offset of electricity supplied by the grid compared to electricity generated by the eligible customer-generator.

(2) In determining whether to require an eligible customer-generator to install a dual meter under paragraph (1)(i) of this subsection, the Commission shall consider the generating capacity of the eligible customer-generator.

(h) (1) The generating capacity of an electric generating system used by an eligible customer-generator for net metering may not exceed 2 megawatts.

(2) An electric generating system used by an eligible customer-generator for net metering shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

(3) The Commission may adopt by regulation additional control and testing requirements for eligible customer-generators that the Commission determines are necessary to protect public safety and system reliability.

(4) An electric company may not require an eligible customer-generator whose electric generating system meets the standards of paragraphs (2) and (3) of this subsection to:

- (i) install additional controls;
- (ii) perform or pay for additional tests; or
- (iii) purchase additional liability insurance.

(5) An eligible customer-generator shall own and have title to all renewable energy attributes or renewable energy credits associated with any electricity produced by its electric generating system.

(i) On or before February 1 of each year, the Commission shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the status of the net metering program under this section, including:

(1) the amount of capacity of electric generating facilities owned and operated by eligible customer-generators in the State by type of energy resource;

(2) based on the need to encourage a diversification of the State's energy resource mix to ensure reliability, whether the rated generating capacity limit in subsection (d) of this section should be altered; and

(3) other pertinent information.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before January 1, 2011, the Public Service Commission shall adopt regulations to implement the provisions of this Act, taking into consideration:

- (1) the technology available at each electric company; and
- (2) the appropriate value of generation credits.

(b) (1) In developing the regulations, the Commission shall convene a technical working group to address the metering and associated pricing mechanisms appropriate to net energy metering for various customer classes in the various service territories, including the advisability of and means to address credits associated with generation at different hours and seasons with appropriate metering equipment and appropriate mechanisms to aggregate generation and consumption of electricity across separate accounts in common ownership, whether on a kilowatt-hour or dollar basis.

(2) In developing its recommendations, the technical working group shall consider, among other matters:

(i) meter aggregation that allows the combination of readings from, and billing for multiple meters, with or without regard to the rate class on properties:

1. owned or leased and operated by an eligible customer-generator for agricultural and other uses; and

2. located within the service territory of a single electric company;

(ii) the transfer of generation credits or aggregation of generation by a not-for-profit eligible customer-generator between properties of the same or different rate classes that are owned, leased, or operated by the not-for-profit eligible customer-generator within a single service territory; and

(iii) 1. the availability of net energy metering to a municipality as an eligible customer-generator; and

2. the transfer of generation credits or aggregation of generation by a municipality between certain properties of the same or different rate classes that are owned, leased, or operated by the municipality within a single service territory.

(c) On or before January 1, 2011, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee on the

recommendations of the technical advisory group and the regulations adopted under this section.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July October 1, 2010.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 438

(Senate Bill 355)

AN ACT concerning

~~Energy Companies – Net Energy Metering – Payment for Accrued Generation Credit~~

Electricity – Net Energy Metering – Credits

FOR the purpose of ~~requiring that a certain net metering contract or tariff credit electricity generated by certain eligible customer generators at certain rates under certain circumstances;~~ repealing a limitation on the period of time that a certain eligible customer-generator may accrue certain generation credit; repealing a limitation on the time that a certain electric company is required to carry forward a generation credit or a negative kilowatt-hour reading; requiring a certain electric company to carry forward a certain generation credit until certain events occur; repealing a provision relating to the reversion of a certain generation credit to a certain electric company; ~~requiring the amount of generation credit that a certain electric company credits to a certain eligible customer-generator to be at certain rates under certain circumstances;~~ requiring certain generation credit to appear on an eligible customer-generator's bill in a dollar amount; requiring a certain electric company to reimburse a certain generation credit under certain circumstances; clarifying the manner in which net energy produced or consumed is measured; making technical changes; altering a certain definition; defining a certain term; requiring the Public Service Commission to adopt certain regulations, after taking certain items into consideration, by a certain date; requiring the Commission to report to certain persons and certain legislative committees on certain matters by a certain date; requiring a certain technical working group to consider certain matters; providing for the effective dates of this Act; and generally relating to net energy metering and the payment for accrued generation credit.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–306
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Public Utility Companies

7–306.

(a) (1) In this section the following words have the meanings indicated.

(2) “Biomass” means “qualified biomass” as defined in § 7–701 of this title.

(3) “Eligible customer-generator” means a customer that owns and operates, leases and operates, or contracts with a third party that owns and operates a biomass, micro combined heat and power, solar, or wind electric generating facility that:

(i) is located on the customer’s premises or contiguous property;

(ii) is interconnected and operated in parallel with an electric company’s transmission and distribution facilities; and

(iii) is intended primarily to offset all or part of the customer’s own electricity requirements.

(4) “GENERATION CREDIT” MEANS A CREDIT ASSOCIATED WITH THE GENERATION OF ELECTRICITY PRODUCED IN EXCESS OF THE ELECTRICITY CONSUMED BY AN ELIGIBLE CUSTOMER-GENERATOR IN ONE BILLING PERIOD.

~~(4)~~ **(5)** “Micro combined heat and power” means the simultaneous or sequential production of useful thermal energy and electrical or mechanical power not exceeding 30 kilowatts.

~~(5)~~ **(6)** “Net energy metering” means measurement of the difference between the electricity that is supplied by an electric company and the electricity that is generated by an eligible customer-generator and fed back to the electric ~~company~~ **GRID** over the eligible customer-generator’s billing period.

(b) The General Assembly finds and declares that a program to provide net energy metering for eligible customer-generators is a means to encourage private

investment in renewable energy resources, stimulate in-State economic growth, enhance continued diversification of the State's energy resource mix, and reduce costs of interconnection and administration.

(c) An electric company serving an eligible customer-generator shall ensure that the meter installed for net energy metering is capable of measuring the flow of electricity in two directions.

(d) The Commission shall require electric utilities to develop a standard contract or tariff for net energy metering and make it available to eligible customer-generators on a first-come, first-served basis until the rated generating capacity owned and operated by eligible customer-generators in the State reaches 1,500 megawatts.

(e) (1) Except as provided in subsection (g) of this section, a net energy metering contract or tariff shall be identical, in energy rates, rate structure, and monthly charges, to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator.

~~(2) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A NET METERING CONTRACT OR TARIFF SHALL CREDIT ELECTRICITY GENERATED BY AN ELIGIBLE CUSTOMER-GENERATOR AT THE SAME RETAIL RATE THE ELIGIBLE CUSTOMER-GENERATOR PAYS FOR THE CONSUMPTION OF ELECTRICITY.~~

~~(ii) FOR AN ELIGIBLE CUSTOMER-GENERATOR THAT IS SERVED ON A TIME-OF-USE TARIFF THAT HAS ELECTRICITY SUPPLY DEMAND CHARGES CONTAINED WITHIN THE ELECTRICITY SUPPLY PORTION OF THE TIME-OF-USE TARIFF, A NET METERING CONTRACT OR TARIFF SHALL CREDIT ELECTRICITY GENERATED BY THE ELIGIBLE CUSTOMER-GENERATOR USING TIME-OF-USE RATES.~~

~~[(2)] (3)~~ (i) A net energy metering contract or tariff may not include charges that would raise the eligible customer-generator's minimum monthly charge above that of customers of the rate class to which the eligible customer-generator would otherwise be assigned.

(ii) Charges prohibited by this paragraph include new or additional demand charges, standby charges, customer charges, and minimum monthly charges.

(f) (1) The electric company shall calculate net energy metering in accordance with this subsection.

(2) Net energy produced or consumed on a ~~monthly~~ REGULAR basis shall be measured in accordance with standard metering practices.

(3) If electricity supplied by the grid exceeds electricity generated by the eligible customer-generator during a month, the eligible customer-generator shall be billed for the net energy supplied in accordance with subsection (e) of this section.

(4) If electricity generated by the eligible customer-generator exceeds the electricity supplied by the grid, the eligible customer-generator shall be ~~required to pay~~ **BILLED** only customer charges for that month in accordance with subsection (e) of this section.

(5) (i) An eligible customer-generator under paragraph (4) of this subsection may accrue generation credit [for a period not to exceed 12 months].

(ii) The electric company shall carry forward [a negative kilowatt-hour reading] **ACCRUED GENERATION CREDIT** until:

1. the eligible customer-generator's consumption of electricity from the grid eliminates the credit; or

2. the [12-month accrual period under subparagraph (i) of this paragraph expires] **ELIGIBLE CUSTOMER-GENERATOR HAS BEEN PAID BY THE ELECTRIC COMPANY FOR ANY REMAINING CREDIT IN ACCORDANCE WITH PARAGRAPH (6) OF THIS SUBSECTION.**

(iii) ~~1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE~~ **THE** AMOUNT OF THE GENERATION CREDIT SHALL BE CALCULATED AT THE ~~SAME RETAIL RATE THE ELIGIBLE CUSTOMER-GENERATOR PAYS FOR THE CONSUMPTION OF ELECTRICITY.~~

~~2. FOR AN ELIGIBLE CUSTOMER-GENERATOR THAT IS SERVED ON A TIME-OF-USE TARIFF THAT HAS ELECTRICITY SUPPLY DEMAND CHARGES CONTAINED WITHIN THE ELECTRICITY SUPPLY PORTION OF THE TIME OF USE TARIFF, THE AMOUNT OF THE GENERATION CREDIT SHALL BE CALCULATED USING TIME-OF-USE RATES PREVAILING MARKET PRICE OF ENERGY APPLICABLE TO THE ELECTRIC COMPANY IN THE PJM INTERCONNECTION ENERGY MARKET, AS THAT MARKET MAY CHANGE FROM TIME TO TIME.~~

(iv) **THE GENERATION CREDIT SHALL APPEAR ON THE ELIGIBLE CUSTOMER-GENERATOR'S BILL IN A DOLLAR AMOUNT.**

(6) (i) **BY WRITTEN REQUEST, THE ELIGIBLE CUSTOMER-GENERATOR MAY CHOOSE TO RECEIVE PAYMENT FROM THE ELECTRIC COMPANY FOR ANY ACCRUED GENERATION CREDIT THAT REMAINS AT THE END OF:**

~~1. EACH CALENDAR QUARTER; OR~~

~~2. EACH CALENDAR YEAR~~ A 12-MONTH PERIOD.

(II) ON WRITTEN REQUEST OF THE ELIGIBLE CUSTOMER-GENERATOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, WITHIN 15 DAYS AFTER THE END OF ~~THE REQUESTED TIME PERIOD~~ A 12-MONTH PERIOD, THE ELECTRIC COMPANY SHALL PAY THE ELIGIBLE CUSTOMER-GENERATOR FOR ANY ACCRUED GENERATION CREDIT REMAINING AT THE END OF ~~THE REQUESTED TIME~~ A THE 12-MONTH PERIOD.

(III) [Any remaining] WITHIN 15 DAYS AFTER THE DATE THE ELIGIBLE CUSTOMER-GENERATOR CLOSES THE ELIGIBLE CUSTOMER-GENERATOR'S ACCOUNT, THE ELECTRIC COMPANY SHALL PAY THE ELIGIBLE CUSTOMER-GENERATOR FOR ANY accrued generation credit REMAINING at the [expiration of the 12-month accrual period under paragraph (5)(ii)2 of this subsection:

(i) shall revert to the electric company; and

(ii) may not be recovered by the eligible customer-generator] ~~TIME THE ELIGIBLE CUSTOMER-GENERATOR CLOSES THE ELIGIBLE CUSTOMER-GENERATOR'S ACCOUNT.~~

(g) (1) For an eligible customer-generator whose facility is sized to produce energy in excess of the eligible customer-generator's annual energy consumption, the Commission:

(i) may require the eligible customer-generator to install a dual meter that is capable of measuring the flow of electricity in two directions; and

(ii) shall develop a credit formula that:

1. excludes recovery of transmission and distribution costs; and

2. provides that the credit may be calculated using a method other than a kilowatt-hour basis, including a method that allows a dollar-for-dollar offset of electricity supplied by the grid compared to electricity generated by the eligible customer-generator.

(2) In determining whether to require an eligible customer-generator to install a dual meter under paragraph (1)(i) of this subsection, the Commission shall consider the generating capacity of the eligible customer-generator.

(h) (1) The generating capacity of an electric generating system used by an eligible customer-generator for net metering may not exceed 2 megawatts.

(2) An electric generating system used by an eligible customer-generator for net metering shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

(3) The Commission may adopt by regulation additional control and testing requirements for eligible customer-generators that the Commission determines are necessary to protect public safety and system reliability.

(4) An electric company may not require an eligible customer-generator whose electric generating system meets the standards of paragraphs (2) and (3) of this subsection to:

- (i) install additional controls;
- (ii) perform or pay for additional tests; or
- (iii) purchase additional liability insurance.

(5) An eligible customer-generator shall own and have title to all renewable energy attributes or renewable energy credits associated with any electricity produced by its electric generating system.

(i) On or before February 1 of each year, the Commission shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the status of the net metering program under this section, including:

(1) the amount of capacity of electric generating facilities owned and operated by eligible customer-generators in the State by type of energy resource;

(2) based on the need to encourage a diversification of the State's energy resource mix to ensure reliability, whether the rated generating capacity limit in subsection (d) of this section should be altered; and

(3) other pertinent information.

SECTION 2. AND BE IT FURTHER ENACTED, That=on:

(a) On or before October 1, 2010, the Public Service Commission shall adopt regulations to implement the provisions of this Act, taking into consideration: (1) the technology available at each electric company; and (2) the appropriate value of generation credits.

(b) (1) In developing the regulations, the Commission shall convene a technical working group to address the metering and associated pricing mechanisms appropriate to net energy metering for various customer classes in the various service territories, including the advisability of and means to address credits associated with generation at different hours and seasons with appropriate metering equipment and appropriate mechanisms to aggregate generation and consumption of electricity across separate accounts in common ownership, whether on a kilowatt-hour or dollar basis.

(2) In developing its recommendations, the technical working group shall consider, among other matters:

(i) meter aggregation that allows the combination of readings from, and billing for multiple meters, with or without regard to the rate class on properties:

1. owned or leased and operated by an eligible customer-generator for agricultural and other uses; and

2. located within the service territory of a single electric company;

(ii) the transfer of generation credits or aggregation of generation by a not-for-profit eligible customer-generator between properties of the same or different rate classes that are owned, leased, or operated by the not-for-profit eligible customer-generator within a single service territory; and

(iii) 1. the availability of net energy metering to a municipality as an eligible customer-generator; and

2. the transfer of generation credits or aggregation of generation by a municipality between certain properties of the same or different rate classes that are owned, leased, or operated by the municipality within a single service territory.

(c) On or before January 1, 2011, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee on the recommendations of the technical advisory group and the regulations adopted under this section.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2010.

SECTION 4. AND BE IT FURTHER ENACTED, That, ~~subject to~~ except as provided in Section 3 of this Act, this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 439**(House Bill 812)**

AN ACT concerning

Environment – Water Service – ~~Property Owners~~ Billing

FOR the purpose of clarifying that a political subdivision shall send a bill for water service to ~~each~~ the property, the property owner, or the property owner's designee for each property served on a monthly, quarterly, or semiannual basis; and generally relating to bills for water service.

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–724(c)(1)

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment

Section 9–724(c)(2) and (3)

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

Article – Environment

9–724.

(c) (1) The political subdivision shall send bills for water service [quarterly or twice a year to] **TO ~~EACH~~ THE PROPERTY, THE PROPERTY OWNER, OR THE PROPERTY OWNER'S DESIGNEE FOR each property served ON A MONTHLY, QUARTERLY, OR SEMIANNUAL BASIS.**

(2) The bills are payable at the office of the political subdivision on receipt.

(3) If any bill remains unpaid after 30 days from the date the bill is sent, the political subdivision shall:

(i) Notify the owner of the property served, in writing, that the bill is in arrears and that water service will be discontinued;

(ii) Leave the notice on the owner's property or mail the notice to the last known address of the owner; and

(iii) Discontinue water service to the property until the owner pays the bill and a reconnection charge reasonably related to the cost of reconnection, as established by ordinance of the governing body of the county or municipal corporation in which the water service is provided.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 440

(House Bill 823)

AN ACT concerning

Montgomery County – Winery Special Event Permits – Farmers' Markets

MC 9–10

FOR the purpose of authorizing the issuance of a certain number of additional winery special event permits to certain wineries for use in certain farmers' markets in Montgomery County; prohibiting a holder of a permit from selling wine by the glass; requiring that a certain individual who is certified by an alcohol awareness program be present during the hours when wine may be sold; and generally relating to farmers' markets in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–101(u)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–101(u)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

2–101.

(u) (1) The Office of the Comptroller may issue a winery special event permit to a licensed Class 4 Maryland limited winery, provided that:

(i) Except as provided in [paragraph (6)] **PARAGRAPHS (6) AND (7)** of this subsection, no more than 12 winery special event permits are issued to the Class 4 Maryland limited winery in any given calendar year;

(ii) The permit does not exceed 3 consecutive days; and

(iii) Except as provided in [paragraph (6)] **PARAGRAPHS (6) AND (7)** of this subsection, no more than three winery special event permits are issued in any calendar year to any given limited winery for use in the same political subdivision.

(7) (I) IN ADDITION TO THE WINERY SPECIAL EVENT PERMITS THAT MAY BE ISSUED UNDER PARAGRAPH (1)(I) AND (III) OF THIS SUBSECTION, A CLASS 4 MARYLAND LIMITED WINERY MAY BE ISSUED NOT MORE THAN 12 WINERY SPECIAL EVENT PERMITS FOR USE AT FARMERS' MARKETS IN MONTGOMERY COUNTY THAT ARE LISTED ON THE FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE.

(II) IF A WINERY SPECIAL EVENT PERMIT IS ISSUED UNDER THIS ~~SECTION IS ISSUED~~ PARAGRAPH:

1. THE HOLDER OF THE PERMIT MAY NOT SELL WINE BY THE GLASS; AND

2. THE FARMERS' MARKET ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE AND THE HOLDER OF THE PERMIT OR THE HOLDER'S DESIGNEE SHALL BE:

A. CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM APPROVED BY THE COMPTROLLER; AND

B. PRESENT DURING THE HOURS WHEN WINE MAY BE SOLD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 441

(House Bill 825)

AN ACT concerning

Vehicle Laws – Required Security – Minimum Amounts

FOR the purpose of increasing the minimum amounts of required security for the payment of certain claims for bodily injury or death arising from a motor vehicle accident; providing for the application of this Act; providing for a delayed effective date; and generally relating to the minimum required security for motor vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 17–103
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

17–103.

(a) (1) Except as provided in paragraph (2) of this subsection, the form of security required under this subtitle is a vehicle liability insurance policy written by an insurer authorized to write these policies in this State.

(2) The Administration may accept another form of security in place of a vehicle liability insurance policy if it finds that the other form of security adequately provides the benefits required by subsection (b) of this section.

(3) The Administration shall, by regulation, assess each self-insurer an annual sum which may not exceed \$750, and which shall be used for actuarial studies and audits to determine financial solvency.

(b) The security required under this subtitle shall provide for at least:

(1) The payment of claims for bodily injury or death arising from an accident of up to ~~[\$20,000]~~ **\$30,000** for any one person and up to ~~[\$40,000]~~ **\$60,000** for any two or more persons, in addition to interest and costs;

(2) The payment of claims for property of others damaged or destroyed in an accident of up to \$15,000, in addition to interest and costs;

(3) Unless waived, the benefits described under § 19-505 of the Insurance Article as to basic required primary coverage; and

(4) The benefits required under § 19-509 of the Insurance Article as to required additional coverage.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all vehicle liability insurance policies issued, delivered, or renewed in the State on or after January 1, 2011.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ January 1, 2011.

Approved by the Governor, May 4, 2010.

Chapter 442

(House Bill 849)

AN ACT concerning

Department of Health and Mental Hygiene – Home– and Community–Based Services Waiver – Denial of Access Prohibited

FOR the purpose of prohibiting the Department of Health and Mental Hygiene from denying an individual access to a home– and community–based services waiver due to lack of funding if, in addition to existing criteria, ~~the individual is eligible for a certain number of days of nursing facility services~~ a certain number of days of the individual's nursing facility stay are eligible to be paid for by the Maryland Medical Assistance Program; making a technical correction; and generally relating to the Department of Health and Mental Hygiene and the home– and community–based services waiver.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 15-137

Annotated Code of Maryland

(2009 Replacement Volume)

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

Article – Health – General

15–137.

(a) The Department may not deny an individual access to a home– and community–based services waiver due to a lack of funding for waiver services if:

(1) The individual is living in a nursing [home] FACILITY at the time of the application for waiver services;

~~(2) The [nursing home services for the] individual [were paid] IS ELIGIBLE FOR 30 DAYS OF NURSING FACILITY SERVICES PAID FOR by the Program [for at least 30 consecutive days immediately prior to the application];~~

(2) AT LEAST 30 CONSECUTIVE DAYS OF THE INDIVIDUAL’S NURSING FACILITY STAY ARE ELIGIBLE TO BE PAID FOR BY THE PROGRAM;

(3) The individual meets all of the eligibility criteria for participation in the home– and community–based services waiver; and

(4) The home– and community–based services provided to the individual would qualify for federal matching funds.

(b) Nothing in this section is intended to result in a reduction of federal funds available to the Department.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 443

(House Bill 856)

AN ACT concerning

**Election Law – Montgomery County Republican and Democratic Party
Central ~~Committee~~ Committees – Membership**

MC 15-10

FOR the purpose of repealing certain provisions of law specifying the membership of the Montgomery County Republican Party Central Committee; altering the membership criteria for the Montgomery County Democratic Party Central Committee; requiring certain Democratic Party Central Committee members to be elected in a certain manner and limiting the number of members elected at large that may reside in the same legislative district; making stylistic changes; providing for the application of this Act; and generally relating to the membership of the Montgomery County Republican and Democratic Party Central ~~Committee~~ committees.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 4-202(a)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 4-203(f)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

Article – Election Law

4-202.

(a) (1) A principal political party shall elect the members of the county central committee at a primary election.

(2) Except as otherwise provided in this section or § 4-203 of this subtitle, the central committee for a county shall consist of the number of members determined by the party's constitution.

4-203.

(f) (1) ~~In Montgomery County:~~
~~(i) the Republican Party Central Committee consists of 19 members; and~~

~~(ii)], the Democratic Party Central Committee consists of 23 members[.~~

~~(2) For~~ ***IN MONTGOMERY COUNTY, FOR*** ~~each of those two party central committees]~~ **ELECTED AS FOLLOWS THE DEMOCRATIC PARTY CENTRAL COMMITTEE:**

(i) two members are elected from each of the legislative districts that lie wholly within Montgomery County;

(ii) one member is elected from the Montgomery County part of each legislative district [which] **THAT** is partially within Montgomery County; and

(iii) ~~the remainder [shall be]~~ **ARE elected at large** **MEMBERS SHALL BE ELECTED AT LARGE EQUAL TO THE NUMBER OF LEGISLATIVE DISTRICTS THAT LIE WHOLLY WITHIN MONTGOMERY COUNTY, EXCEPT THAT NOT MORE THAN TWO MEMBERS AT LARGE MAY RESIDE IN THE SAME LEGISLATIVE DISTRICT.**

[(3)] (2) Any vacancy in a seat on [a party central committee] **THE DEMOCRATIC PARTY CENTRAL COMMITTEE** held initially by a member elected from a legislative district shall be filled by a person residing in that district.

[(4)] (3) Any reference to the Democratic Party Central Committee for Montgomery County or any portion of it means the entire membership of the Montgomery County Democratic Party Central Committee, and in no event do the members of the Central Committee elected from a district comprise a separate central committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to the election for the members of the Montgomery County Republican and Democratic Party Central Committee committees that is held at the primary election on September 14, 2010.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 444

(House Bill 947)

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Tasting Licenses

FOR the purpose of creating in Anne Arundel County a ~~CBWT BWST~~ cordial, beer, and wine beer, wine and spirits tasting (on-premises) license; specifying that the ~~CBWT BWST~~ license may be issued to certain persons; creating a license fee schedule for a ~~CBWT BWST~~ license and altering the fee schedule for a BWT beer and wine (on-premises) tasting license; specifying certain limitations on the amount of alcoholic beverages that may be offered for on-premises consumption; providing for the termination of this Act; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 8–402

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

8–402.

- (a) This section applies only in Anne Arundel County.
- (b) In this section, “Board” means the Anne Arundel County Board of License Commissioners.
- (c) There is a Class ~~CBWT BWST~~ **CORDIAL, BEER, AND WINE (ON-PREMISES) TASTING LICENSE**, A BWT beer and wine (on-premises) tasting license, and a WS wine sampling (on-premises) license.
- (d)
 - (1) **(I) A CLASS ~~CBWT BWST~~ LICENSE MAY ONLY BE ISSUED TO A HOLDER OF A CLASS BWL BEER, WINE AND LIQUOR (ON-PREMISES) LICENSE.**
 - (II) A Class BWT license may only be issued to a holder of a Class BWL beer, wine and liquor (on-premises) license or a Class BW beer and wine (on-sale) license.**
- (2) The annual fee for a Class ~~CBWT or~~ BWT license is ~~is~~ **\$150.**

- (i) \$50 for a holder of a Class BWL license; and

(ii) \$50 for a holder of a Class BW license.]

~~(I) FOR A LICENSE THAT IS IN EFFECT FOR ANY 26 DAYS IN A LICENSING PERIOD, \$125;~~

~~(II) FOR A LICENSE THAT IS IN EFFECT FOR ANY 52 DAYS IN A LICENSING PERIOD, \$200; AND~~

~~(III) FOR A LICENSE THAT IS IN EFFECT FOR 365 DAYS IN A LICENSING PERIOD, \$400.~~

(3) THE ANNUAL FEE FOR A CLASS BWST LICENSE IS \$500.

~~(3)~~ **(4)** The annual fee for a Class ~~CBWT~~ **BWST** OR BWT license is in addition to the Class BWL or BW annual fee.

~~(4)~~ **(5)** A CLASS ~~CBWT~~ **BWST** LICENSE AUTHORIZES A HOLDER TO PERMIT THE ON-PREMISES CONSUMPTION OF THE FOLLOWING ALCOHOLIC BEVERAGES FOR TASTING OR SAMPLING PURPOSES ONLY:

(I) ~~CORDIALS~~ LIQUOR TO BE SERVED IN A QUANTITY OF NOT MORE THAN ONE-HALF OUNCE ~~OF LIQUOR~~ FROM EACH ~~GIVEN BRAND~~ OF ANY OF FIVE BRANDS TO ANY ONE PERSON PER DAY;

(II) LIGHT WINE TO BE SERVED IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH GIVEN BRAND TO ANY ONE PERSON; AND

(III) BEER TO BE SERVED IN A QUANTITY OF NOT MORE THAN 3 OUNCES TO ANY ONE PERSON.

~~[(4)]~~ **(5)** **(6)** The Class BWT license authorizes a holder to permit the on-premises consumption of the following alcoholic beverages for tasting or sampling purposes only:

(i) Light wine to be served in a quantity of not more than 1 ounce from each given brand to any one person; and

(ii) Beer to be served in a quantity of not more than 3 ounces to any one person.

(e) (1) The Board may issue a WS (wine sampling) license to bona fide nonprofit organizations.

(2) The WS license authorizes the consumption of wine for tasting or sampling purposes:

(i) On Class B beer and wine or beer, wine and liquor licensed premises with the consent of the licensee; or

(ii) On premises without a permanent alcoholic beverages license.

(3) The licensee may not serve more than 2 ounces from each brand to any 1 person.

(4) The bona fide nonprofit organization:

(i) Shall apply for a WS license at least 15 days prior to the day of issuance; and

(ii) May not be issued more than 12 WS licenses in any given license year.

(5) The daily license fee is \$15.

(6) The WS licensee may bring wine onto Class B licensed premises for sampling or tasting purposes only.

(f) The provisions of this section are not restricted by:

(1) The provisions in subsection (b) of § 12–107 of this article; and

(2) The provisions of law under § 9–102 of this article prohibiting the issuance of 2 licenses for the same premises.

(g) In the City of Annapolis, the Mayor and City Council may approve the issuance of a BWT license or a WS license. The fees for the licenses shall be set by the Mayor and City Council.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. It shall remain effective for a period of 3 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 4, 2010.

AN ACT concerning

**Electricians, Gas Fitters, HVAC Contractors, and Plumbers – Display of
Licenses and License Numbers**

FOR the purpose of prohibiting a county or municipal corporation, subject to a certain exception, from requiring a certain licensed gas fitter, plumber, or heating, ventilation, air-conditioning, and refrigeration (HVAC) contractor to display a certain certificate number on certain vehicles used for providing certain services; prohibiting a county or municipal corporation, subject to certain exceptions, from requiring a certain licensed master electrician to display a certain license number on certain vehicles used for providing certain services; requiring a master electrician who holds a certain license or certain licenses to display a State license number on certain vehicles used for providing certain services; and generally relating to the display of licenses and license numbers on vehicles.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6–301 and 12–311
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 9A–401
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Article – Business Occupations and Professions

6–301.

(a) Each county shall:

(1) adopt regulations that have qualifications comparable to § 6–304, to provide for the licensing and regulation of master electricians; or

(2) (i) require a State license for providing electrical services as a master electrician; and

(ii) enforce the provisions of this title.

(b) Each municipal corporation shall:

(1) adopt regulations that have qualifications comparable to, or more stringent than, § 6-304 of this subtitle to provide for the licensing and regulation of master electricians;

(2) adopt the electrical rules and regulations of the county in which the municipal corporation is located; or

(3) (i) require a State license for providing electrical services as a master electrician; and

(ii) enforce the provisions of this title.

~~(C) A COUNTY OR MUNICIPAL CORPORATION MAY NOT ADOPT A REGULATION OR ENACT A LAW THAT REQUIRES A PERSON LICENSED UNDER THIS SUBTITLE TO DISPLAY A LICENSE NUMBER ON EACH VEHICLE USED ON THE JOB FOR PROVIDING ELECTRICAL SERVICES.~~

~~(D)~~ (C) EACH LICENSED MASTER ELECTRICIAN SHALL DISPLAY THE STATE LICENSE NUMBER OR THE COUNTY LICENSE NUMBER OF THE LICENSEE ON EACH VEHICLE USED ON THE JOB FOR PROVIDING ELECTRICAL SERVICES.

(D) A COUNTY OR MUNICIPAL CORPORATION MAY NOT ADOPT A RESOLUTION OR ENACT A LAW THAT REQUIRES A PERSON LICENSED UNDER THIS SUBTITLE WHO IS COMPLIANT WITH SUBSECTION (C) OF THIS SECTION TO DISPLAY ADDITIONAL LICENSE NUMBERS ON EACH VEHICLE USED ON THE JOB FOR PROVIDING ELECTRICAL SERVICES.

12-311.

(a) (1) Each master plumber shall display:

(i) the master plumber license and the license number conspicuously in the principal place of business of the master plumber; and

(ii) the license number of the master plumber license on each vehicle used on the job for providing plumbing services.

(2) Each holder of a limited master plumber license shall display:

(i) the limited master plumber license and the license number conspicuously in the principal place of business of the holder of the limited master plumber license; and

(ii) the license number of the limited master plumber license on each vehicle used on the job for providing plumbing services.

(3) Each holder of a propane gas fitter certificate shall display:

(i) the propane gas fitter certificate and the certificate number conspicuously in the principal place of business of the certificate holder; and

(ii) the certificate number of the propane gas fitter certification on each vehicle used on the job in providing propane gas services.

(4) Each holder of a master natural gas fitters license shall display:

(i) the master natural gas fitters license and the license number conspicuously in the principal place of business of the license holder; and

(ii) the license number of the master natural gas fitters license on each vehicle used on the job for providing natural gas services.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR MUNICIPAL CORPORATION MAY NOT REQUIRE A PERSON LICENSED UNDER THIS SUBTITLE TO DISPLAY A COUNTY OR MUNICIPAL CORPORATION CERTIFICATE NUMBER ON EACH VEHICLE USED ON THE JOB FOR PROVIDING PLUMBING, NATURAL GAS FITTING, OR PROPANE GAS FITTING SERVICES.

(2) THIS SUBSECTION DOES NOT APPLY TO BALTIMORE COUNTY OR THE AREAS IN THE STATE UNDER THE JURISDICTION OF THE WASHINGTON SUBURBAN SANITARY COMMISSION.

[(b)] (C) Each licensee shall give the Board and any appropriate licensing authority written notice of any change of name, address, or employment from that which appears on the current license, at least 10 working days before the change is to take effect.

Article – Business Regulation

9A-401.

(a) Each licensed master, master restricted, or limited heating, ventilation, air-conditioning, and refrigeration contractor shall display:

(1) the license and the license number conspicuously in the principal place of business of the licensee; and

(2) the license number of the licensee on each vehicle used on the job for providing heating, ventilation, air-conditioning, or refrigeration services.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR MUNICIPAL CORPORATION MAY NOT REQUIRE A PERSON LICENSED UNDER THIS SUBTITLE TO DISPLAY A COUNTY OR MUNICIPAL CORPORATION CERTIFICATE NUMBER ON EACH VEHICLE USED ON THE JOB FOR PROVIDING HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES.

(2) THIS SUBSECTION DOES NOT APPLY TO ANNE ARUNDEL COUNTY.

[(b)] (C) Each licensee shall give the Board written notice of any change of name, address, or employment from that which appears on the current license, at least 10 working days before the change is to take effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 446

(House Bill 973)

AN ACT concerning

Public Schools – Maryland Youth Crisis Hotline – Distribution of Information

FOR the purpose of requiring each county board of education to provide certain students with the telephone number of the Maryland Youth Crisis Hotline in certain ways; ~~requiring certain schools to hold a certain school assembly at a certain time each year; requiring certain students and school personnel to attend a certain school assembly; requiring certain schools to send certain information about the Maryland Youth Crisis Hotline to the parents or guardians of certain students at a certain time each year;~~ providing that a county board is not required to reprint or reissue certain documents in use on the effective date of this Act in order to comply with this Act; and generally relating to the distribution of information about the Maryland Youth Crisis Hotline in public schools.

BY adding to

Article – Education

Section 7-430

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Article – Education

7-430.

~~(A) EACH COUNTY BOARD SHALL PROVIDE EACH STUDENT IN THE 6TH THROUGH 12TH GRADES WITH THE TELEPHONE NUMBER OF THE MARYLAND YOUTH CRISIS HOTLINE BY:~~

~~(1) PRINTING THE TELEPHONE NUMBER PROMINENTLY IN THE SCHOOL HANDBOOK;~~

~~(2) PRINTING THE TELEPHONE NUMBER ON A STUDENT'S SCHOOL IDENTIFICATION CARD, IF PROVIDED; AND~~

~~(3) POSTING THE TELEPHONE NUMBER IN MULTIPLE PROMINENT LOCATIONS THROUGHOUT EACH SCHOOL BUILDING.~~

~~(B) (1) THIS SUBSECTION APPLIES TO A SCHOOL THAT ENROLLS STUDENTS IN THE 6TH THROUGH 12TH GRADES.~~

~~(2) EACH SCHOOL SHALL HOLD A SCHOOL WIDE ASSEMBLY DURING THE FIRST MONTH OF EACH SCHOOL YEAR TO PRESENT INFORMATION ON:~~

~~(i) THE AVAILABILITY, USES, AND PURPOSE OF THE MARYLAND YOUTH CRISIS HOTLINE; AND~~

~~(ii) HOW TO CONTACT THE MARYLAND YOUTH CRISIS HOTLINE.~~

~~(3) (i) ATTENDANCE AT THE ASSEMBLY CONDUCTED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE MANDATORY FOR ALL STUDENTS AND SCHOOL PERSONNEL.~~

~~(ii) ANY STUDENT OR SCHOOL PERSONNEL ABSENT FROM THE ASSEMBLY SHALL BE REQUIRED TO ATTEND A MAKEUP PRESENTATION.~~

~~(C) (1) EACH SCHOOL SHALL SEND TO THE PARENT OR GUARDIAN OF ANY STUDENT IN THE 6TH THROUGH 12TH GRADES INFORMATION ABOUT THE MARYLAND YOUTH CRISIS HOTLINE, INCLUDING:~~

- ~~(I) THE TELEPHONE NUMBER;~~
- ~~(II) WHO MAY USE THE HOTLINE, INCLUDING ADULTS AND ADOLESCENTS;~~
- ~~(III) THE PURPOSE AND USES OF THE HOTLINE; AND~~
- ~~(IV) INFORMATION ON HOW A PARENT OR GUARDIAN CAN DISCUSS THE INFORMATION WITH THE CHILD.~~

~~(2) THE INFORMATION SENT TO PARENTS AND GUARDIANS OF STUDENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SENT EACH YEAR BEFORE THE SCHOOL YEAR BEGINS.~~

EACH COUNTY BOARD SHALL PROVIDE EACH STUDENT IN GRADES SIX THROUGH TWELVE WITH THE TELEPHONE NUMBER OF THE MARYLAND YOUTH CRISIS HOTLINE BY:

(1) PRINTING THE TELEPHONE NUMBER PROMINENTLY IN THE SCHOOL HANDBOOK; AND

(2) PRINTING THE TELEPHONE NUMBER ON A STUDENT'S SCHOOL IDENTIFICATION CARD, IF PROVIDED.

SECTION 2. AND BE IT FURTHER ENACTED, That a county board is not required to reprint or reissue school handbooks or student school identification cards in use on the effective date of this Act in order to comply with this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 447

(House Bill 974)

AN ACT concerning

Nutrient Trading – Voluntary Agricultural Nutrient Credit Certification Program

FOR the purpose of authorizing the State Department of Agriculture to establish requirements for the voluntary certification and registration of nutrient credits on agricultural land; establishing certain certification and registration requirements; authorizing the Secretary of Agriculture to suspend or revoke the approval or certification of certain credits under certain circumstances; preserving the authority of the Department of the Environment to establish eligibility and other requirements for use of nutrient offset credits under any State or federal permit or other regulatory program; providing for the application of this Act; declaring the intent of the General Assembly; and generally relating to the establishment of agricultural nutrient credit requirements.

BY adding to

Article – Agriculture

Section 8–901 through 8–904 to be under the new subtitle “Subtitle 9.
Voluntary Agricultural Nutrient Credit Certification Program”

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

Article – Agriculture

SUBTITLE 9. VOLUNTARY AGRICULTURAL NUTRIENT CREDIT CERTIFICATION PROGRAM.

8–901.

THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(1) VOLUNTARY NUTRIENT TRADING PROGRAMS PROVIDE AN INNOVATIVE AND COST-EFFECTIVE APPROACH TO ENHANCE WATER AND AIR QUALITY AND ACHIEVE ADDITIONAL WATER AND AIR QUALITY BENEFITS; AND

(2) THE AGRICULTURAL NUTRIENT CREDIT CERTIFICATION PROGRAM ESTABLISHED UNDER THIS SUBTITLE AUTHORIZES THE DEPARTMENT TO VERIFY, CERTIFY, AND REGISTER AGRICULTURAL NUTRIENT CREDITS IN SUPPORT OF PRIVATE AND PUBLIC NUTRIENT TRADING ACTIVITIES BETWEEN THE BUYER OF NUTRIENT CREDITS AND THE FARM OWNER OR OPERATOR THAT AGREES TO BE PAID AND IMPLEMENT BEST MANAGEMENT PRACTICES TO REDUCE AGRICULTURAL NUTRIENT RUNOFF AND EMISSIONS.

8–902.

(A) THE DEPARTMENT MAY ESTABLISH REQUIREMENTS FOR THE VOLUNTARY CERTIFICATION AND REGISTRATION OF NUTRIENT CREDITS ON AGRICULTURAL LAND, AS DEFINED BY THE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(B) CERTIFICATION AND REGISTRATION REQUIREMENTS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) APPLICATION AND ELIGIBILITY REQUIREMENTS FOR CERTIFICATION;

(2) STANDARDS FOR QUANTIFYING NUTRIENT CREDITS RESULTING FROM ANY EXISTING OR PROPOSED AGRONOMIC, LAND USE, AND STRUCTURAL PRACTICE;

(3) REQUIREMENTS GOVERNING THE DURATION AND MAINTENANCE OF CREDITS; AND

(4) ESTABLISHMENT OF A CREDIT REGISTRY ACCESSIBLE TO THE PUBLIC.

8-903.

ON NOTICE AND OPPORTUNITY TO BE HEARD, THE SECRETARY MAY SUSPEND OR REVOKE THE APPROVAL OR CERTIFICATION OF CREDITS APPLICABLE FOR THE PROGRAM FOR A VIOLATION OF THIS SUBTITLE OR FOR A VIOLATION OF ANY REGULATION ADOPTED BY THE SECRETARY UNDER THIS SUBTITLE.

8-904.

NOTHING IN THIS SUBTITLE IS INTENDED TO SUPPLANT OR LIMIT THE AUTHORITY OF THE DEPARTMENT OF THE ENVIRONMENT TO ESTABLISH ELIGIBILITY AND OTHER REQUIREMENTS FOR USE OF NUTRIENT OFFSET CREDITS UNDER ANY STATE OR FEDERAL PERMIT OR OTHER REGULATORY PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be construed to affect the rights and obligations of any party to any agreement to preserve land for agricultural use under any State, local, or private program for the preservation of agricultural land.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the authority of the State Department of Agriculture to establish requirements for the voluntary certification and registration of nutrient

credits on agricultural land, as provided by this Act, be retained by the State Department of Agriculture.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 448

(House Bill 975)

AN ACT concerning

Vehicle Laws – Maryland Transportation Authority – Highways

FOR the purpose of altering and redesignating the definition of “vehicular crossing” for purposes of certain provisions of the Maryland Vehicle Law to include certain highways under the jurisdiction of the Maryland Transportation Authority, thereby applying certain provisions of law to certain highways under the jurisdiction of the Authority and providing that certain powers and authority granted to the Authority are applicable to certain highways under the jurisdiction of the Authority; making conforming changes; and generally relating to highways under the jurisdiction of the Maryland Transportation Authority.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 7–302(b)

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 11–127, ~~21–1402, and 21–1403~~

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–1401, ~~21–1407, 21–1411, and 21–1413~~ through 21–1411, 21–1413,
and 21–1414(b)(1)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Article – Courts and Judicial Proceedings

7-302.

(b) If a parking or impounding fine, penalty, or forfeiture, or a fine, penalty, or forfeiture relating to violation of housing, building, fire, health, or sanitation codes, or a Mass Transit Fare Payment Statute, or a fine or penalty relating to failure to pay the prescribed toll at [a highway or vehicular crossing] AN AUTHORITY HIGHWAY, AS DEFINED IN § 21-1401 OF THE TRANSPORTATION ARTICLE, is collected by the District Court pursuant to a local ordinance, law, or regulation of a political subdivision or municipality, or pursuant to a regulation of an agency of State government authorized to regulate parking of motor vehicles, or pursuant to a statute pertaining to the payment of mass transit fares, or pursuant to a statute pertaining to the failure to pay tolls, it shall be remitted to the respective local government, or to the State agency.

Article – Transportation

11-127.

“Highway” means:

(1) The entire width between the boundary lines of any way or thoroughfare of which any part is used by the public for vehicular travel, whether or not the way or thoroughfare has been dedicated to the public and accepted by any proper authority; and

(2) For purposes of the application of State laws, the entire width between the boundary lines of any way or thoroughfare used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the State.

21-1401.

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

(b) “Approach” means any roadway, overhead structure, ramp, bridge, causeway, entrance, and exit provided as a means of access to or departure from ~~a vehicular crossing~~ **AN AUTHORITY HIGHWAY.**

(c) **“AUTHORITY HIGHWAY” MEANS:**

(1) EACH HIGHWAY, TUNNEL, AND BRIDGE WITHIN THE JURISDICTION OF THE MARYLAND TRANSPORTATION AUTHORITY; AND

(2) EACH APPROACH TO THESE HIGHWAYS, TUNNELS, AND BRIDGES.

(D) “Bridge” means any bridge within the jurisdiction of the Maryland Transportation Authority.

~~(d)~~ (E) “Tunnel” means:

(1) The Baltimore Harbor Tunnel; and

(2) Any other tunnel within the jurisdiction of the Maryland Transportation Authority.

~~(e)~~ ~~“Vehicular crossing” means:~~

~~(1) Each [tunnel] HIGHWAY, TUNNEL, and bridge within the jurisdiction of the Maryland Transportation Authority; and~~

~~(2) Each approach to these [tunnels] HIGHWAYS, TUNNELS, and bridges.~~

21-1402.

Unless specifically modified or changed by this subtitle, each provision of the Maryland Vehicle Law applicable to motor vehicles on highways applies on all ~~vehicular crossings~~ AUTHORITY HIGHWAYS.

21-1403.

To promote safety for users of ~~vehicular crossings~~ AUTHORITY HIGHWAYS, the Maryland Transportation Authority may adopt rules and regulations governing traffic using the ~~vehicular crossings~~ AUTHORITY HIGHWAYS.

21-1404.

(a) Traffic using any [vehicular crossing] AUTHORITY HIGHWAY shall obey any lawful sign.

(b) Traffic using any [vehicular crossing] AUTHORITY HIGHWAY shall obey any lawful order of any authorized employee of the [vehicular crossing] AUTHORITY HIGHWAY.

(c) Traffic using any [vehicular crossing] **AUTHORITY HIGHWAY** shall obey any lawful signal of any authorized employee of the [vehicular crossing] **AUTHORITY HIGHWAY**.

(d) Traffic using any [vehicular crossing] **AUTHORITY HIGHWAY** shall obey any lawful direction by voice, sign, or hand of any authorized employee of the [vehicular crossing] **AUTHORITY HIGHWAY**.

21-1405.

(a) Unless authorized by the Chairman of the Maryland Transportation Authority, pedestrians may not use any [vehicular crossing] **AUTHORITY HIGHWAY**.

(b) Unless authorized by the Chairman of the Maryland Transportation Authority, bicycles may not use any [vehicular crossing] **AUTHORITY HIGHWAY**.

21-1406.

A person may not hitchhike on any [vehicular crossing] **AUTHORITY HIGHWAY** and a motorist may not pick up or discharge any person on any [vehicular crossing] **AUTHORITY HIGHWAY**.

21-1407.

(a) The driver of a vehicle may not stop, stand, or park the vehicle on any ~~vehicular crossing~~ **AUTHORITY HIGHWAY** [or highway under the jurisdiction of the Maryland Transportation Authority], except:

(1) If necessary to avoid injury or damage to any person or property;

(2) In compliance with the lawful direction of an authorized employee of the ~~vehicular crossing~~ **AUTHORITY HIGHWAY**;

(3) At a designated area for the transaction of business at an Administration building; or

(4) If the vehicle is disabled or involved in an accident, in which case the vehicle shall be moved, if possible:

(i) To the shoulder of the roadway;

(ii) Adjacent to the emergency walkway on a bridge; or

(iii) As otherwise directed by a patrol officer.

(b) Notwithstanding § 25–201(b) of this article, the Maryland Transportation Authority may adopt regulations governing the removal of vehicles left unattended for 12 or more hours on any ~~vehicular crossing~~ **AUTHORITY HIGHWAY** [or highway under its jurisdiction].

21–1408.

(a) Except at the lawful direction of an authorized employee of the [vehicular crossing] **AUTHORITY HIGHWAY**, a vehicular turn may not be made in any area where turns are prohibited by signs.

(b) Except at the lawful direction of an authorized employee of the [vehicular crossing] **AUTHORITY HIGHWAY**, a vehicular turn may not be made at crossovers provided for emergency vehicles.

21–1409.

If a [vehicular crossing] **AUTHORITY HIGHWAY** has a posted minimum speed, that minimum speed shall be maintained.

21–1410.

A vehicle may not be driven on any [vehicular crossing] **AUTHORITY HIGHWAY** if the vehicle or its load exceeds the maximum weight, width, or height permitted by the regulations of the Maryland Transportation Authority for that [vehicular crossing] **AUTHORITY HIGHWAY**.

21–1411.

(a) Except as permitted by the rules and regulations of the Maryland Transportation Authority and to the extent permitted by federal law, a person may not transport or knowingly cause to be transported any of the following hazardous materials across or through any ~~vehicular crossing~~ **AUTHORITY HIGHWAY** [or highway within the jurisdiction of the Maryland Transportation Authority]:

- (1) Combustible liquids;
- (2) Compressed gases;
- (3) Corrosive liquids;
- (4) Explosives;
- (5) Flammable liquids;
- (6) Flammable solids;

- (7) Oxidizing materials;
- (8) Poisonous articles; or
- (9) Radioactive materials.

(b) The provisions of § 22–409 of this article shall apply to the transportation of any permitted hazardous material across or through any ~~vehicular crossing~~ **AUTHORITY HIGHWAY** [or highway within the jurisdiction of the Maryland Transportation Authority].

(c) To secure and preserve life and property, the Maryland Transportation Authority may adopt rules and regulations to carry out the provisions of subsection (a) of this section.

21–1413.

(a) A person may not fail or refuse to pay the prescribed toll at any [highway or] ~~vehicular crossing~~ **AUTHORITY HIGHWAY** for which the payment of a toll is fixed.

(b) A person may not attempt to evade the payment of the toll at any [highway or] ~~vehicular crossing~~ **AUTHORITY HIGHWAY** for which the payment of a toll is fixed.

21–1414.

(b) (1) If the operator of a motor vehicle fails to pay the prescribed toll at any [highway or vehicular crossing] **AUTHORITY HIGHWAY** where tolls are collected by means of electronic toll collection, the registered owner of the motor vehicle shall be liable to the Maryland Transportation Authority for payment of the toll and a civil penalty as provided for in the regulations of the Maryland Transportation Authority.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 449

(House Bill 988)

AN ACT concerning

Department of Natural Resources – Regulation of For–Hire Water Carriers

FOR the purpose of requiring the Department of Natural Resources to require for–hire water carriers to show certain proof that the water carriers hold a certain insurance policy or bond in accordance with a certain regulation before vessel registration; authorizing the Department to adopt certain regulations; altering a certain definition to exclude for–hire water carriers from regulation by the Public Service Commission; establishing the intent of this Act to transfer the regulatory authority over for–hire water carriers from the Public Service Commission to the Department; encouraging the Department to adopt certain regulations; defining a certain term; and generally relating to the regulation of for–hire water carriers.

BY adding to

Article – Natural Resources

Section 8–744

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utility Companies

Section 1–101(e)

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Article – Natural Resources

8–744.

(A) IN THIS SECTION, “FOR–HIRE WATER CARRIER” MEANS A VESSEL USED TO ACCEPT OR SOLICIT PASSENGERS FOR:

(1) TRANSPORTATION BETWEEN POINTS ALONG STATE WATERS IN EXCHANGE FOR REMUNERATION; AND

(2) SIGHTSEEING AND TOURING IN STATE WATERS IN EXCHANGE FOR REMUNERATION.

(B) BEFORE THE DEPARTMENT REGISTERS A FOR–HIRE WATER CARRIER, THE DEPARTMENT SHALL REQUIRE THE FOR–HIRE WATER CARRIER TO SHOW, TO THE DEPARTMENT’S SATISFACTION, THAT THE WATER CARRIER HOLDS AN INSURANCE POLICY OR A BOND IN AN AMOUNT THAT IS REQUIRED OF

A MOTOR VEHICLE CARRYING THE SAME NUMBER OF PASSENGERS IN ACCORDANCE WITH COMAR 20.95.01.18.

(C) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

Article – Public Utility Companies

1–101.

(e) (1) “Common carrier” means a person, public authority, or federal, State, district, or municipal transportation unit that is engaged in the public transportation of persons for hire, by land, water, air, or any combination of them.

(2) “Common carrier” includes:

- (i) an airline company;
- (ii) a car company, motor vehicle company, automobile company, or motor bus company;
- (iii) a power boat company, vessel–boat company, steamboat company, or ferry company;
- (iv) a railroad company, street railroad company, or sleeping car company;
- (v) a taxicab company;
- (vi) a toll bridge company; and
- (vii) a transit company.

(3) “Common carrier” does not include:

- (i) a county revenue authority;
- (ii) a toll bridge or other facility owned and operated by a county revenue authority; [or]
- (iii) a vanpool or launch service; OR

(IV) A FOR–HIRE WATER CARRIER, AS DEFINED IN § 8–744 OF THE NATURAL RESOURCES ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the regulatory authority over for-hire water carriers be transferred from the Public Service Commission to the Department of Natural Resources. The Department is encouraged to adopt regulations that apply the same insurance and bonding rates to for-hire water carriers that the Public Service Commission applied to for-hire water carriers under COMAR 20.95.01.18.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 450

(House Bill 995)

AN ACT concerning

Regulation of Crematories

FOR the purpose of requiring the Office of Cemetery Oversight and the State Board of Morticians and Funeral Directors to establish a certain process and adopt certain regulations for regulating crematories; requiring that a certain process for regulating crematories provide for certain registration, issuance of permits, or licensure and renewal, certain applications, certain fees, certain inspections and oversight, certain grounds for discipline and penalties, and certain complaints and hearings; providing that certain registration, permitting, and licensure requirements do not apply to crematories with certain ownership and crematories or incinerators located at certain medical facilities or educational institutions; prohibiting the Director of Cemetery Oversight from assessing a certain occurrence cremation fee; providing certain registration, complaint, disciplinary, and hearing provisions for crematories regulated by the Office; requiring the Office and Board to determine whether to adopt certain financial stability requirements; defining certain terms; and generally relating to the regulation of crematories.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 5–101, 5–102, 5–204(a), (b), and (k), 5–205(b)(1), 5–301, 5–302, 5–303, 5–306, 5–308, 5–310(a) and (b), 5–311(c), 5–401, 5–402, 5–403, 5–701, 5–901, 5–902, and 5–903

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 7–101 and 7–102
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to

Article – Health Occupations
Section 7–205(c)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Business Regulation

5–101.

- (a) In this title the following words have the meanings indicated.
- (b)
 - (1) “Burial goods” means goods that are used in connection with burial.
 - (2) “Burial goods” includes:
 - (i) a casket;
 - (ii) a grave liner;
 - (iii) a memorial;
 - (iv) a monument;
 - (v) a scroll;
 - (vi) an urn;
 - (vii) a vase; and
 - (viii) a vault.
- (c) “Burial goods business” means a business that provides burial goods.
- (d)
 - (1) “Cemetery” means land used or to be used for interment.
 - (2) “Cemetery” includes a structure used or to be used for interment.

(E) “CREMATION” MEANS THE PROCESS OF REDUCING HUMAN REMAINS TO BONE FRAGMENTS THROUGH INTENSE HEAT AND EVAPORATION, INCLUDING ANY MECHANICAL OR THERMAL PROCESS.

(F) “CREMATORY” MEANS A BUILDING, PORTION OF A BUILDING, OR STRUCTURE THAT HOUSES THE NECESSARY APPLIANCES AND FACILITIES FOR CREMATION.

[(e)] (G) “Director” means the Director of the Office of Cemetery Oversight.

[(f)] (H) “Engage in the operation of a cemetery” means owning, controlling, or managing a cemetery, including performing activities necessary for:

(1) the establishment, improvement, care, preservation, or embellishment of a cemetery;

(2) interment; and

(3) the providing of burial space or burial goods.

(I) (1) “ENGAGE IN THE OPERATION OF A CREMATORY” MEANS CONTROLLING OR MANAGING A CREMATORY.

(2) “ENGAGE IN THE OPERATION OF A CREMATORY” DOES NOT INCLUDE:

(I) THE PRACTICE OF FUNERAL DIRECTION OR THE PRACTICE OF MORTUARY SCIENCE; OR

(II) 1. ASSISTANCE IN MAKING DECISIONS AND FILLING OUT FORMS THAT ARE NOT DIRECTLY RELATED TO CREMATION;

2. OBTAINING VITAL STATISTICS, SIGNATURES, AND OTHER INFORMATION NECESSARY TO COMPLETE A DEATH CERTIFICATE;

3. TRANSPORTATION OF A BODY TO THE PLACE OF DISPOSITION; OR

4. ANY OTHER SERVICES REGARDING THE DISPOSITION OF A BODY THAT ARE NOT DIRECTLY RELATED TO CREMATION.

(J) “FUNERAL ESTABLISHMENT” MEANS A BUILDING, STRUCTURE, OR PREMISES FROM WHICH THE BUSINESS OF FUNERAL DIRECTING OR EMBALMING IS CONDUCTED.

(K) (1) “HUMAN REMAINS” MEANS:

(I) THE BODY OF A DECEASED PERSON; OR

(II) A PART OF A BODY OR LIMB THAT HAS BEEN REMOVED FROM A LIVING PERSON.

(2) “HUMAN REMAINS” INCLUDES THE BODY OR PART OF A BODY OR LIMB IN ANY STATE OF DECOMPOSITION.

[(g)] (L) “Interment” means all final disposition of human remains, including:

- (1) earth burial;
- (2) mausoleum entombment; and
- (3) niche or columbarium interment.

[(h)] (M) “Office” means the Office of Cemetery Oversight.

[(i)] (N) “Permit” means a permit issued by the Director to allow a partnership, limited liability company, or corporation to operate a business through which a registrant may:

- (1)** engage in the operation of a cemetery **OR CREMATORY**; or
- (2)** provide burial goods.

[(j)] (O) (1) “Preneed goods” means burial goods that are sold before the buyer’s death.

- (2) “Preneed goods” does not include burial space.

[(k)] (P) “Provide burial goods” means a retail transaction:

- (1) to erect, service, or inscribe burial memorials; or
- (2) to sell burial goods.

[(l)] (Q) “Registered cemeterian” means an individual registered to operate a cemetery as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

(R) “REGISTERED CREMATORY OPERATOR” MEANS AN INDIVIDUAL REGISTERED TO OPERATE A CREMATORY AS A SOLE PROPRIETOR OR ON BEHALF OF A SOLE PROPRIETOR OR PERMIT HOLDER.

[(m)] (S) “Registered seller” means an individual registered to provide burial goods as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

[(n)] (T) “Registration” means a registration issued by the Director authorizing an individual to operate a cemetery, **TO OPERATE A CREMATORY**, or to provide burial goods.

[(o)] (U) “Responsible party” means a sole proprietor or the individual designated by a partnership, limited liability company, or corporation to be responsible for the operations of a cemetery, **CREMATORY**, or burial goods business.

5–102.

(a) The registration and permitting provisions of this title do not apply to:

(1) a person that owns and operates a bona fide religious–nonprofit cemetery in this State;

(2) **A CEMETERY OWNED BY** a not for profit organization created before 1900 by an act of the General Assembly;

(3) a county, city, or municipal corporation that owns and operates a cemetery in the State; or

(4) a veterans’ cemetery operated by the State.

(b) This title does not apply to:

(1) the operation of a funeral establishment, including the sale of burial goods in the ordinary course of the funeral establishment’s business;

(2) THE OPERATION OR OWNERSHIP OF A CREMATORY IN WHICH A PERSON WHO IS LICENSED AND REGULATED UNDER TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE OWNS A GREATER PERCENTAGE OF THE CREMATORY THAN A REGISTERED CEMETERIAN, REGISTERED SELLER, OR HOLDER OF A PERMIT FOR THE OPERATION OF A CEMETERY OR BURIAL GOODS BUSINESS;

(3) THE OPERATION OR OWNERSHIP OF A CREMATORY OR INCINERATOR AT A LICENSED MEDICAL FACILITY OR EDUCATIONAL INSTITUTION;

[(2)] (4) a licensed funeral director acting within the scope of the funeral director's license; or

[(3)] (5) a mortician acting within the scope of the mortician's license.

5-204.

(a) (1) With the advice of the Advisory Council and after consultation with representatives of the cemetery industry, the Director shall adopt:

[(1)] (I) rules and regulations to carry out this title; and

[(2)] (II) a code of ethics for engaging in the operation of a cemetery OR CREMATORY or providing burial goods.

(2) IN CONJUNCTION WITH THE STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS, THE DIRECTOR SHALL:

(I) ESTABLISH A PROCESS FOR REGULATING CREMATORIES THAT PROVIDES FOR:

1. REGISTRATION OF CREMATORY OPERATORS OR ISSUANCE OF PERMITS FOR OPERATING CREMATORIES, AND RENEWAL;

2. APPLICATIONS, INCLUDING CERTIFICATION OF OWNERSHIP AND IDENTIFICATION OF INDIVIDUALS WHO WILL PERFORM CREMATION;

3. REGISTRATION AND PERMIT FEES;

4. INSPECTIONS AND OVERSIGHT;

5. GROUNDS FOR DISCIPLINE AND PENALTIES; AND

6. COMPLAINTS AND HEARINGS; AND

(II) ADOPT REGULATIONS THAT ARE IDENTICAL TO REGULATIONS ADOPTED BY THE STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS TO:

1. IMPLEMENT ITEM (I) OF THIS PARAGRAPH; AND

2. ENSURE PUBLIC HEALTH AND SAFETY.

(b) Upon receipt of a written complaint, or at the discretion of the Director, the Director or the Director's designee may conduct an investigation and an inspection of the records and site of a registered cemeterian, **REGISTERED CREMATORY OPERATOR**, registered seller, permit holder, or any other person subject to the registration or permit provisions of this title.

(k) In conjunction with the State Board of Morticians and the Division of Consumer Protection of the Office of the Attorney General, the Director shall publish a consumer information pamphlet that describes:

(1) the rights of consumers in the purchase of funeral, [and] cemetery, **AND CREMATORY** goods and services; and

(2) any other information that the Director considers reasonably necessary to aid consumers.

5–205.

(b) (1) **(I)** By regulation, the Director shall establish reasonable fees and a fee schedule for the issuance and renewal of registrations and permits.

(II) THE DIRECTOR MAY NOT ASSESS A CREMATORY A PER-OCCURRENCE CREMATION FEE.

5–301.

An individual shall register with the Office before:

(1) engaging in the operation of a cemetery **OR CREMATORY** in this State; or

(2) providing burial goods in this State.

5–302.

(a) In order to register, an applicant shall meet the requirements of this section.

(b) The applicant must be at least 18 years old.

(c) The applicant must be of good character and reputation.

(d) The applicant must be affiliated with a cemetery, **CREMATORY**, or burial goods business operated by a registrant or permit holder.

(e) The cemetery, **CREMATORY**, or burial goods business with which the applicant is affiliated must be financially stable in accordance with § 5–304 of this subtitle.

5–303.

(a) An applicant shall register by:

(1) submitting to the Director an application on the form that the Director provides; and

(2) paying a nonrefundable application fee set by the Director.

(b) The application shall state:

(1) the name, date of birth, and residential address of the applicant;

(2) the name and fixed address of the affiliated cemetery, **CREMATORY**, or burial goods business;

(3) whether the cemetery, **CREMATORY**, or burial goods business with which the applicant is affiliated is owned or controlled by a sole proprietor, partnership, limited liability company, or corporation;

(4) if the applicant is designated as the responsible party, the name and residential address of each employee who sells burial space, goods, or services to the public for the business while engaging in the operation of a cemetery, **CREMATORY**, or burial goods business; and

(5) any other reasonable information that the Director determines is necessary to carry out this title.

5–306.

(a) While a registration is in effect, it authorizes the registrant to engage in the operation of a cemetery, **CREMATORY**, or burial goods business.

(b) This title does not limit the right of a person to practice funeral direction or mortuary science, **OR OPERATE A CREMATORY**, if the person is licensed or otherwise authorized under Title 7 of the Health Occupations Article.

5–308.

Within 1 week after the effective date of the change, the applicant designated as the responsible party or the registered responsible party shall submit to the Director an application form that shows a change in the:

- (1) cemetery, **CREMATORY**, or burial goods business with which a registrant is affiliated;
- (2) individual designated as the responsible party;
- (3) employees of the business who engage in the sale of burial space, goods, or services **OR CREMATION** to the public;
- (4) officers, directors, members, or agents of the permit holder; or
- (5) name or address of the registrant or permit holder.

5–310.

(a) Subject to the hearing provisions of § 5–312 of this subtitle, the Director may deny a registration or permit to an applicant, reprimand a person subject to the registration or permit provisions of this title, or suspend or revoke a registration or permit if an applicant, registrant, or permit holder, or an agent, employee, officer, director, or partner of the applicant, registrant, or permit holder:

- (1) fraudulently or deceptively obtains or attempts to obtain a registration or permit;
- (2) fraudulently or deceptively uses a registration or permit;
- (3) under the laws of the United States or of any state, is convicted of a:
 - (i) felony; or
 - (ii) misdemeanor that is directly related to the fitness and qualifications of the applicant, registrant, or permit holder to own or operate a cemetery **OR CREMATORY** or provide burial goods;
- (4) fails to provide or misrepresents any information required to be provided under this title;
- (5) violates this title;
- (6) violates the code of ethics adopted by the Director;
- (7) violates a regulation adopted under this title;
- (8) fails to provide reasonable and adequate supervision of the operation of the cemetery **OR CREMATORY** or the provision of burial goods by agents,

employees, officers, directors, or partners affiliated with a cemetery, **CREMATORY**, or burial goods business;

(9) refuses to allow an inspection required by this title;

(10) fails to comply with an order of the Director;

(11) fails to comply with any terms of settlement under a binding arbitration agreement; or

(12) is found guilty by a court in this State of violating an unfair or deceptive trade practices provision under Title 13 of the Commercial Law Article.

(b) (1) If a person is charged with a violation of this title that could result in suspension or revocation of a registration or permit, the Director may seek an immediate restraining order in a circuit court in this State to prohibit the person from engaging in the operation of any cemetery, **CREMATORY**, or burial goods business.

(2) The restraining order is in effect until:

(i) the court lifts the order; or

(ii) the charges are adjudicated or dismissed.

5-311.

(c) (1) The Director or the Director's designee shall review each complaint and shall attempt to negotiate a settlement of the complaint between the complainant and the registrant, permit holder, or any other person subject to the registration or permit provisions of this title.

(2) Notwithstanding § 5-102 of this title, the Director or the Director's designee may receive and attempt to negotiate a settlement to resolve complaints concerning persons required to file statements under § 5-405 of this title and in connection with the operation of a cemetery **OR CREMATORY** or the sale of preneed goods.

(3) The Director may not take any actions described in subsection (d)(1) and (2) of this section for complaints involving persons exempt under § 5-102 of this title.

5-401.

(a) Subject to the provisions of this section, a registered cemeterian, **REGISTERED CREMATORY OPERATOR**, or registered seller may engage in the

operation of a cemetery, **CREMATORY**, or burial goods business as a sole proprietor or through:

- (1) a corporation as an officer, director, employee, or agent of the corporation;
- (2) a limited liability company as a member, employee, or agent of the limited liability company; or
- (3) a partnership as a partner, employee, or agent of the partnership.

(b) Subject to the provisions of this title, a corporation, limited liability company, or partnership may engage in the operation of a cemetery, **CREMATORY**, or burial goods business through a registered cemeterian, **REGISTERED CREMATORY OPERATOR**, or registered seller.

(c) (1) A registered cemeterian who engages in the operation of a cemetery through a corporation, limited liability company, or partnership under this title is subject to all of the provisions of this title that relate to engaging in the operation of a cemetery.

(2) A REGISTERED CREMATORY OPERATOR WHO ENGAGES IN THE OPERATION OF A CREMATORY THROUGH A CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP UNDER THIS TITLE IS SUBJECT TO ALL OF THE PROVISIONS OF THIS TITLE THAT RELATE TO ENGAGING IN THE OPERATION OF A CREMATORY.

[(2)] (3) A registered seller who engages in the operation of a burial goods business through a corporation, limited liability company, or partnership under this title is subject to all of the provisions of this title that relate to providing burial goods services.

(d) (1) A corporation, limited liability company, or partnership that engages in the operation of a cemetery, **CREMATORY**, or burial goods business under this title is not, by its compliance with this title, relieved of any responsibility that the corporation, limited liability company, or partnership may have for an act or an omission by its officer, director, member, partner, employee, or agent.

(2) An individual who engages in the operation of a cemetery, **CREMATORY**, or burial goods business through a corporation, limited liability company, or partnership is not, by reason of the individual's employment or other relationship with the corporation, limited liability company, or partnership, relieved of any individual responsibility that the individual may have regarding that practice.

A corporation, limited liability company, or partnership shall obtain a permit issued by the Director, before the corporation, limited liability company, or partnership may engage in the operation of a cemetery, **CREMATORY**, or burial goods business in the State.

5-403.

To qualify for a permit, a corporation, limited liability company, or partnership shall:

(1) designate a separate registered cemeterian, **REGISTERED CREMATORY OPERATOR**, or registered seller as the responsible party for the operations of each affiliated cemetery, **CREMATORY**, or burial goods business;

(2) provide the name and business address of each affiliated cemetery, **CREMATORY**, or burial goods business;

(3) provide a list of the officers, directors, members, partners, agents, and employees of the entity applying for the permit; and

(4) comply with § 5-303(b)(4) and § 5-304 of this title.

5-701.

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

(b) (1) "Burial space" means land or space in a structure used or to be used for burial.

(2) "Burial space" includes a burial right in the land or space.

(c) "Buyer" means a person who buys preneed goods or preneed services.

(d) "Preneed burial contract" means a written instrument under which preneed goods or preneed services are to be sold and delivered or performed.

(e) (1) "Preneed services" means services that are sold:

(i) before the buyer's death; and

(ii) in connection with burial **OR CREMATION**.

(2) "Preneed services" includes opening and closing a grave.

(f) “Seller” means a registered cemeterian, **REGISTERED CREMATORY OPERATOR**, registered seller, or any other person who sells preneed goods or preneed services.

(g) “Specific funds” means money that is identified to a specific preneed burial contract.

(h) “Trust account” means a preneed trust account.

5–901.

(a) Except as otherwise provided in this title, an individual may not engage in cemetery operations, attempt to engage in cemetery operations, or provide or offer to provide burial space, goods, and services unless the individual is authorized as a registrant.

(b) Except as otherwise provided in this title, an individual may not engage in a burial goods business or attempt to provide burial goods unless the individual is authorized as a registrant.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT ENGAGE IN THE OPERATION OF A CREMATORY, ATTEMPT TO ENGAGE IN THE OPERATION OF A CREMATORY, OR PROVIDE OR OFFER TO PROVIDE CREMATION SERVICES UNLESS THE INDIVIDUAL IS AUTHORIZED AS A REGISTRANT.

5–902.

Except for a registered cemeterian, **REGISTERED CREMATORY OPERATOR**, or registered seller who operates a business as a sole proprietor or a registrant employed by a sole proprietor, a person may not engage in the operation of a cemetery, **CREMATORY**, or burial goods business unless:

(1) the business is a corporation, limited liability company, or partnership; and

(2) the corporation, limited liability company, or partnership holds a permit issued under this title.

5–903.

Unless a person is authorized as a registrant, a person may not represent to the public, by use of a title, including cemeterian, registered cemeterian, **CREMATORY OPERATOR**, **REGISTERED CREMATORY OPERATOR**, burial goods seller, or registered seller, by description of services, methods, or procedures, or otherwise, that

the person is authorized to engage in the operation of a cemetery **OR CREMATORY** or provide burial goods.

Article – Health Occupations

7–101.

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

(b) “Apprentice” means an individual licensed by the Board who assists a licensed mortician or funeral director in the practice of mortuary science or funeral direction, under direct supervision of a licensed mortician or funeral director.

(c) “Apprentice sponsor” means a person who:

(1) Is a licensed mortician or funeral director practicing mortuary science as a licensed mortician or funeral director in Maryland at least 1 year immediately prior to accepting the applicant as an apprentice; and

(2) Provides direct supervision to an apprentice.

(d) “Board” means the Maryland State Board of Morticians and Funeral Directors.

(E) (1) “BUSINESS OF OPERATING A CREMATORY” MEANS CONTROLLING OR MANAGING A CREMATORY.

(2) “BUSINESS OF OPERATING A CREMATORY” DOES NOT INCLUDE:

(I) THE PRACTICE OF FUNERAL DIRECTION OR THE PRACTICE OF MORTUARY SCIENCE; OR

(II) 1. ASSISTANCE IN MAKING DECISIONS AND FILLING OUT FORMS THAT ARE NOT DIRECTLY RELATED TO CREMATION;

2. OBTAINING VITAL STATISTICS, SIGNATURES, AND OTHER INFORMATION NECESSARY TO COMPLETE A DEATH CERTIFICATE;

3. TRANSPORTATION OF A BODY TO THE PLACE OF DISPOSITION; OR

4. ANY OTHER SERVICES REGARDING THE DISPOSITION OF A BODY THAT ARE NOT DIRECTLY RELATED TO CREMATION.

[(e)] (F) (1) “Corporation” means a mortuary science business whose articles of incorporation are in good standing with the Maryland State Department of Assessments and Taxation, or its successor, the initial business for which the license is issued must have been incorporated on or before June 1, 1945 and have “Incorporated”, “Inc.”, or “Corporation” in its name.

(2) “Corporation” does not include, for purposes of issuing a corporation license, a “professional association” (P.A.) or a “professional corporation” (P.C.).

[(f)] (G) “Courtesy card” means a license issued by the Board to licensed practitioners of mortuary science in other states, to make a removal of a dead human body in this State and to return the body to another state or country, to return dead bodies from another state or country to this State, to fill out the family history portion of the death certificate, and to sign the death certificate in the holder’s capacity as a licensed practitioner of mortuary science.

(H) “CREMATION” MEANS THE PROCESS OF REDUCING HUMAN REMAINS TO BONE FRAGMENTS THROUGH INTENSE HEAT AND EVAPORATION, INCLUDING ANY MECHANICAL OR THERMAL PROCESS.

(I) “CREMATORY” MEANS A BUILDING, PORTION OF A BUILDING, OR STRUCTURE THAT HOUSES THE NECESSARY APPLIANCES AND FACILITIES FOR CREMATION.

[(g)] (J) “Funeral director” means an individual who is licensed by the Board to practice all aspects of mortuary science except for embalming.

[(h)] (K) “Funeral establishment” means any building, structure, or premises from which the business of practicing mortuary science is conducted.

(L) (1) “HUMAN REMAINS” MEANS:

(I) THE BODY OF A DECEASED PERSON; OR

(II) A PART OF A BODY OR LIMB THAT HAS BEEN REMOVED FROM A LIVING PERSON.

(2) “HUMAN REMAINS” INCLUDES THE BODY OR PART OF A BODY OR LIMB IN ANY STATE OF DECOMPOSITION.

[(i)] (M) (1) “License” means, unless the context requires otherwise, a license issued by the Board.

(2) “License” includes, unless otherwise indicated:

- (i) A mortician license;
- (ii) An apprentice license;
- (iii) A funeral director license;
- (iv) A surviving spouse license;
- (v) A corporation license;
- (vi) A funeral establishment license; and
- (vii) A courtesy card.

[(j)] (N) “Licensed apprentice” means, unless the context requires otherwise, an apprentice who is licensed by the Board to assist a licensed mortician or funeral director in the practice of mortuary science or funeral direction.

[(k)] (O) “Licensed funeral director” means, unless the context requires otherwise, a funeral director who is licensed by the Board to practice funeral direction.

[(l)] (P) “Licensed funeral establishment” means, unless the context requires otherwise, a funeral establishment that is licensed by the Board.

[(m)] (Q) “Licensed mortician” means, unless the context requires otherwise, a mortician who is licensed by the Board under this title to practice mortuary science.

[(n)] (R) “Licensee” means an individual or entity licensed by the Board to practice mortuary science to the extent determined by the Board.

[(o)] (S) “Mortician” means an individual who practices mortuary science.

[(p)] (T) (1) “Practice funeral direction” means:

- (i) To operate a funeral establishment;
- (ii) For compensation, to prepare a dead human body for disposition; or
- (iii) For compensation, to arrange for or make final disposition of a dead human body.

(2) “Practice funeral direction” does not include[,]:

(I) ~~[for]~~ **FOR** compensation, disinfecting or preserving a dead human body or any of its parts by arterial or cavity injection or any other type of preservation; **OR**

(II) THE BUSINESS OF OPERATING A CREMATORY.

~~[(q)]~~ **(U)** (1) “Practice mortuary science” means:

- (i) To operate a funeral establishment;
- (ii) For compensation, to prepare a dead human body for disposition; or
- (iii) For compensation, to arrange for or make final disposition of a dead human body.

(2) “Practice mortuary science” includes:

- (i) The practice of funeral direction; and
- (ii) Disinfecting or preserving a dead human body or any of its parts by arterial or cavity injection.

(3) “Practice mortuary science” does not include **[the]**:

(I) THE pickup, removal, or transportation of a dead human body, if the unlicensed individual is acting under the direction of a licensed mortician or funeral director; **OR**

(II) THE BUSINESS OF OPERATING A CREMATORY.

~~[(r)]~~ **(V)** “Pre-need contract” means an agreement between a consumer and a licensed funeral director, licensed mortician, or surviving spouse to provide any goods and services purchased prior to the time of death. Goods and services shall include:

(1) A service, including any form of preservation and disposition **OR CREMATION**, that a mortician normally provides in the ordinary course of business; or

(2) Merchandise, including a casket, vault, or clothing, that a mortician normally provides in the ordinary course of business.

~~[(s)]~~ **(W)** “Surviving spouse” means the legal widow or widower of a licensed funeral director or licensed mortician, whose license was in good standing at the time of death, and who at the time of death, wholly or partly owned and operated a mortuary science business.

7-102.

(a) This title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

(b) **(1) IN THIS SUBSECTION, "REGISTRANT OR PERMIT HOLDER" MEANS A PERSON REGULATED UNDER TITLE 5 OF THE BUSINESS REGULATION ARTICLE AS A REGISTERED CEMETERIAN, REGISTERED SELLER, OR HOLDER OF A PERMIT TO OPERATE A CEMETERY OR BURIAL GOODS BUSINESS.**

(2) This title does not apply to [the]:

(I) THE business of operating a cemetery [or crematory], including the sale of cemetery lots, grave sites, mausoleums, monuments, lawn crypts, or vaults;

(II) THE OWNERSHIP OF A CREMATORY OR THE BUSINESS OF OPERATING A CREMATORY IN WHICH:

1. A REGISTRANT OR PERMIT HOLDER OWNS A GREATER PERCENTAGE OF THE CREMATORY THAN A PERSON LICENSED UNDER THIS TITLE;

2. OWNERSHIP IS EQUAL BETWEEN A REGISTRANT OR PERMIT HOLDER AND A PERSON LICENSED UNDER THIS TITLE; OR

3. NEITHER A REGISTRANT, PERMIT HOLDER, OR PERSON LICENSED UNDER THIS TITLE HAS AN OWNERSHIP INTEREST IN THE CREMATORY; OR

(III) THE OWNERSHIP OF A CREMATORY OR THE BUSINESS OF OPERATING A CREMATORY OR INCINERATOR AT A LICENSED MEDICAL FACILITY OR EDUCATIONAL INSTITUTION.

7-205.

(C) IN CONJUNCTION WITH THE OFFICE OF CEMETERY OVERSIGHT, THE BOARD SHALL:

(1) ESTABLISH A PROCESS FOR REGULATING CREMATORIES THAT PROVIDES FOR:

(I) REGISTRATION OR LICENSURE AND RENEWAL;

(II) APPLICATIONS, INCLUDING CERTIFICATION OF OWNERSHIP AND IDENTIFICATION OF INDIVIDUALS WHO WILL PERFORM CREMATION;

(III) REGISTRATION OR LICENSURE FEES;

(IV) INSPECTIONS AND OVERSIGHT;

(V) GROUNDS FOR DISCIPLINE AND PENALTIES; AND

(VI) COMPLAINTS AND HEARINGS; AND

(2) ADOPT REGULATIONS THAT ARE IDENTICAL TO REGULATIONS ADOPTED BY THE DIRECTOR OF THE OFFICE OF CEMETERY OVERSIGHT TO:

(I) IMPLEMENT ITEM (1) OF THIS SUBSECTION; AND

(II) ENSURE PUBLIC HEALTH AND SAFETY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2011, the Office of Cemetery Oversight and the State Board of Morticians and Funeral Directors shall:

(1) adopt identical regulations governing cremation containers; holding facilities; authorization forms; waiting period before cremation; delegation of authority to cremate; liability of authorizing agent and crematory; receipts and records of cremation; resolution of disputes regarding cremation; prohibition against requiring caskets and embalming; identification of human remains before and after cremation; storage of human remains before cremation; hazardous implants; prohibition against simultaneous cremation of more than one person without authorization; inspection and copying of records by regulating authority; approved containers for cremains; disposition of unclaimed cremains; inspections; registration or licensure fees; providing identification of and updates on individuals performing cremation to the regulating authority; and any other issue determined to be necessary to carry out this Act; and

(2) determine whether to adopt financial stability requirements for crematories.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 451**(House Bill 1011)**

AN ACT concerning

Juvenile Law – Lead Testing – ~~Required~~ Authorized

FOR the purpose of ~~requiring the juvenile court to order the Department of Health and Mental Hygiene to perform a blood lead level test on a child~~ authorizing the juvenile court to order a child to undergo blood lead level testing after a petition has been filed but before an adjudication; ~~requiring~~ authorizing a court exercising criminal jurisdiction in a case involving a child to order ~~the Department to perform a blood lead level test on a child~~ the child to undergo blood lead level testing before trial; requiring a copy of certain test results to be provided to certain individuals; and generally relating to juvenile law and lead testing of a child before adjudication or trial.

BY adding to

Article – Courts and Judicial Proceedings

Section 3–8A–16.1

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

BY adding to

Article – Criminal Procedure

Section 4–205

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Article – Courts and Judicial Proceedings**3–8A–16.1.**

(A) AFTER A PETITION HAS BEEN FILED WITH THE COURT UNDER THIS SUBTITLE, BUT BEFORE AN ADJUDICATION, THE COURT ~~SHALL~~ MAY ORDER THE ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO PERFORM A~~ CHILD TO UNDERGO BLOOD LEAD LEVEL TEST ON THE CHILD TESTING.

(B) A COPY OF THE RESULTS OF ~~THE~~ A TEST PERFORMED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED TO:

(1) THE CHILD;

- (2) THE CHILD’S PARENT OR GUARDIAN;
- (3) THE CHILD’S COUNSEL; AND
- (4) THE STATE’S ATTORNEY.

Article – Criminal Procedure

4–205.

(A) BEFORE TRIAL, A COURT EXERCISING CRIMINAL JURISDICTION IN A CASE INVOLVING A CHILD ~~SHALL MAY ORDER THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO PERFORM A~~ CHILD TO UNDERGO BLOOD LEAD LEVEL TEST ON THE CHILD TESTING.

(B) A COPY OF THE RESULTS OF ~~THE~~ A TEST PERFORMED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED TO:

- (1) THE CHILD;
- (2) THE CHILD’S PARENT OR GUARDIAN;
- (3) THE CHILD’S COUNSEL; AND
- (4) THE STATE’S ATTORNEY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 452

(House Bill 1042)

AN ACT concerning

State Government – Disclosure of Personal Information on Websites – Prohibition

FOR the purpose of prohibiting, on or after a certain date, certain courts, the Maryland General Assembly, and certain departments and units of the Executive Branch of State government from publicly posting or displaying on

certain Internet websites certain personal information of an individual under certain circumstances; authorizing certain persons to request that certain official custodians mask certain personal information in the Internet version of public records; requiring that certain requests be in a certain form; requiring certain official custodians under certain circumstances to mask certain personal information and provide certain notice within a certain period of time; providing that certain provisions of this Act do not apply to public records after a certain period; authorizing the State Archives to publish certain electronic or print indices, records, descriptions, summaries, or original records; prohibiting certain persons from ~~submitting for recording including certain personal information in~~ certain deeds and other recordable instruments ~~that contain certain personal information~~; authorizing certain persons to delete certain information or request that certain information be masked from certain deeds and other recordable instruments; specifying that certain persons are immune from civil liability or criminal penalty for certain acts under certain circumstances; providing that the inclusion of certain personal information does not affect the validity of certain deeds or recordable instruments; providing that the masking of certain personal information does not affect the validity of certain deeds and recordable instruments; defining certain terms; making this Act an emergency measure; providing for the application of this Act; and generally relating to prohibiting the posting or displaying of personal information on government websites.

BY adding to

Article – Courts and Judicial Proceedings
Section 1–205
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to

Article – State Government
Section 2–1804 and 8–504
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–1009
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to

Article – Real Property
Section 3–111 and 4–101(c)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Article – Courts and Judicial Proceedings

1–205.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COURT” MEANS THE COURT OF APPEALS, THE COURT OF SPECIAL APPEALS, A CIRCUIT COURT, THE DISTRICT COURT OF MARYLAND, AND AN ORPHANS’ COURT,~~AND THE MARYLAND TAX COURT.~~

(3) “PERSONAL INFORMATION” MEANS AN INDIVIDUAL’S:

(I) SOCIAL SECURITY NUMBER; OR

(II) DRIVER’S LICENSE NUMBER.

~~(3)~~ (4) “PUBLICLY POST OR DISPLAY” MEANS TO INTENTIONALLY ~~COMMUNICATE OR OTHERWISE~~ MAKE AVAILABLE TO THE PUBLIC.

(B) ~~A~~ EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1, 2010, A COURT, TO THE EXTENT PRACTICABLE, MAY NOT PUBLICLY POST OR DISPLAY ON AN INTERNET WEBSITE MAINTAINED OR PAID FOR BY THE COURT AN INDIVIDUAL’S~~S~~ PERSONAL INFORMATION.

~~(1)~~ ~~SOCIAL SECURITY NUMBER; OR~~

~~(2)~~ ~~DRIVER’S LICENSE NUMBER.~~

Article – State Government

2–1804.

(A) (1) IN THIS ~~SECTION,~~ “PUBLICLY SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “PERSONAL INFORMATION” MEANS AN INDIVIDUAL’S:

(I) SOCIAL SECURITY NUMBER; OR

(II) DRIVER’S LICENSE NUMBER.

(3) “PUBLICLY POST OR DISPLAY” MEANS TO INTENTIONALLY COMMUNICATE OR OTHERWISE MAKE AVAILABLE TO THE PUBLIC.

(B) THE EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1, 2010, THE GENERAL ASSEMBLY, TO THE EXTENT PRACTICABLE, MAY NOT PUBLICLY POST OR DISPLAY ON AN INTERNET WEBSITE MAINTAINED OR PAID FOR BY THE GENERAL ASSEMBLY AN INDIVIDUAL’S: PERSONAL INFORMATION.

(1) SOCIAL SECURITY NUMBER; OR

(2) DRIVER’S LICENSE NUMBER.

8-504.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DEPARTMENT” MEANS A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) “INDEPENDENT UNIT” MEANS A UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT THAT IS NOT IN A DEPARTMENT.

(4) “MASK” MEANS TO REDACT FROM PUBLIC VIEW THOSE PORTIONS OF A PUBLIC RECORD THAT CONTAIN PERSONAL INFORMATION, WITHOUT PERMANENTLY ALTERING THE ORIGINAL PUBLIC RECORD.

(5) “OFFICIAL CUSTODIAN” MEANS AN OFFICER OR EMPLOYEE OF THE STATE WHO, WHETHER OR NOT THE OFFICER OR EMPLOYEE HAS PHYSICAL CUSTODY AND CONTROL OF A PUBLIC RECORD, IS RESPONSIBLE FOR KEEPING THE PUBLIC RECORD.

(6) “PERSON IN INTEREST” MEANS:

(I) AN INDIVIDUAL THAT IS THE SUBJECT OF PERSONAL INFORMATION CONTAINED IN A PUBLIC RECORD OR A DESIGNEE OF THE INDIVIDUAL; OR

(II) IF THE INDIVIDUAL HAS A LEGAL DISABILITY, THE PARENT OR LEGAL REPRESENTATIVE OF THE INDIVIDUAL.

(7) “PERSONAL INFORMATION” MEANS AN INDIVIDUAL’S:

(I) SOCIAL SECURITY NUMBER; OR

(II) DRIVER'S LICENSE NUMBER.

(8) (I) "PUBLIC RECORD" MEANS THE ORIGINAL OR ANY COPY OF ANY DOCUMENTARY MATERIAL THAT:

1. IS MADE BY A UNIT OR INSTRUMENTALITY OF THE STATE GOVERNMENT OR RECEIVED BY THE UNIT IN CONNECTION WITH THE TRANSACTION OF PUBLIC BUSINESS; AND

2. IS IN ANY FORM, INCLUDING:

A. A CARD;

B. A COMPUTERIZED RECORD;

C. CORRESPONDENCE;

D. A DRAWING;

E. FILM OR MICROFILM;

F. A FORM;

G. A MAP;

H. A PHOTOGRAPH OR PHOTOSTAT;

I. A RECORDING; OR

J. A TAPE.

(II) "PUBLIC RECORD" INCLUDES A DOCUMENT THAT LISTS THE SALARY OF AN EMPLOYEE OF A UNIT OR INSTRUMENTALITY OF THE STATE GOVERNMENT.

(III) "PUBLIC RECORD" DOES NOT INCLUDE A DIGITAL PHOTOGRAPHIC IMAGE OR SIGNATURE OF AN INDIVIDUAL, OR THE ACTUAL STORED DATA THEREOF, RECORDED BY THE MOTOR VEHICLE ADMINISTRATION.

~~(4)~~ (9) "PUBLICLY POST OR DISPLAY" MEANS TO INTENTIONALLY COMMUNICATE OR OTHERWISE MAKE AVAILABLE TO THE PUBLIC.

(B) ~~A~~ EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1, 2010, A DEPARTMENT OR AN INDEPENDENT UNIT, TO THE EXTENT PRACTICABLE, MAY NOT PUBLICLY POST OR DISPLAY ON AN INTERNET WEBSITE MAINTAINED OR PAID FOR BY THE DEPARTMENT OR INDEPENDENT UNIT AN INDIVIDUAL'S PERSONAL INFORMATION.

~~(1) SOCIAL SECURITY NUMBER; OR~~

~~(2) DRIVER'S LICENSE NUMBER.~~

(C) (1) A PERSON IN INTEREST MAY REQUEST AN OFFICIAL CUSTODIAN TO MASK PERSONAL INFORMATION IN THE INTERNET VERSION OF A PUBLIC RECORD.

(2) A REQUEST MADE IN ACCORDANCE WITH THIS SUBSECTION SHALL BE:

(I) BE IN WRITING; AND

(II) PROVIDE AN ADEQUATE DESCRIPTION OF THE PUBLIC RECORD INCLUDING A NAME AND ADDRESS OR TYPE AND LOCATION OF THE PUBLIC RECORD.

(3) WITHIN 30 DAYS AFTER RECEIVING A REQUEST UNDER THIS SECTION, AN OFFICIAL CUSTODIAN SHALL:

(I) MASK THE PERSONAL INFORMATION IN THE INTERNET VERSION OF THE RECORD; AND

(II) GIVE THE PERSON IN INTEREST WRITTEN NOTICE OF THE ACTION TAKEN.

(4) THIS SUBSECTION DOES NOT APPLY TO A PUBLIC RECORD AFTER 72 YEARS FROM THE DATE IT WAS MADE OR RECEIVED BY A UNIT OR INSTRUMENTALITY OF THE STATE GOVERNMENT.

9-1009.

(a) The Archives may:

(1) repair and preserve the records under the supervision of the State Archivist, as provided in the State budget;

(2) make a copy of any record in the Archives; and

(3) certify the copy.

(B) THE ARCHIVES MAY PUBLISH, ELECTRONICALLY OR IN PRINT, INDICES TO RECORDS, DESCRIPTIONS, SUMMARIES OF RECORD MATERIAL, OR ORIGINAL RECORD MATERIAL, IN WHOLE OR IN PART, THAT ARE NOT OTHERWISE RESTRICTED FROM ACCESS UNDER EXISTING LAW.

[(b)](C) The Archives shall index or provide other finding aids for:

- (1) the historical records acquired under § 9–1010 of this subtitle; and
- (2) the land records in its custody under § 9–1011 of this subtitle.

[(c)](D) (1) Except as provided in paragraph (2) of this subsection, the Archives may charge a reasonable fee for providing a copy of a record and for certifying the record.

(2) If, with the written approval of a judge of a circuit court, the clerk of court asks for a copy of a land record that a court has transferred to the Commission or Archives, the Archives shall provide, without charge, a micrographic copy of the land record.

Article – Real Property

3–111.

(A) IN THIS SECTION, “PERSONAL INFORMATION” MEANS AN INDIVIDUAL’S:

- (1) SOCIAL SECURITY NUMBER; OR**
- (2) DRIVER’S LICENSE NUMBER.**

(B) ON OR AFTER JUNE 1, 2010, A PERSON MAY NOT ~~SUBMIT FOR RECORDING~~ INCLUDE PERSONAL INFORMATION IN A DEED OR OTHER RECORDABLE INSTRUMENT THAT CONTAINS PERSONAL INFORMATION INTENDED FOR RECORDING.

(C) A PERSON ENGAGED TO PERFORM OR CHARGED WITH THE DUTY TO RECORD A DEED OR OTHER RECORDABLE INSTRUMENT THAT CONTAINS PERSONAL INFORMATION MAY, PRIOR TO RECORDING:

(1) PERMANENTLY DELETE THE PERSONAL INFORMATION FROM THE DEED OR OTHER RECORDABLE INSTRUMENT; OR

(2) REQUEST THAT THE PERSONAL INFORMATION BE MASKED FROM THE DEED OR OTHER RECORDABLE INSTRUMENT IN ACCORDANCE WITH § 8-504 OF THE STATE GOVERNMENT ARTICLE.

(D) A PERSON IS IMMUNE FROM CIVIL LIABILITY OR CRIMINAL PENALTY IF THE PERSON:

(1) INADVERTENTLY RECORDS A DEED OR OTHER RECORDABLE INSTRUMENT CONTAINING PERSONAL INFORMATION; OR

(2) DELETES OR MASKS PERSONAL INFORMATION FROM A DEED OR OTHER RECORDABLE INSTRUMENT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

~~(C)~~ (E) IF A DEED OR OTHER RECORDABLE INSTRUMENT THAT CONTAINS PERSONAL INFORMATION IS INADVERTENTLY RECORDED, THE INCLUSION OF THE PERSONAL INFORMATION DOES NOT AFFECT THE VALIDITY OF THE INSTRUMENT.

4-101.

(C) THE MASKING OF PERSONAL INFORMATION IN ACCORDANCE WITH § 8-504 OF THE STATE GOVERNMENT ARTICLE DOES NOT AFFECT THE VALIDITY OF A DEED OR OTHER RECORDABLE INSTRUMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any document, deed, or other material that was publicly posted or displayed before June 1, 2010, unless a person in interest makes a request to have personal information masked in accordance with this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2010~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 4, 2010.

Chapter 453**(House Bill 1043)**

AN ACT concerning

Criminal Procedure – Child Advocacy Centers

FOR the purpose of requiring ~~the Department of Human Resources and the Governor's Office of Crime Control and Prevention jointly~~ to establish and sustain child advocacy centers in the State; specifying the organizations and entities in which the centers may be based; specifying certain actions to be taken by the centers; requiring that the State Victims of Crime Fund be used to support the centers; ~~requiring the Governor's Office of Crime Control and Prevention to ensure that a certain amount of money be distributed equally to the centers annually as grants for certain purposes;~~ authorizing the ~~Department of Human Resources Governor's Office of Crime Control and Prevention~~ to contract with certain organizations to operate the centers; requiring that money for the child advocacy centers be as provided in the State budget and be used to supplement, but not supplant, money that the centers receive from other sources; *requiring that grants awarded by the State Board of Victim Services be equitably distributed among all purposes of the State Victims of Crime Fund*; requiring the Governor's Office of Crime Control and Prevention to provide ~~input into~~ a certain report; *specifying that this Act does not affect any grants awarded by the State Board of Victim Services for a certain fiscal year*; ~~altering the subject of a certain report to include the child advocacy centers~~; and generally relating to child advocacy centers.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–916, 11–919, and 11–923
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Criminal Procedure

11–916.

- (a) There is a State Victims of Crime Fund.
- (b) (1) The Fund shall be used to pay for [carrying out]:
 - (i) **CARRYING OUT** Article 47 of the Maryland Declaration of Rights;

(ii) **CARRYING OUT** the guidelines for the treatment and assistance for victims and witnesses of crimes and delinquent acts provided in §§ 11-1002 and 11-1003 of this title; [and]

(iii) **CARRYING OUT** any laws enacted to benefit victims and witnesses of crimes and delinquent acts; **AND**

(IV) SUPPORTING CHILD ADVOCACY CENTERS ESTABLISHED UNDER § ~~11-923(D)~~ 11-923(G) OF THIS SUBTITLE.

(2) The Fund may pay for the administrative costs of the Fund.

(c) The Board shall administer the Fund.

(D) GRANTS AWARDED BY THE BOARD SHALL BE EQUITABLY DISTRIBUTED AMONG ALL PURPOSES OF THE FUND DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

11-919.

(a) There is a grant program.

(b) The Governor's Office of Crime Control and Prevention shall:

(1) adopt regulations for the administration and award of grants under Part II of this subtitle; and

(2) submit all approved grant applications to the Board.

(c) The Board shall:

(1) approve each grant application received by the Governor's Office of Crime Control and Prevention before any money is released from the Fund; [and]

(2) ensure that the money obtained from unclaimed restitution under § 17-317(a)(3)(i) of the Commercial Law Article is used for annual grants to provide legal counsel to victims of crimes and delinquent acts to protect the victims' rights as provided by law; **AND**

(3) ENSURE THAT ~~A TOTAL OF \$500,000 IN ANNUAL GRANTS IS EQUALLY DISTRIBUTED TO ALL~~ CHILD ADVOCACY CENTERS ESTABLISHED UNDER § ~~11-923(D)~~ 11-923(G) OF THIS SUBTITLE SHALL:

(I) ~~FOR SUPPORT~~ THE DEVELOPMENT AND OPERATION OF CHILD ADVOCACY CENTERS; AND

(II) ~~TO~~ SUPPLEMENT AND NOT SUPPLANT MONEY THAT THE CHILD ADVOCACY CENTERS RECEIVE FROM OTHER SOURCES.

11-923.

(a) The General Assembly finds that an increasing number of sexual assault offense victims in the State:

(1) lack necessary counseling and follow-up services; and

(2) in some parts of the State, have only the help of extremely limited support services.

(b) The purpose of this section is to provide for sexual assault crisis programs that address the special needs of sexual assault victims.

(c) (1) The Department of Human Resources shall help establish sexual assault crisis programs in the State.

(2) The programs shall be developed and located to facilitate their use by alleged victims residing in surrounding areas.

(3) The programs shall:

(i) provide specialized support services to adult and minor alleged victims of sexual assault crimes; and

(ii) include a hotline and counseling service.

~~(D) (1) THE DEPARTMENT OF HUMAN RESOURCES AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION JOINTLY SHALL ESTABLISH AND SUSTAIN CHILD ADVOCACY CENTERS IN THE STATE.~~

~~(2) THE CHILD ADVOCACY CENTERS:~~

~~(I) MAY BE BASED IN PRIVATE NONPROFIT ORGANIZATIONS, LOCAL DEPARTMENTS OF SOCIAL SERVICES, LOCAL LAW ENFORCEMENT AGENCIES, OR A PARTNERSHIP AMONG ANY OF THESE ENTITIES;~~

~~(II) SHALL BE DEVELOPED AND LOCATED TO FACILITATE THEIR USE BY ALLEGED VICTIMS RESIDING IN THE SURROUNDING AREAS;~~

~~(III) SHALL INVESTIGATE ALLEGATIONS OF SEXUAL CRIMES AGAINST CHILDREN AND SEXUAL ABUSE OF MINORS;~~

~~(IV) SHALL PROVIDE OR FACILITATE REFERRALS TO APPROPRIATE COUNSELING, LEGAL, MEDICAL, AND ADVOCACY SERVICES FOR VICTIMS; AND~~

~~(V) SHALL BE INCLUDED IN ALL JOINT INVESTIGATION PROCEDURES DEVELOPED IN ACCORDANCE WITH § 5-706 OF THE FAMILY LAW ARTICLE.~~

~~[(d)] (E)~~ The Department of Human Resources may contract with public or private nonprofit organizations to operate:

~~(1) the sexual assault crisis programs; AND~~

~~(2) THE CHILD ADVOCACY CENTERS.~~

~~[(e)] (F)~~ Money for the sexual assault crisis programs ~~AND CHILD ADVOCACY CENTERS~~ shall be as provided in the annual State budget and shall be used to supplement, but not supplant, money that the programs ~~AND CENTERS~~ receive from other sources.

~~[(f)] (G)~~ The Secretary of Human Resources, ~~WITH INPUT FROM THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION~~, shall include a report on the sexual assault crisis programs ~~AND CHILD ADVOCACY CENTERS~~ in the Department of Human Resources annual report to the General Assembly.

(G) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL ESTABLISH AND SUSTAIN CHILD ADVOCACY CENTERS IN THE STATE.

(2) THE CHILD ADVOCACY CENTERS:

(I) MAY BE BASED IN PRIVATE NONPROFIT ORGANIZATIONS, LOCAL DEPARTMENTS OF SOCIAL SERVICES, LOCAL LAW ENFORCEMENT AGENCIES, OR A PARTNERSHIP AMONG ANY OF THESE ENTITIES;

(II) SHALL BE DEVELOPED AND LOCATED TO FACILITATE THEIR USE BY ALLEGED VICTIMS RESIDING IN THE SURROUNDING AREAS;

(III) SHALL INVESTIGATE ALLEGATIONS OF SEXUAL CRIMES AGAINST CHILDREN AND SEXUAL ABUSE OF MINORS;

(IV) SHALL PROVIDE OR FACILITATE REFERRALS TO APPROPRIATE COUNSELING, LEGAL, MEDICAL, AND ADVOCACY SERVICES FOR VICTIMS; AND

(V) SHALL BE INCLUDED IN ALL JOINT INVESTIGATION PROCEDURES DEVELOPED IN ACCORDANCE WITH § 5-706 OF THE FAMILY LAW ARTICLE.

(3) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION MAY CONTRACT WITH PUBLIC OR PRIVATE NONPROFIT ORGANIZATIONS TO OPERATE CHILD ADVOCACY CENTERS.

(4) MONEY FOR CHILD ADVOCACY CENTERS SHALL BE AS PROVIDED IN THE ANNUAL STATE BUDGET AND SHALL BE USED TO SUPPLEMENT, BUT NOT SUPPLANT, MONEY THAT THE PROGRAMS RECEIVE FROM OTHER SOURCES.

(5) ON OR BEFORE JANUARY 1 EACH YEAR, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL SUBMIT AN ANNUAL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON CHILD ADVOCACY CENTERS TO THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not affect any grants awarded by the State Board of Victim Services for fiscal year 2011.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 454

(House Bill 1053)

AN ACT concerning

Child Pornography – Matter Reflecting Belief That a Minor Is Depicted in a Certain Manner

FOR the purpose of prohibiting a person from knowingly promoting, advertising, ~~presenting~~, soliciting, distributing, or possessing with the intent to distribute any matter, ~~purported matter~~, visual representation, or performance that reflects the belief, or is intended to cause another to believe, that the matter depicts a minor engaged as a subject of sadomasochistic abuse or sexual conduct; expanding a certain provision of the child pornography laws so as to prohibit a person from knowingly advertising, ~~presenting~~, or soliciting any matter, ~~purported matter~~, visual representation, or performance that depicts a

minor engaged as a subject of sadomasochistic abuse or sexual conduct; and generally relating to child pornography.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 11–207
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

Article – Criminal Law

11–207.

(a) A person may not:

(1) cause, induce, solicit, or knowingly allow a minor to engage as a subject in the production of obscene matter or a visual representation or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct;

(2) photograph or film a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;

(3) use a computer to depict or describe a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;

(4) knowingly promote, **ADVERTISE, ~~PRESENT,~~ SOLICIT**, distribute, or possess with the intent to distribute any matter, **~~PURPORTED MATTER,~~** visual representation, or performance:

(I) that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct; or

(II) IN A MANNER THAT REFLECTS THE BELIEF, OR THAT IS INTENDED TO CAUSE ANOTHER TO BELIEVE, THAT THE MATTER, ~~PURPORTED MATTER,~~ VISUAL REPRESENTATION, OR PERFORMANCE DEPICTS A MINOR ENGAGED AS A SUBJECT OF SADOMASOCHISTIC ABUSE OR SEXUAL CONDUCT; OR

(5) use a computer to knowingly compile, enter, transmit, make, print, publish, reproduce, cause, allow, buy, sell, receive, exchange, or disseminate any notice, statement, advertisement, or minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for

the purpose of engaging in, facilitating, encouraging, offering, or soliciting unlawful sadomasochistic abuse or sexual conduct of or with a minor.

(b) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 20 years or a fine not exceeding \$50,000 or both.

(c) (1) (i) This paragraph applies only if the minor's identity is unknown or the minor is outside the jurisdiction of the State.

(ii) In an action brought under this section, the State is not required to identify or produce testimony from the minor who is depicted in the obscene matter or in any visual representation or performance that depicts the minor engaged as a subject in sadomasochistic abuse or sexual conduct.

(2) The trier of fact may determine whether an individual who is depicted in an obscene matter, or any visual representation or performance as the subject in sadomasochistic abuse or sexual conduct, was a minor by:

(i) observation of the matter depicting the individual;

(ii) oral testimony by a witness to the production of the matter, representation, or performance;

(iii) expert medical testimony; or

(iv) any other method authorized by an applicable provision of law or rule of evidence.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 455

(House Bill 1109)

AN ACT concerning

Caroline County – Bay Restoration Fee – Lien Against Property

FOR the purpose of establishing in Caroline County that an unpaid Bay Restoration Fee is a lien against the property ~~on which~~ served by the wastewater facility, onsite sewage disposal system, or holding tank ~~is located~~; requiring a notice of lien to be recorded in the land records of Caroline County; and generally relating to the Bay Restoration Fee.

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–1605.2(d)

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

Article – Environment

9–1605.2.

(d) (1) Subject to the approval of the Administration, a local government or a billing authority for a water or wastewater facility may establish a program to exempt from the requirements of this section a residential dwelling able to demonstrate substantial financial hardship as a result of the restoration fee.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the Bay Restoration Fee shall be collected by the local government or the billing authority for the water or wastewater facility, as appropriate, on behalf of the State.

(ii) For a wastewater facility without a billing authority, the Comptroller may collect the restoration fee from the facility owner.

(3) A local government, billing authority for a water or wastewater facility, or any other authorized collecting agency:

(i) May use all of its existing procedures and authority for collecting a water or sewer bill, an onsite sewage disposal system bill, or a holding tank bill in order to enforce the collection of the Bay Restoration Fee; and

(ii) Shall establish a segregated account for the deposit of funds collected under this section.

(4) (I) IN CAROLINE COUNTY, AN UNPAID BAY RESTORATION FEE SHALL BE A LIEN AGAINST THE PROPERTY ~~ON WHICH THE~~ SERVED BY A WASTEWATER FACILITY, ONSITE SEWAGE DISPOSAL SYSTEM, OR HOLDING TANK ~~IS LOCATED~~.

(II) A NOTICE OF LIEN SHALL BE RECORDED IN THE LAND RECORDS OF CAROLINE COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 456

(House Bill 1114)

AN ACT concerning

Carroll County – Alcoholic Beverages – Sale of Wine for Off-Premises Consumption

FOR the purpose of authorizing a holder of a Class B beer, wine and liquor license in Carroll County to sell wine under certain circumstances for off-premises consumption; limiting the number of bottles of wine a holder of the license may sell to an individual at one time; and generally relating to alcoholic beverages licenses in Carroll County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(a)(1) and (h)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(h)(2)(iii)2.
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(h)(2)(iii)3.
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(h) (1) (i) This subsection applies only in Carroll County.

(ii) In this subsection “Board” means the Board of License Commissioners.

(2) (iii) 2. A. In this subparagraph “premises” means an area inside the restaurant building where meals are prepared and served, and an area on the outside of the restaurant building that is approved in writing by the Board.

B. This license permits the sale of beer, wine, and liquor for on–premises consumption [and], the sale of beer for off–premises consumption on any day of the week, **AND, SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, THE SALE OF WINE FOR OFF–PREMISES CONSUMPTION ON ANY DAY OF THE WEEK.**

3. A. A HOLDER OF THE LICENSE MAY SELL WINE FOR OFF–PREMISES CONSUMPTION IF THE AREA USED FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES OCCUPIES AT LEAST 90% OF THE TOTAL SQUARE FOOTAGE OF THE LICENSED PREMISES; AND

B. THE HOLDER OF THE LICENSE MAY NOT SELL MORE THAN SIX BOTTLES OF WINE TO AN INDIVIDUAL AT ONE TIME.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 457

(House Bill 1136)

AN ACT concerning

Financial Institutions – Supervision and Reorganization

FOR the purpose of requiring certain trust companies to pledge certain securities or deliver a certain surety bond to the Commissioner of Financial Regulation to defray the costs of a certain receivership; ~~authorizing~~ requiring the Commissioner to determine the amount of the securities or surety bond, subject to ~~a certain maximum amount~~ amounts; authorizing the Commissioner or a certain receiver to reduce the pledged securities or surety bond to cash to pay certain costs under certain circumstances; requiring certain securities pledged by a nondepository trust company to be held at a certain institution or bank; authorizing the Commissioner to specify the types of securities that may be pledged; establishing that certain fees are the responsibility of a nondepository trust company; providing that securities pledged by a nondepository trust company may not be assets relied on by the nondepository trust company for a certain purpose; requiring any income earned on certain securities to be paid to the nondepository trust company; requiring a certain surety bond to be issued by a certain bonding company and in a certain form; establishing procedures for the conversion of a federal mutual savings bank to a Maryland-chartered savings bank; requiring the Commissioner to charge and collect certain fees for a conversion of a federal mutual savings bank into a savings bank under certain provisions of this Act; authorizing the Commissioner to take possession of a nondepository trust company if the Commissioner determines that ~~a certain emergency exists~~ the nondepository trust company is insolvent; providing that certain expenses of the Commissioner that are court approved and related to the Commissioner's possession of a nondepository trust company shall be paid from the assets of the nondepository trust company ~~and~~ the proceeds of the sale of certain ~~bonds~~ securities, or ~~payment on the recovery against~~ a certain surety bond; providing that certain proceeds of a sale of pledged securities shall be an asset of a nondepository trust company; ~~authorizing the Commissioner~~ a certain receiver to appoint certain individuals and retain certain officers and employees as needed to carry out the receivership of a nondepository trust company, and requiring that the salaries and certain other expenses of those individuals, officers, and employees be paid ~~out of the funds~~ from the assets of the trust nondepository trust company, ~~as well as~~ the proceeds of the sale of certain ~~bonds~~ securities, or ~~payment on the recovery against~~ a certain surety bond; defining certain terms; and generally relating to the supervision of certain trust companies and the reorganization of certain savings banks.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2-108(a)(4), 3-101, 5-101, and 5-606
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Financial Institutions

Section 3–211.1, 4–701.1, 5–602.1, and 5–604.1
 Annotated Code of Maryland
 (2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
 Article – Financial Institutions
 Section 5–601 and 5–602
 Annotated Code of Maryland
 (2003 Replacement Volume and 2009 Supplement)

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

Article – Financial Institutions

2–108.

(a) The Commissioner shall charge and collect, in advance, the following nonrefundable fees:

(4) A fee for a conversion of a national banking association, a federal stock savings and loan association, or a federal stock savings bank into a commercial bank under § 3–801 of this article OR A FEDERAL MUTUAL SAVINGS BANK INTO A SAVINGS BANK UNDER § 4–701.1 OF THIS ARTICLE:

(i) Filing fee.....\$7,000

(ii) Examination fee\$3,000

3–101.

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

(b) “Capital stock” includes both common and preferred stock of a commercial bank.

(c) “Debt instrument” means any capital note, debenture, bond, or certificate of beneficial interest issued by a commercial bank.

(d) “Inhabitants” means the population of a municipal area, as determined by the latest federal or State census.

(E) “NONDEPOSITORY TRUST COMPANY” MEANS A TRUST COMPANY THAT IS NOT INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.

[(e)] (F) “State bank” means an institution that is incorporated under the laws of this State as a bank.

[(f)] (G) “Trust company” means an institution that is incorporated under the laws of this State as a trust company.

3-211.1.

(A) IN THIS SECTION, “RECEIVERSHIP” MEANS A PROCEEDING IN WHICH:

(1) THE COMMISSIONER TAKES POSSESSION OF A NONDEPOSITORY TRUST COMPANY IN ACCORDANCE WITH § 5-601, § 5-602, OR § 5-602.1 OF THIS ARTICLE; AND

(2) A RECEIVER IS APPOINTED IN ACCORDANCE WITH § 5-605 OF THIS ARTICLE.

~~(A) (B) (1) IN ADDITION TO THE MINIMUM CAPITAL REQUIREMENTS OF § 3-209 OF THIS SUBTITLE, A~~ A NONDEPOSITORY TRUST COMPANY SHALL PLEDGE TO THE COMMISSIONER, FOR THE BENEFIT OF THE COMMISSIONER, SECURITIES OR DELIVER A SURETY BOND TO THE COMMISSIONER, FOR THE BENEFIT OF THE COMMISSIONER, TO DEFRAY THE COSTS OF A RECEIVERSHIP OF THE NONDEPOSITORY TRUST COMPANY IN THE EVENT IT SHOULD FAIL.

(2) THE AMOUNT OF THE SECURITIES OR SURETY BOND SHALL BE DETERMINED BY THE COMMISSIONER IN AN AMOUNT THAT THE COMMISSIONER DEEMS APPROPRIATE TO DEFRAY SUCH COSTS, BUT IN NO EVENT SHALL THE AMOUNT EXCEED \$3,000,000;

(I) \$1,000,000 FOR A NONDEPOSITORY TRUST COMPANY WITH A COMPOSITE RATING, USING THE UNIFORM INTERAGENCY TRUST RATING SYSTEM, OF 1 OR 2; OR

(II) \$3,000,000 FOR A NONDEPOSITORY TRUST COMPANY WITH A COMPOSITE RATING, USING THE UNIFORM INTERAGENCY TRUST RATING SYSTEM, OF 3, 4, OR 5.

~~(B) (C)~~ IN SUBJECT TO THE PROVISIONS OF TITLE 5, SUBTITLE 6 OF THIS ARTICLE, IN THE EVENT OF A RECEIVERSHIP OF A NONDEPOSITORY TRUST COMPANY, THE COMMISSIONER OR A RECEIVER APPOINTED UNDER § 5-605 OF THIS ARTICLE MAY, WITHOUT REGARD TO ANY PRIORITIES, PREFERENCES, OR ADVERSE CLAIMS, REDUCE THE PLEDGED SECURITIES OR THE SURETY BOND TO

CASH AND, ~~AS SOON AS PRACTICABLE,~~ USE THE CASH TO DEFRAY THE COSTS ASSOCIATED WITH THE RECEIVERSHIP.

~~(C)~~ (D) (1) IF A NONDEPOSITORY TRUST COMPANY CHOOSES TO PLEDGE SECURITIES TO SATISFY THE REQUIREMENT OF SUBSECTION ~~(A)~~ (B) OF THIS SECTION, THE SECURITIES SHALL BE HELD AT A DEPOSITORY INSTITUTION OR A FEDERAL RESERVE BANK APPROVED BY THE COMMISSIONER.

(2) THE COMMISSIONER MAY SPECIFY THE TYPES OF SECURITIES THAT MAY BE PLEDGED.

(3) ANY FEES ASSOCIATED WITH HOLDING ~~SUCH~~ PLEDGED SECURITIES SHALL BE THE RESPONSIBILITY OF THE NONDEPOSITORY TRUST COMPANY.

(4) SECURITIES PLEDGED BY A NONDEPOSITORY TRUST COMPANY MAY NOT BE ASSETS RELIED ON BY THE NONDEPOSITORY TRUST COMPANY TO MEET THE MINIMUM CAPITAL REQUIREMENTS OF § 3-209 OF THIS SUBTITLE.

(5) ANY INCOME EARNED ON SECURITIES PLEDGED BY A NONDEPOSITORY TRUST COMPANY:

(I) SHALL BE PAID TO THE NONDEPOSITORY TRUST COMPANY; AND

(II) MAY NOT BE HELD BY THE COMMISSIONER.

~~(D)~~ (E) (1) IF A NONDEPOSITORY TRUST COMPANY CHOOSES TO PURCHASE A SURETY BOND TO SATISFY THE REQUIREMENT OF SUBSECTION ~~(A)~~ (B) OF THIS SECTION, THE SURETY BOND SHALL BE ISSUED BY A BONDING COMPANY THAT:

(I) IS APPROVED BY THE COMMISSIONER;

~~(H)~~ IS AUTHORIZED TO DO BUSINESS IN THIS STATE; AND

~~(H)~~ (II) HAS A RATING IN ONE OF THE THREE HIGHEST GRADES AS DETERMINED BY A NATIONAL RATING SERVICE.

(2) THE SURETY BOND SHALL BE IN A FORM APPROVED BY THE COMMISSIONER.

(3) ~~THE~~ A NONDEPOSITORY TRUST COMPANY MAY NOT OBTAIN A SURETY BOND FROM ANY ~~ENTITY IN WHICH IT HAS A FINANCIAL INTEREST AFFILIATE, AS DEFINED IN § 5-401 OF THIS ARTICLE.~~

4-701.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CONVERTING INSTITUTION” MEANS A FEDERAL MUTUAL SAVINGS BANK.

(3) “FEDERAL MUTUAL SAVINGS BANK” MEANS AN INSTITUTION THAT:

(I) IS INCORPORATED UNDER FEDERAL LAW AS A SAVINGS BANK; AND

(II) IS A MUTUAL ASSOCIATION.

(B) A CONVERTING INSTITUTION THAT IS LOCATED IN THIS STATE MAY CONVERT INTO A SAVINGS BANK AS PROVIDED BY FEDERAL LAW AND THIS SECTION.

(C) (1) THE CONVERTING INSTITUTION SHALL MEET THE REQUIREMENTS OF THIS TITLE FOR THE INCORPORATION OF A SAVINGS BANK.

(2) THE PROCEDURES FOR INCORPORATION MAY BE MODIFIED AS REQUIRED BY THE DIFFERENCE BETWEEN INCORPORATION AND CONVERSION.

(3) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSIONER, ANY INTERESTED PERSON MAY REQUEST THAT THE COMMISSIONER CONDUCT A HEARING REGARDING THE CONVERSION.

(D) (1) THE BOARD OF DIRECTORS OF THE CONVERTING INSTITUTION SHALL SIGN, ACKNOWLEDGE, AND FILE ARTICLES OF INCORPORATION.

(2) THE ARTICLES OF INCORPORATION SHALL STATE THAT THE CONVERSION HAS BEEN APPROVED BY THE MEMBERS OR BOARD OF DIRECTORS IN THE MANNER REQUIRED BY SUBSECTION (E) OF THIS SECTION.

(E) THE CONVERSION SHALL BE APPROVED AT A MEETING CALLED FOR THAT PURPOSE, BY THE AFFIRMATIVE VOTE OF:

(1) TWO-THIRDS OF THE MEMBERS OF THE CONVERTING INSTITUTION, VOTING IN PERSON OR BY PROXY; OR

(2) IF THERE ARE NO MEMBERS, THE BOARD OF DIRECTORS OF THE CONVERTING INSTITUTION.

(F) THE NEW SAVINGS BANK RESULTING FROM THE CONVERSION:

(1) SHALL BE CONSIDERED THE SAME BUSINESS AND CORPORATE ENTITY AS THE CONVERTING INSTITUTION; AND

(2) EXCEPT AS LIMITED BY THIS ARTICLE OR BY ITS CHARTER OR BYLAWS, HAS ALL OF THE RIGHTS, POWERS, AND DUTIES OF THE CONVERTING INSTITUTION.

(G) THE CONVERTING INSTITUTION'S RIGHTS, FRANCHISES, AND INTERESTS IN ANY PROPERTY BECOME THE PROPERTY OF THE NEW SAVINGS BANK, SUBJECT TO THE LIABILITIES OF THE CONVERTING INSTITUTION THAT EXIST AT THE TIME OF THE CONVERSION.

(H) UNLESS THIS CONSTRUCTION WOULD BE UNREASONABLE, ANY REFERENCE TO THE CONVERTING INSTITUTION IN ANY WRITING, WHETHER EXECUTED OR TAKING EFFECT BEFORE OR AFTER THE CONVERSION, SHALL BE INTERPRETED AS A REFERENCE TO THE NEW SAVINGS BANK.

(I) IF A CONVERTING INSTITUTION HAS ASSETS OR ENGAGES IN BUSINESS ACTIVITIES THAT DO NOT CONFORM TO THE LAW GOVERNING SAVINGS BANKS, THE COMMISSIONER MAY ALLOW A REASONABLE TIME FOR THE NEW SAVINGS BANK TO CONFORM TO THAT LAW.

5-101.

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

(b) "CAMELS" means the composite rating adopted by the federal Financial Institutions Examination Council to evaluate the adequacy of capital, quality of assets, capability of management, quality and level of earnings, adequacy of liquidity, and sensitivity to market risk.

(c) "Capital stock" includes both common and preferred stock of a commercial bank.

(d) “Examiner” means:

- (1) The Commissioner; and
- (2) An individual whom the Commissioner designates as examiner.

(e) “Federal banking authority” means, as the context requires:

- (1) The Federal Deposit Insurance Corporation;
- (2) The Federal Reserve Bank of Richmond; or
- (3) Any other appropriate federal banking authority.

(F) “NONDEPOSITORY TRUST COMPANY” MEANS A TRUST COMPANY THAT IS NOT INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.

[(f)] (G) “Savings bank” means an institution that:

- (1) Is incorporated under the laws of this State as a savings bank; and
- (2) Engages only in the business of savings banking.

[(g)] (H) “Trust company” means an institution that is incorporated under the laws of this State as a trust company.

5–601.

(a) The board of directors of any banking institution may place the banking institution, including its property, records, and business, in the hands of the Commissioner by posting on the front door of each banking office of the institution a notice that states: “This institution is in the hands of the Maryland Commissioner of Financial Regulation”.

(b) The banking institution immediately shall notify the Commissioner of its action, and the Commissioner immediately shall take possession of the institution.

5–602.

(a) (1) If the Commissioner finds that the capital stock account of any commercial bank is impaired because of a loss or for any other reason, the Commissioner, by notice to the board of directors of the commercial bank, may require the commercial bank to correct the impairment.

(2) If the commercial bank fails to correct the impairment within 3 months after the board receives the notice, the Commissioner may take possession of the commercial bank, including its property, records, and business.

(b) (1) If the reserves of any commercial bank fall below the amount required under this article:

(i) The commercial bank may not increase its loans or discounts until the deficiency is corrected, except by discounting or buying drafts payable at sight or on demand; and

(ii) The Commissioner, by notice to the board of directors of the commercial bank, shall require the commercial bank to correct the deficiency.

(2) If the commercial bank fails to correct the deficiency within 30 days after the board receives the notice, the Commissioner may take possession of the commercial bank, including its property, records, and business.

5-602.1.

(A) IN THIS SECTION, "INSOLVENT" MEANS:

(1) INCAPABLE OF MEETING THE DEMANDS OF CREDITORS; OR

(2) HAVING LIABILITIES THAT EXCEED ASSETS.

(B) NOTWITHSTANDING THE NOTICE AND TIMING REQUIREMENTS IN § 5-602 OF THIS SUBTITLE, IF THE COMMISSIONER DETERMINES THAT ~~AN EMERGENCY EXISTS AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION~~ A NONDEPOSITORY TRUST COMPANY IS INSOLVENT, THE COMMISSIONER MAY TAKE IMMEDIATE POSSESSION OF ~~A~~ THE NONDEPOSITORY TRUST COMPANY, INCLUDING ITS PROPERTY, RECORDS, AND BUSINESS, BY ~~POSTING~~:

(1) POSTING ON THE FRONT DOOR OF EACH BANKING OFFICE OF THE ~~INSTITUTION~~ NONDEPOSITORY TRUST COMPANY A NOTICE THAT STATES: "THIS INSTITUTION IS IN THE HANDS OF THE ~~MARYLAND COMMISSIONER OF FINANCIAL REGULATION.~~" MARYLAND COMMISSIONER OF FINANCIAL REGULATION"; AND

(2) IMMEDIATELY DELIVERING WRITTEN NOTICE TO THE BOARD OF DIRECTORS OF THE NONDEPOSITORY TRUST COMPANY THAT THE COMMISSIONER HAS TAKEN POSSESSION OF THE NONDEPOSITORY TRUST COMPANY.

~~(C) THE COMMISSIONER MAY DETERMINE THAT AN EMERGENCY EXISTS IF A NONDEPOSITORY TRUST COMPANY:~~

~~(1) IS CONDUCTING ITS BUSINESS IN AN UNLAWFUL OR UNSOUND MANNER THAT MAY RESULT IN SERIOUS LOSSES TO ITS CUSTOMERS OR CREDITORS;~~

~~(2) IS UNABLE TO CONTINUE NORMAL OPERATIONS;~~

~~(3) HAS OBSTRUCTED OR IMPEDED AN EXAMINATION PERMITTED UNDER § 5-201 OF THIS TITLE WHERE THE COMMISSIONER HAS A REASONABLE BASIS TO BELIEVE THAT THE NONDEPOSITORY TRUST COMPANY IS CONDUCTING ITS BUSINESS IN AN UNLAWFUL OR UNSOUND MANNER THAT MAY RESULT IN SERIOUS LOSSES TO ITS CUSTOMERS OR CREDITORS;~~

~~(4) HAS REFUSED TO ALLOW AN EXAMINATION AS PERMITTED UNDER § 5-201 OF THIS TITLE; OR~~

~~(5) IS INSOLVENT.~~

5-604.1.

(A) ALL NECESSARY AND REASONABLE EXPENSES OF THE COMMISSIONER THAT ARE COURT APPROVED AND RELATED TO THE COMMISSIONER'S POSSESSION OF A NONDEPOSITORY TRUST COMPANY, INCLUDING COSTS ASSOCIATED WITH THE RECEIVERSHIP, REORGANIZATION, OR LIQUIDATION OF THE NONDEPOSITORY TRUST COMPANY, SHALL BE PAID TO THE COMMISSIONER FROM THE ASSETS OF THE NONDEPOSITORY TRUST COMPANY, IN ADDITION TO THE PROCEEDS OF THE SALE OF SECURITIES OR THE PAYMENT ON PLEDGED UNDER § 3-211.1 OF THIS ARTICLE, OR RECOVERY AGAINST A SURETY BOND REQUIRED DELIVERED UNDER § 3-211.1 OF THIS ARTICLE.

(B) ANY PROCEEDS OF A SALE OF PLEDGED SECURITIES THAT REMAIN AFTER MAKING THE PAYMENTS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION AND § 5-606(B)(2) OF THIS SUBTITLE SHALL BE AN ASSET OF THE NONDEPOSITORY TRUST COMPANY.

5-606.

(a) (1) The receiver may appoint any clerks needed to carry out the receivership.

(2) The salaries of these clerks shall be paid out of the funds of the banking institution.

(B) (1) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE RECEIVER OF A NONDEPOSITORY TRUST COMPANY MAY, AS NEEDED TO CARRY OUT THE RECEIVERSHIP:

(I) APPOINT ANY CLERKS, AGENTS, COUNSEL, EMPLOYEES, AND ASSISTANTS; AND

(II) RETAIN OFFICERS AND EMPLOYEES OF THE NONDEPOSITORY TRUST COMPANY.

(2) THE SALARIES AND ALL OTHER EXPENSES OF THE INDIVIDUALS SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT ARE COURT APPROVED SHALL BE PAID ~~OUT OF THE FUNDS~~ FROM THE ASSETS OF THE NONDEPOSITORY TRUST COMPANY, ~~IN ADDITION TO~~ THE PROCEEDS OF THE SALE OF SECURITIES ~~OR THE PAYMENT ON~~ PLEDGED UNDER § 3-211.1 OF THIS ARTICLE, OR RECOVERY AGAINST A SURETY BOND ~~REQUIRED~~ DELIVERED UNDER § 3-211.1 OF THIS ARTICLE.

(3) ANY PROCEEDS OF A SALE OF PLEDGED SECURITIES THAT REMAIN AFTER MAKING THE PAYMENTS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND § 5-604.1(A) OF THIS SUBTITLE SHALL BE AN ASSET OF THE NONDEPOSITORY TRUST COMPANY.

[(b)] (C) The receiver may borrow money and, with the approval of the court, pledge, mortgage, or encumber any of the institution's assets to:

- (1) Pay the obligations of the institution;
- (2) Pay dividends to the depositors or creditors of the institution; or
- (3) Enable the institution to reopen or reorganize.

[(c)] (D) (1) The receiver shall file with the court, in the form that the court requires, an itemized account of:

- (i) All receipts, disbursements, and expenses; and
- (ii) Any proposed distribution.

(2) The court shall accept the account to the same extent as if an auditor of the court had prepared and filed the account.

[(d)] (E) (1) Except as provided in paragraph (2) of this subsection, the receiver may not make any distribution until the court ratifies the receiver's account.

(2) With the approval of the court, the receiver may pay in full each creditor whose total claims do not exceed \$5.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 458

(House Bill 1151)

AN ACT concerning

Vehicle Laws – Commercial Motor Vehicles – Minimum Security Requirements

FOR the purpose of establishing specific minimum levels of required security for commercial motor vehicles by conforming Maryland motor carrier requirements to certain federal regulations; authorizing the Motor Vehicle Administration to adopt certain regulations consistent with certain federal regulations; providing for the effective date of this Act; and generally relating to minimum security requirements for motor carriers.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–920(h) and 17–103(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 25–111.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

13–920.

(h) **[A] SUBJECT TO § 25–111.1 OF THIS ARTICLE,** A person who registers a tow truck under this section or operates a tow truck in this State that is registered under the laws of another state shall:

(1) Obtain commercial liability insurance in the amount of at least \$100,000 per person, \$300,000 per occurrence bodily injury liability, and \$100,000 per occurrence property damage liability; and

(2) Provide a federal employer identification number and, if applicable to the tow truck under federal requirements:

(i) A U.S. Department of Transportation motor carrier number;
or

(ii) An Interstate Commerce Commission motor carrier authority number.

17–103.

(b) The security required under this subtitle shall provide for at least:

(1) The payment of claims for bodily injury or death arising from an accident of up to \$20,000 for any one person and up to \$40,000 for any two or more persons, in addition to interest and costs;

(2) The payment of claims for property of others damaged or destroyed in an accident of up to \$15,000, in addition to interest and costs;

(3) Unless waived, the benefits described under § 19–505 of the Insurance Article as to basic required primary coverage; **[and]**

(4) The benefits required under § 19–509 of the Insurance Article as to required additional coverage; **AND**

(5) FOR VEHICLES SUBJECT TO THE PROVISIONS OF § 25–111.1 OF THIS ARTICLE, THE SECURITY REQUIREMENTS ADOPTED UNDER 49 C.F.R., PART 387.

25–111.1.

(A) THE ADMINISTRATION, IN CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION, MAY ADOPT RULES AND REGULATIONS THAT ARE CONSISTENT WITH 49 C.F.R., PART 387.

(B) THE RULES AND REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL APPLY TO THE FOLLOWING VEHICLES:

~~(1) FOR-HIRE VEHICLES ENGAGED IN INTRASTATE COMMERCE THAT EXCEED A GROSS VEHICLE WEIGHT RATING OF 26,000 POUNDS AND ARE DESIGNED TO CARRY PROPERTY;~~

~~(2)~~ FOR-HIRE VEHICLES ENGAGED IN INTERSTATE COMMERCE THAT:

(I) EXCEED A GROSS VEHICLE WEIGHT RATING OF 10,000 POUNDS AND ARE DESIGNED TO CARRY PROPERTY; OR

(II) ARE DESIGNED TO TRANSPORT PASSENGERS, INCLUDING THE DRIVER; AND

~~(3)~~ (2) VEHICLES THAT ARE REQUIRED TO BE MARKED OR PLACARDED FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS OR OTHERWISE ARE SUBJECT TO THE REQUIREMENTS OF 49 C.F.R., PART 387 WHEN TRANSPORTING HAZARDOUS MATERIALS.

(C) ANY MOTOR CARRIER OPERATING A VEHICLE THAT IS SUBJECT TO THE RULES AND REGULATIONS ADOPTED UNDER THIS SECTION SHALL, AT ALL TIMES WHEN OPERATING THE VEHICLE ON A HIGHWAY IN THE STATE, COMPLY WITH THE RULES AND REGULATIONS ADOPTED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2011.

Approved by the Governor, May 4, 2010.

Chapter 459

(House Bill 1163)

AN ACT concerning

Economic Development – Enterprise Zones – Designation

FOR the purpose of increasing the number of enterprise zones that the Secretary of Business and Economic Development is authorized to designate in a county in a calendar year; and generally relating to enterprise zones.

BY repealing and reenacting, with amendments,
Article – Economic Development

Section 5-704(b)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

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

Article – Economic Development

5-704.

(b) (1) Within 60 days after a submission date, the Secretary may designate one or more enterprise zones from among the areas described in the applications timely submitted.

(2) The designation of an area as an enterprise zone is effective for 10 years.

(3) The Secretary may not designate more than six enterprise zones in a calendar year.

(4) A county may not receive more than [one] **TWO** enterprise [zone] **ZONES** in a calendar year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 460

(House Bill 1175)

AN ACT concerning

Kent County Board of Education – Members – Terms and Vacancies

FOR the purpose of altering the term of the members of the Kent County Board of Education; requiring the County Commissioners of Kent County to appoint a certain individual to fill any vacancy on the Board under certain circumstances; repealing certain provisions providing for the election of a certain candidate to fill a certain vacancy on the Board; ~~providing for the application of certain provisions of this Act~~; requiring certain members of the Board to be elected in a certain general election; providing for the termination of the terms of certain elected members of the county board; making certain technical corrections; and

generally relating to the terms of members and vacancies on the Kent County Board of Education.

BY repealing and reenacting, with amendments,

Article – Education

Section 3–801

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Article – Education

3–801.

(a) The Kent County Board consists of five members.

(b) A candidate elected to the county board shall be a resident and registered voter of Kent County. Any member who no longer resides in Kent County may not continue as a member of the board.

(c) (1) The incumbent members of the Kent County Board who hold office on July 1, ~~1978~~ **2010** shall hold office until their successors are elected and qualify.

(2) Members of the Kent County Board shall be elected from Kent County at large as follows:

(i) Two members of the county board shall be elected in the November general election of ~~1978~~ **2012** and every ~~6 years after to replace the two interim incumbent members of the board whose terms expire in 1977 and 1978;~~ **4 YEARS THEREAFTER; AND**

(ii) ~~Two~~ **THREE** members of the county board shall be elected in the November general election of ~~1980~~ **2014** and every ~~6 years after to replace the two interim incumbent members of the board whose terms expire in 1980;~~ **4 YEARS THEREAFTER.** ~~and~~

(iii) ~~One member of the county board shall be elected in the November general election of 1982 and every 6 years after to replace the interim incumbent member of the board whose term expires in 1981.~~

(d) (1) Each member serves for a term of ~~[6]~~ **4** years beginning on January 1 after his election and until a successor is elected and qualifies. The terms of members are staggered and elections shall be held as provided in subsection (c) of this section.

(2) [(i)] Any vacancy on the county board [that occurs on or before the filing deadline for candidates in an election held in the fourth year of the term of office of any member shall be filled, for the remainder of that term and until a successor is elected and qualifies, at the general election:

1. Next following the creation of the vacancy; and
2. For which the deadline for the filing of candidates has not expired.

(ii) Any other vacancy, including a vacancy existing during the period preceding the election of a successor as provided in subparagraph (i) of this paragraph,] shall be filled by a qualified individual appointed by the [Governor] **COUNTY COMMISSIONERS OF KENT COUNTY** to serve until a successor is elected and qualifies AT THE GENERAL ELECTION NEXT FOLLOWING THE CREATION OF THE VACANCY AND FOR WHICH THE DEADLINE FOR THE FILING OF CANDIDATES HAS NOT EXPIRED.

[(iii) The election provided for in subparagraph (i) of this paragraph shall be governed by Title 8, Subtitle 8 of the Election Law Article.]

(3) An individual may serve for more than 2 consecutive terms.

(e) (1) The State Board may remove a member of the county board for:

- (i) Immorality;
- (ii) Misconduct in office;
- (iii) Incompetency; or
- (iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10-day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in his own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Kent County.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Two members of the Kent County Board of Education shall be elected in the November general election of 2010.

(b) The terms of the members of the Kent County Board of Education shall expire as follows:

(1) The terms of the two members whose terms are scheduled to expire on December 31, 2010, shall terminate at the end of December 31, 2010, and those members shall be succeeded by:

(i) the member receiving the highest number of votes at the general election in November 2010, who shall serve for a term of 4 years until a successor is elected and qualifies; and

(ii) the member receiving the second highest number of votes at the general election in November 2010, who shall serve for a term of 2 years until a successor is elected and qualifies.

(2) The term of the member whose term is scheduled to expire on December 31, 2012, shall terminate at the end of December 31, 2012, and the member elected at the general election in November 2012, shall succeed that member and serve for a term of 4 years until a successor is elected and qualifies.

(3) The terms of the two members whose terms are scheduled to expire on December 31, 2014, shall terminate at the end of December 31, 2014, and the members elected at the general election in November 2014, shall succeed those elected members and serve for a term of 4 years until a successor is elected and qualifies.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to extend or apply to the terms of the members of the Kent County Board of Education elected to a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the length of term of the members of the Kent County Board of Education shall take effect at the beginning of the elected successor's term of office.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 461**(House Bill 1182)**

AN ACT concerning

Business Improvement Districts

FOR the purpose of authorizing a county or municipal corporation to create certain business improvement districts; providing for the legislative purposes of a district; requiring a county or municipal corporation to adopt certain ~~resolutions~~ local laws to provide for the creation, ~~organization, and alteration and organization~~ of a district; providing for the governance of the business improvement district corporation; providing that the net earnings of a district corporation may benefit only the district corporation; authorizing a district corporation to receive certain money, charge certain fees, have certain employees, and use certain services; providing for the ~~application and~~ creation of a district; requiring that before a district may be created a certain public hearing must be held; ~~requiring the governing body of a county or municipal corporation to impose~~ providing for the imposition of a certain tax in a certain manner under certain circumstances; providing for the expansion of a district; ~~authorizing a district corporation, under certain circumstances, to issue certain bonds~~; requiring the governing body of a county or municipal corporation in which a district is established to review and evaluate the desirability of continuing the existence of a district at certain times and to develop policies and procedures for evaluating the desirability or continuing the district under certain circumstances; providing for the termination of a district and a district corporation under certain circumstances; and generally relating to the authorization and creation of business improvement districts and district corporations.

BY adding to

Article – Economic Development

Section 12-401 through ~~12-412~~ 12-411 to be under the new subtitle “Subtitle 4.
Business Improvement Districts”

Annotated Code of Maryland

(2008 Volume and 2009 Supplement)

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

Article – Economic Development**SUBTITLE 4. BUSINESS IMPROVEMENT DISTRICTS.****12-401.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BOARD” MEANS THE BOARD OF DIRECTORS OF A DISTRICT CORPORATION.

(C) “COMMERCIAL TENANT” MEANS A LESSEE OR OTHER LAWFUL OCCUPANT, OTHER THAN THE OWNER, OF NONEXEMPT PROPERTY WITHIN A DISTRICT.

(D) “DISTRICT” MEANS A BUSINESS IMPROVEMENT DISTRICT ESTABLISHED UNDER THIS SUBTITLE.

(E) “DISTRICT CORPORATION” MEANS A BUSINESS IMPROVEMENT DISTRICT CORPORATION FORMED IN ACCORDANCE WITH THIS SUBTITLE.

(F) “MEMBERS OF THE DISTRICT” MEANS OWNERS OF NONEXEMPT PROPERTY IN THE DISTRICT.

(G) “NONEXEMPT PROPERTY” MEANS NONRESIDENTIAL REAL PROPERTY THAT IS NOT EXEMPT FROM PAYING REAL PROPERTY TAXES.

12-402.

THE LEGISLATIVE PURPOSES OF THIS SUBTITLE ARE TO:

(1) PROVIDE FOR THE CREATION OF BUSINESS IMPROVEMENT DISTRICTS; AND

(2) PROMOTE THE GENERAL WELFARE OF THE RESIDENTS, EMPLOYERS, EMPLOYEES, PROPERTY OWNERS, COMMERCIAL TENANTS, CONSUMERS, AND THE GENERAL PUBLIC WITHIN THE GEOGRAPHIC AREA OF THE BUSINESS IMPROVEMENT DISTRICTS.

12-403.

(A) SUBJECT TO A PUBLIC HEARING UNDER ~~§ 12-409~~ § 12-408 OF THIS SUBTITLE AND TO ACCOMPLISH ONE OR MORE OF THE LEGISLATIVE PURPOSES LISTED IN § 12-402 OF THIS SUBTITLE, THE LEGISLATIVE BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY ADOPT A ~~RESOLUTION~~ LOCAL LAW TO CREATE A BUSINESS IMPROVEMENT DISTRICT IN ACCORDANCE WITH THIS SUBTITLE.

~~(B) A RESOLUTION ADOPTED UNDER SUBSECTION (A), (F), OR (G) OF THIS SECTION:~~

~~(1) IS ADMINISTRATIVE IN NATURE;~~

~~(2) IS NOT SUBJECT TO REFERENDUM; AND~~

~~(3) IN A COUNTY OR MUNICIPAL CORPORATION THAT HAS A PUBLICLY ELECTED CHIEF EXECUTIVE, IS SUBJECT TO APPROVAL BY THE CHIEF EXECUTIVE.~~

~~(C)~~ (B) SUBSECTION (A) OF THIS SECTION IS SELF-EXECUTING AND FULLY AUTHORIZES A COUNTY OR MUNICIPAL CORPORATION TO ESTABLISH ~~AN AUTHORITY~~ A DISTRICT, NOTWITHSTANDING ANY OTHER STATUTORY OR CHARTER PROVISION.

~~(D)~~ (C) ~~A RESOLUTION LOCAL LAW ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE PROPOSED ARTICLES OF INCORPORATION OF THE BUSINESS IMPROVEMENT DISTRICT CORPORATION THAT STATE:~~

(1) THE NAME OF THE DISTRICT CORPORATION;

(2) THAT THE DISTRICT CORPORATION IS FORMED UNDER THIS SUBTITLE;

(3) THE NAMES, ADDRESSES, AND TERMS OF OFFICE OF THE INITIAL MEMBERS OF THE BOARD OF DIRECTORS OF THE DISTRICT CORPORATION;

(4) THE ADDRESS OF THE PRINCIPAL OFFICE OF THE DISTRICT CORPORATION;

(5) THE PURPOSES FOR WHICH THE DISTRICT IS FORMED; ~~AND~~

(6) THE POWERS OF THE DISTRICT, SUBJECT TO THE LIMITATIONS ON THE POWERS OF DISTRICTS UNDER THIS SUBTITLE; AND

(7) IF APPLICABLE, ARTICLES OF INCORPORATION OF THE DISTRICT CORPORATION.

~~(E) (1) THE CHIEF EXECUTIVE OF THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION, OR ANY OTHER OFFICIAL DESIGNATED IN THE RESOLUTION ESTABLISHING THE DISTRICT, SHALL EXECUTE AND FILE THE~~

~~ARTICLES OF INCORPORATION OF THE DISTRICT CORPORATION FOR RECORD WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.~~

~~(2) WHEN THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE ARTICLES OF INCORPORATION FOR RECORD, THE DISTRICT CORPORATION BECOMES A BODY POLITIC AND CORPORATE AND AN INSTRUMENTALITY OF THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION.~~

~~(3) ACCEPTANCE OF THE ARTICLES OF INCORPORATION FOR RECORD BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE OF THE FORMATION OF THE DISTRICT CORPORATION.~~

~~(F) (1) BY RESOLUTION, THE LEGISLATIVE BODY OF THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION MAY ADOPT AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE DISTRICT CORPORATION.~~

~~(2) ARTICLES OF AMENDMENT MAY CONTAIN ANY PROVISION THAT LAWFULLY COULD BE CONTAINED IN ARTICLES OF INCORPORATION AT THE TIME OF THE AMENDMENT.~~

~~(3) THE ARTICLES OF AMENDMENT SHALL BE FILED FOR RECORD WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.~~

~~(4) THE ARTICLES OF AMENDMENT ARE EFFECTIVE AS OF THE TIME THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE ARTICLES FOR RECORD.~~

~~(5) ACCEPTANCE OF THE ARTICLES OF AMENDMENT FOR RECORD BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE THAT THE ARTICLES HAVE BEEN LAWFULLY AND PROPERLY ADOPTED.~~

~~(G) (1) SUBJECT TO THIS SECTION AND ANY LIMITATIONS IMPOSED BY LAW ON THE IMPAIRMENT OF CONTRACTS, THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION, IN ITS SOLE DISCRETION AND BY RESOLUTION, MAY:~~

~~(I) SET OR CHANGE THE STRUCTURE, ORGANIZATION, PROCEDURES, PROGRAMS, OR ACTIVITIES OF THE DISTRICT; OR~~

~~(II) TERMINATE THE DISTRICT.~~

~~(2) ON TERMINATION OF A DISTRICT:~~

~~(I) TITLE TO ALL PROPERTY OF THE DISTRICT SHALL BE TRANSFERRED TO AND VEST IN THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION; AND~~

~~(II) ALL OBLIGATIONS OF THE DISTRICT CORPORATION SHALL BE TRANSFERRED TO AND ASSUMED BY THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION.~~

12-404.

(A) A BOARD OF DIRECTORS SHALL GOVERN THE DISTRICT CORPORATION.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF A DISTRICT CORPORATION CONSISTS OF FIVE MEMBERS APPOINTED BY THE MEMBERS OF THE DISTRICT.

(2) APPOINTMENT PROCEDURES SHALL BE PROVIDED IN THE ~~RESOLUTION~~ LOCAL LAW ESTABLISHING THE DISTRICT.

~~(C) (1) A MEMBER MAY BE REMOVED AT ANY TIME WITH OR WITHOUT CAUSE.~~

~~(2) PROCEDURES FOR REMOVAL SHALL BE THOSE PROVIDED IN THE RESOLUTION ESTABLISHING THE DISTRICT OR A SUBSEQUENT RESOLUTION.~~

~~(D)~~ (C) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR AND OTHER OFFICERS.

~~(E)~~ (D) (1) THREE VOTING MEMBERS OF THE BOARD ARE A QUORUM.

(2) THE BOARD MAY ACT ON A RESOLUTION ONLY BY THE AFFIRMATIVE VOTE OF AT LEAST THREE VOTING MEMBERS.

~~(F)~~ (E) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

(2) SHALL BE REIMBURSED FOR EXPENSES INCURRED IN PERFORMING THE MEMBER'S DUTIES.

~~(C)~~ (F) THE BOARD SHALL EXERCISE ITS POWERS BY RESOLUTION.

~~(H)~~ (G) THE BOARD SHALL FILE AN ANNUAL REPORT WITH THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION THAT INCLUDES:

- (1) A FINANCIAL STATEMENT FOR THE PRECEDING YEAR;
- (2) A PROPOSED OPERATING BUDGET FOR THE CURRENT FISCAL YEAR; ~~AND~~
- (3) ANY PROPOSED REVISIONS TO THE BUSINESS PLAN; AND
- (4) A NARRATIVE STATEMENT OR CHART SHOWING THE RESULTS OF OPERATIONS IN COMPARISON TO STATED GOALS AND OBJECTIVES.

~~12-405.~~

~~EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE OR THE RESOLUTION ESTABLISHING THE DISTRICT, THE PROCEDURES OF THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION CONTROL ANY MATTER RELATING TO THE INTERNAL ADMINISTRATION OF THE DISTRICT CORPORATION.~~

~~12-406.~~ 12-405.

~~EXCEPT AS NECESSARY TO PAY DEBT SERVICE OR IMPLEMENT THE PUBLIC PURPOSES OR PROGRAMS OF THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION, THE~~ THE NET EARNINGS OF A DISTRICT CORPORATION MAY BENEFIT ONLY THE DISTRICT CORPORATION.

~~12-407.~~ 12-406.

(A) (1) EXCEPT AS LIMITED BY ITS ARTICLES OF INCORPORATION, A DISTRICT CORPORATION HAS ALL THE POWERS SET FORTH IN THIS SUBTITLE.

(2) A DISTRICT CORPORATION MAY:

(I) RECEIVE MONEY FROM ITS INCORPORATING COUNTY OR MUNICIPAL CORPORATION, THE STATE, OTHER GOVERNMENTAL UNITS, OR NOT FOR PROFIT ORGANIZATIONS;

(II) ~~ISSUE BONDS AND OTHER EVIDENCE OF INDEBTEDNESS;~~

~~(III)~~ CHARGE FEES FOR ITS SERVICES;

~~(IV)~~ (III) HAVE EMPLOYEES AND CONSULTANTS AS IT CONSIDERS NECESSARY; AND

~~(V)~~ (IV) USE THE SERVICES OF OTHER GOVERNMENTAL UNITS.

~~(B) FOR THE PURPOSES OF THIS SUBTITLE, EACH COUNTY AND MUNICIPAL CORPORATION HAS ALL THE POWERS GRANTED IN THIS SUBTITLE TO A DISTRICT, INCLUDING THE POWER TO MAKE LOANS TO PRIVATE ENTERPRISES COMPETING WITH ENTERPRISES NOT RECEIVING THE LOANS.~~

~~(C)~~ ~~(1)~~ ~~(I)~~ A DISTRICT CORPORATION SHALL OPERATE AND EXERCISE ITS POWERS SOLELY TO ACCOMPLISH ONE OR MORE OF THE LEGISLATIVE PURPOSES OF THIS SUBTITLE.

~~(H) THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION MAY USE THE DISTRICT CORPORATION'S EXERCISE OF ITS POWERS TO ACCOMPLISH ONE OR MORE OF THE LEGISLATIVE PURPOSES OF THIS SUBTITLE.~~

~~(2) A DISTRICT CORPORATION OR AN INCORPORATING COUNTY OR MUNICIPAL CORPORATION MAY EXERCISE ITS POWERS REGARDLESS OF ANY EFFECT ON ECONOMIC COMPETITION.~~

~~(3) THE POWERS GRANTED TO A COUNTY OR MUNICIPAL CORPORATION UNDER PARAGRAPH (2) OF THIS SUBSECTION DO NOT:~~

~~(I) GRANT TO THE COUNTY OR MUNICIPAL CORPORATION POWERS IN ANY SUBSTANTIVE AREA NOT OTHERWISE GRANTED TO THE COUNTY OR MUNICIPAL CORPORATION UNDER OTHER PUBLIC GENERAL OR PUBLIC LOCAL LAW;~~

~~(II) RESTRICT THE COUNTY OR MUNICIPAL CORPORATION FROM EXERCISING ANY POWER GRANTED TO THE COUNTY OR MUNICIPAL CORPORATION UNDER OTHER PUBLIC GENERAL OR PUBLIC LOCAL LAW OR OTHERWISE;~~

~~(III) AUTHORIZE THE COUNTY OR MUNICIPAL CORPORATION, OR THE OFFICERS OF THE COUNTY OR MUNICIPAL CORPORATION, TO ENGAGE IN AN ACTIVITY THAT IS BEYOND THE POWER GRANTED UNDER OTHER PUBLIC GENERAL OR PUBLIC LOCAL LAW OR OTHERWISE; OR~~

~~(IV) PREEMPT OR SUPERSEDE THE REGULATORY AUTHORITY OF A UNIT OF STATE GOVERNMENT UNDER A PUBLIC GENERAL LAW.~~

~~(4) THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION IS NOT PRECLUDED FROM DIRECTLY EXERCISING THE POWERS GRANTED TO A DISTRICT CORPORATION UNDER THIS SUBTITLE AFTER THE ESTABLISHMENT OF THE BUSINESS IMPROVEMENT DISTRICT.~~

~~12-408.~~ 12-407.

(A) ~~THE PROPOSER OF OWNERS OF NONEXEMPT PROPERTY WHO SEEK TO ESTABLISH A DISTRICT CORPORATION SHALL SUBMIT AN APPLICATION TO FORM A DISTRICT~~ APPROPRIATE DOCUMENTATION AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION TO:

(1) THE GOVERNING BODY OF THE COUNTY IN WHICH THE PROPOSED DISTRICT IS LOCATED; AND

(2) IF THE PROPOSED DISTRICT IS LOCATED WITHIN A MUNICIPAL CORPORATION, THE GOVERNING BODY OF THE MUNICIPAL CORPORATION.

(B) ~~THE APPLICATION~~ APPROPRIATE DOCUMENTATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL CONTAIN:

(1) A STATEMENT SETTING FORTH:

(I) THE PROPOSED NAME AND ADDRESS OF THE DISTRICT CORPORATION; AND

(II) THE STREET ADDRESS OF EACH OWNER OF NONEXEMPT PROPERTY WITHIN THE PROPOSED DISTRICT;

(2) A STATEMENT EXPRESSING THE INTENT TO ESTABLISH A DISTRICT CORPORATION THAT IS SIGNED BY AT LEAST 80% OF THE OWNERS OF AT LEAST 51% INTEREST IN THE ASSESSED VALUE OF THE NONEXEMPT PROPERTY AND AT LEAST 25% IN NUMBER OF INDIVIDUAL PROPERTIES OF RECORD THE TOTAL NUMBER OF PARCELS OF NONEXEMPT PROPERTY IN THE GEOGRAPHIC AREA OF THE PROPOSED DISTRICT;

(3) A PROPOSED 3-YEAR BUSINESS PLAN THAT CONTAINS:

(I) THE GOALS AND OBJECTIVES OF THE PROPOSED DISTRICT;

(II) THE ANNUAL PROPOSED BUSINESS IMPROVEMENT DISTRICT TAX FOR THE PROPOSED DISTRICT'S COMMON OPERATIONS AND THE FORMULA USED TO DETERMINE EACH MEMBER'S DISTRICT TAX; AND

(III) THE MAXIMUM AMOUNT AND THE NATURE OF START-UP COSTS INCURRED BEFORE THE DISTRICT'S ESTABLISHMENT;

(4) A TAX ASSESSOR'S MAP OF THE GEOGRAPHIC AREA OF THE PROPOSED DISTRICT;

(5) A LIST OF THE PROPOSED INITIAL BOARD OF THE PROPOSED DISTRICT CORPORATION;

(6) THE PROPOSED ARTICLES OF INCORPORATION AND THE BYLAWS OF THE DISTRICT CORPORATION;

(7) FOR ALL NONEXEMPT PROPERTY WITHIN THE PROPOSED DISTRICT:

(I) THE NAME AND MAILING ADDRESS OF EACH OWNER;
AND

(II) THE MOST RECENT ASSESSED VALUE; AND

(8) A LIST OF THE NAMES AND ADDRESSES OF ALL COMMERCIAL TENANTS WITHIN THE GEOGRAPHIC AREA OF THE PROPOSED DISTRICT.

(C) ~~THE~~ WITHIN 45 DAYS AFTER RECEIVING ALL APPROPRIATE DOCUMENTATION UNDER SUBSECTION (B) OF THIS SECTION, THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION SHALL SCHEDULE A PUBLIC HEARING ON THE APPLICATION.

~~12-409.~~ 12-408.

(A) AT LEAST 21 DAYS BEFORE THE PUBLIC HEARING, THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION SHALL PUBLISH NOTICE OF THE PUBLIC HEARING IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE GEOGRAPHIC AREA OF THE PROPOSED DISTRICT.

(B) AT LEAST 21 DAYS BEFORE THE PUBLIC HEARING, THE ~~PROPOSER OF THE PROPOSED DISTRICT CORPORATION~~ OWNERS OF NONEXEMPT PROPERTY WHO SEEK TO ESTABLISH A DISTRICT SHALL SEND NOTICE OF THE PUBLIC HEARING AND A SUMMARY OF THE APPLICATION TO:

(1) EACH OWNER OF NONEXEMPT PROPERTY WITHIN THE PROPOSED DISTRICT; AND

(2) EACH COMMERCIAL TENANT WITHIN THE PROPOSED DISTRICT.

(C) BEFORE THE PUBLIC HEARING, THE APPLICATION SHALL BE MADE AVAILABLE FOR REVIEW DURING NORMAL BUSINESS HOURS IN AT LEAST ONE LOCATION IN THE PROPOSED DISTRICT.

(D) WITHIN 10 DAYS AFTER THE PUBLIC HEARING, IF THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION DETERMINES THAT THE ~~DISTRICT MEETS~~ NEEDS OF THE DISTRICT MEET THE PURPOSES OF THIS SUBTITLE, THE GOVERNING BODY SHALL AUTHORIZE THE DISTRICT IN ACCORDANCE WITH § 12-403 OF THIS SUBTITLE.

~~12-410.~~ 12-409.

(A) WITHIN 10 DAYS AFTER THE AUTHORIZATION BY THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION OF THE DISTRICT, THE DISTRICT CORPORATION SHALL PROVIDE THE GOVERNING BODY OF ~~A~~ THE COUNTY OR MUNICIPAL CORPORATION WITH A PRELIMINARY BUSINESS IMPROVEMENT DISTRICT TAX ROLL.

(B) (1) THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION SHALL IMPOSE A BUSINESS IMPROVEMENT DISTRICT TAX TO PROVIDE FUNDS FOR THE OPERATION OF THE DISTRICT.

(2) THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION SHALL IMPOSE ON MEMBERS OF THE DISTRICT THE DISTRICT TAX AT A RATE SUFFICIENT TO PROVIDE FOR THE OPERATION OF THE DISTRICT SPECIFIED BY THE BOARD AND APPROVED BY THE GOVERNING BODY.

(3) THE TAX IMPOSED UNDER THIS SUBSECTION MAY NOT COUNT AGAINST A COUNTY OR MUNICIPAL CORPORATION TAX CAP.

(C) THE DISTRICT TAX SHALL BE COLLECTED IN THE SAME MANNER AS REAL PROPERTY TAXES ARE COLLECTED AND DISTRIBUTED EACH QUARTER TO THE DISTRICT.

(D) A DISTRICT SHALL REIMBURSE THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION FOR THE COSTS INCURRED IN COLLECTING THE DISTRICT TAX.

~~12-411.~~ 12-410.

~~(A)~~ AN ESTABLISHED DISTRICT MAY EXPAND THE GEOGRAPHIC AREA OF THE DISTRICT IF:

(1) ~~OWNERS OF AT LEAST 51% INTEREST IN THE ASSESSED VALUE OF THE NONEXEMPT PROPERTY AND AT LEAST 25% IN NUMBER OF INDIVIDUAL PROPERTIES OF RECORD IN A GEOGRAPHIC AREA PETITION THE EXISTING DISTRICT CORPORATION TO JOIN THE~~ A PETITION FOR INCLUSION IS SUBMITTED FROM AT LEAST 80% OF THE OWNERS OF THE TOTAL NUMBER OF PARCELS OF NONEXEMPT PROPERTY IN THE GEOGRAPHIC AREA PROPOSED FOR INCLUSION IN THE DISTRICT;

(2) THE PETITION UNDER ITEM (1) OF THIS SUBSECTION IS ACCEPTED BY A MAJORITY VOTE OF THE BOARD OF THE DISTRICT CORPORATION; AND

(3) ~~THE PETITION UNDER ITEM (1) OF THIS SUBSECTION IS SUBMITTED TO AND APPROVED BY THE GOVERNING BODY OF THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION~~ THE APPROPRIATE DOCUMENTS, AS APPLICABLE, ARE SUBMITTED UNDER § 12-407 OF THIS SUBTITLE AND A HEARING IS HELD UNDER § 12-408 OF THIS SUBTITLE.

~~(B) AN EXPANSION OF A DISTRICT UNDER THIS SECTION IS EFFECTIVE ON THE APPROVAL OF THE GOVERNING BODY OF THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION.~~

~~12-412.~~ 12-411.

(A) THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION IN WHICH A DISTRICT IS ESTABLISHED UNDER THIS SECTION SHALL:

(1) REVIEW THE EFFECTIVENESS AND DESIRABILITY OF CONTINUING THE DISTRICT EVERY 3 YEARS FROM THE TIME THE DISTRICT IS AUTHORIZED BY LOCAL LAW UNDER § 12-403 OF THIS SUBTITLE; AND

(2) DEVELOP POLICIES AND PROCEDURES FOR EVALUATING THE DESIRABILITY OF CONTINUING THE DISTRICT IF REQUESTED BY OWNERS OF NONEXEMPT PROPERTY IN THE DISTRICT.

(B) IF THE CONTINUING EXISTENCE OF THE DISTRICT IS NOT APPROVED BY THE GOVERNING BODY:

(1) THE DISTRICT SHALL CEASE TO EXIST AS DIRECTED BY THE GOVERNING BODY; AND

(2) THE DISTRICT CORPORATION SHALL CONTINUE ITS EXISTENCE ONLY AS LONG AS NECESSARY TO TERMINATE OPERATION IN A REASONABLE MANNER.

~~(A) NOTWITHSTANDING ANY LIMITATION OF LAW, A DISTRICT MAY ISSUE AND SELL BONDS PERIODICALLY TO ACCOMPLISH THE LEGISLATIVE PURPOSES OF THIS SUBTITLE.~~

~~(B) (1) A DISTRICT MAY ISSUE AND SELL BONDS TO:~~

~~(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FINANCE THE COSTS OF THE ACQUISITION OR IMPROVEMENT OF A FACILITY FOR A FACILITY USER, INCLUDING WORKING CAPITAL;~~

~~(II) REFUND OUTSTANDING BONDS;~~

~~(III) PAY THE COSTS OF PREPARING, PRINTING, SELLING, AND ISSUING THE BONDS;~~

~~(IV) FUND RESERVES; AND~~

~~(V) PAY THE INTEREST ON THE BONDS IN THE AMOUNT AND FOR THE PERIOD THE DISTRICT CORPORATION AND THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION CONSIDER REASONABLE.~~

~~(2) (I) A DISTRICT MAY NOT ISSUE BONDS TO ACQUIRE WORKING CAPITAL UNLESS THE BONDS ARE SECURED BY A LETTER OF CREDIT OR AN INTEREST IN PROPERTY.~~

~~(II) WORKING CAPITAL ACQUIRED BY ISSUING BONDS MAY NOT EXCEED 25% OF THE PRINCIPAL AMOUNT OF THE BONDS.~~

~~(C) (1) BONDS ARE LIMITED OBLIGATIONS AND ARE NOT A PLEDGE OF THE FAITH AND CREDIT OR TAXING POWER OF THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION.~~

~~(2) BONDS ISSUED BY A DISTRICT ARE ISSUED ON BEHALF OF THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION THAT ESTABLISHED THE DISTRICT.~~

~~(D) (1) A BOND:~~

~~(I) MAY BE IN BEARER FORM;~~

~~(II) MAY BE REGISTRABLE AS TO PRINCIPAL ALONE OR AS TO BOTH PRINCIPAL AND INTEREST; AND~~

~~(III) IS A SECURITY AS DEFINED UNDER § 8-102 OF THE COMMERCIAL LAW ARTICLE, WHETHER OR NOT THE BOND IS ONE OF A CLASS OR SERIES OR IS DIVISIBLE INTO A CLASS OR SERIES OF INSTRUMENTS.~~

~~(2) (I) A BOND SHALL BE SIGNED BY AN OFFICER DESIGNATED IN THE RESOLUTION OF THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION THAT ESTABLISHES THE DISTRICT.~~

~~(II) A BOND MAY BE EXECUTED BY FACSIMILE SIGNATURE IN ACCORDANCE WITH § 2-303 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(III) AN OFFICER'S SIGNATURE OR COUNTERSIGNATURE ON A BOND OR COUPON REMAINS VALID EVEN IF THE OFFICER LEAVES OFFICE BEFORE THE BOND IS DELIVERED.~~

~~(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A BOND SHALL MATURE NOT LATER THAN 30 YEARS AFTER THE DATE OF ISSUE.~~

~~(II) IF A BOND IS SECURED BY A MORTGAGE INSURED BY A UNIT OF THE FEDERAL GOVERNMENT, THE BOND SHALL HAVE A TERM OF MATURITY THAT DOES NOT EXCEED THE TERM OF THE INSURANCE.~~

~~(E) (1) A DISTRICT CORPORATION MAY ACQUIRE OR IMPROVE A FACILITY WITH BOND PROCEEDS:~~

~~(I) BY LEASING THE FACILITY TO A FACILITY USER;~~

~~(II) BY SELLING THE FACILITY TO A FACILITY USER UNDER AN INSTALLMENT SALE AGREEMENT;~~

~~(III) BY LENDING BOND PROCEEDS TO A FACILITY USER TO BE USED TO FINANCE A FACILITY; OR~~

~~(IV) IN ANY OTHER MANNER THAT THE DISTRICT CORPORATION OR THE INCORPORATING COUNTY OR MUNICIPAL CORPORATION~~

~~CONSIDERS APPROPRIATE TO ACCOMPLISH THE LEGISLATIVE PURPOSES OF THIS SUBTITLE.~~

~~(2) (i) THE LEASE OF A FACILITY UNDER THIS SUBTITLE MAY AUTHORIZE OR REQUIRE THE FACILITY USER TO ACQUIRE THE FACILITY ON PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS APPLICABLE TO THE FACILITY USER.~~

~~(ii) THE CONSIDERATION FOR THE ACQUISITION OF THE FACILITY MAY BE NOMINAL.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 462

(House Bill 1244)

AN ACT concerning

Municipal Corporations – Planning Commissions – Meetings

FOR the purpose of requiring that a planning commission appointed by a municipal corporation shall hold ~~certain meetings at the call of the chair of the planning commission or at certain other times determined by the planning commission;~~ quarterly or more often as the planning commission's duties require; authorizing the chairman of a certain planning commission to cancel a certain quarterly meeting under certain circumstances; and generally relating to meetings of planning commissions appointed by municipal corporations.

BY repealing and reenacting, with amendments,

Article 66B – Land Use

Section 3.03

Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)

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

Article 66B – Land Use

3.03.

(a) (1) A planning commission shall elect a chairman from one of the appointed members of the planning commission and create and fill its other offices as it determines appropriate.

(2) (i) The term of a chairman shall be 1 year.

(ii) A planning commission chairman may be reelected.

(b) (1) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** planning commission shall hold at least one regular meeting each month.

(2) (I) ~~A EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PLANNING COMMISSION APPOINTED BY A MUNICIPAL CORPORATION SHALL HOLD MEETINGS AT THE CALL OF THE CHAIRMAN AND AT OTHER TIMES DETERMINED BY THE PLANNING COMMISSION~~ QUARTERLY OR MORE OFTEN AS THE PLANNING COMMISSION'S DUTIES REQUIRE.

(II) IF THERE IS NO BUSINESS BEFORE THE PLANNING COMMISSION, THE CHAIRMAN MAY CANCEL THE QUARTERLY MEETING.

(c) (1) A planning commission shall adopt rules for transacting business and shall keep records of its resolutions, transactions, findings, and determinations.

(2) The records of the resolutions, transactions, findings, and determinations of a planning commission shall be open to the public.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 463

(House Bill 1303)

AN ACT concerning

Worcester County – Real Property – Recording

FOR the purpose of altering certain procedures for recording certain deeds in Worcester County so as to require that certain deeds granting property within a certain sanitary district operated by the County Commissioners of Worcester

County be marked by the county to indicate that certain assessments and charges due to the county have been paid before the deed may be accepted by the Clerk of the Circuit Court for recording; and generally relating to the recordation of property lying in the boundaries of a sanitary district operated by the County Commissioners of Worcester County.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3–104(f)(4)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Article – Real Property

3–104.

(f) (4) No deed granting property lying within the boundaries of any sanitary district operated by the **COUNTY COMMISSIONERS OF** Worcester County [Sanitary Commission] may be accepted by the Clerk of the Circuit Court for recording unless the deed is marked by the [Commission] **COUNTY** to indicate that every assessment or charge currently due and owed to the [Commission] **COUNTY** with respect to the property described in the deed has been paid.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 464

(House Bill 1336)

AN ACT concerning

**Washington County – Domestic Violence – GPS Tracking System Pilot
Program for Offenders**

FOR the purpose of ~~authorizing~~ requiring the court in Washington County to implement a global positioning satellite tracking system pilot program that ~~will require~~ authorizes the court, as a condition of a defendant's pretrial release on a charge of violating a certain protective order, ~~that the court~~ to order that the defendant be supervised by means of active electronic monitoring as a condition

of bail under certain circumstances; ~~authorizing~~ requiring the court in Washington County to implement a global positioning satellite tracking system pilot program that ~~will require~~ authorizes the court, if the court suspends the sentence of a certain defendant convicted of failing to comply with certain relief granted in an interim protective order, temporary protective order, or final protective order, ~~that the court place~~ to order that the defendant ~~under~~ be supervised by active electronic monitoring as a condition of probation under certain circumstances; requiring a certain defendant to pay certain fees established by the county under certain circumstances; ~~authorizing the county court to exempt the defendant from the fee under certain circumstances;~~ requiring the Sheriff of Washington County and the administrative judge for the District Court in Washington County to submit a certain report on the pilot program; providing for the termination of this Act; providing that the abrogation of this Act does not terminate the obligation of a defendant to comply with an order entered by a court under this Act on or before a certain date; and generally relating to a ~~pilot program for the electronic monitoring of defendants subject to protective orders~~ global positioning satellite tracking system pilot program in Washington County.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 5–202(e)

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY adding to

Article – Criminal Procedure

Section 5–202(g)

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 6–221

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 4–509(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

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

Article – Criminal Procedure

5–202.

(e) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with violating:

(i) the provisions of a temporary protective order described in § 4–505(a)(2)(i) of the Family Law Article or the provisions of a protective order described in § 4–506(d)(1) of the Family Law Article that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief; or

(ii) the provisions of an order for protection, as defined in § 4–508.1 of the Family Law Article, issued by a court of another state or of a Native American tribe that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief, if the order is enforceable under § 4–508.1 of the Family Law Article.

(2) A judge may allow the pretrial release of a defendant described in paragraph (1) of this subsection on:

(i) suitable bail;

(ii) any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or

(iii) both bail and other conditions described under subparagraph (ii) of this paragraph.

(3) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

(G) (1) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.

(2) THE ~~COURT~~ COUNTY SHALL IMPLEMENT A GLOBAL POSITIONING SATELLITE TRACKING SYSTEM PILOT PROGRAM AS A CONDITION OF PRETRIAL RELEASE OF A DEFENDANT DESCRIBED IN SUBSECTION (E) OF THIS SECTION.

(3) (I) THE COURT ~~SHALL~~ MAY ORDER THAT, AS A CONDITION OF BAIL, THE DEFENDANT BE:

1. SUPERVISED BY MEANS OF ACTIVE ELECTRONIC MONITORING; AND

2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, RESPONSIBLE FOR PAYING THE FEE FOR ACTIVE ELECTRONIC MONITORING ESTABLISHED BY THE COUNTY.

(II) IF THE ~~COUNTY~~ COURT DETERMINES THAT A DEFENDANT CANNOT AFFORD TO PAY THE FEE ESTABLISHED IN SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE ~~COUNTY~~ COURT MAY EXEMPT THE DEFENDANT WHOLLY OR PARTLY FROM THE FEE.

6-221.

(A) ~~{On} SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON~~ entering a judgment of conviction, the court may suspend the imposition or execution of sentence and place the defendant on probation on the conditions that the court considers proper.

(B) (1) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.

(2) THE ~~COURT~~ COUNTY SHALL IMPLEMENT A GLOBAL POSITIONING SATELLITE TRACKING SYSTEM PILOT PROGRAM AS A CONDITION OF PROBATION FOR A DEFENDANT CONVICTED UNDER § 4-509 OF THE FAMILY LAW ARTICLE.

(3) (I) ON ENTERING A JUDGMENT OF CONVICTION UNDER § 4-509 OF THE FAMILY LAW ARTICLE, IF THE COURT SUSPENDS THE IMPOSITION OR EXECUTION OF SENTENCE AND PLACES THE DEFENDANT ON PROBATION, THE COURT ~~SHALL~~ MAY ORDER THAT, AS A CONDITION OF PROBATION, THE DEFENDANT BE:

1. SUPERVISED BY MEANS OF ACTIVE ELECTRONIC MONITORING FOR THE DURATION OF THE PROTECTIVE ORDER; AND

2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, RESPONSIBLE FOR PAYING THE FEE FOR ACTIVE ELECTRONIC MONITORING ESTABLISHED BY THE COUNTY.

(II) IF THE ~~COUNTY~~ COURT DETERMINES THAT A DEFENDANT CANNOT AFFORD TO PAY THE FEE ESTABLISHED IN SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE ~~COUNTY~~ COURT MAY EXEMPT THE DEFENDANT WHOLLY OR PARTLY FROM THE FEE.

Article – Family Law

4–509.

(a) A person who fails to comply with the relief granted in an interim protective order under § 4–504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a temporary protective order under § 4–505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this subtitle, or a final protective order under § 4–506(d)(1), (2), (3), (4), or (5), or (e) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:

(1) for a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and

(2) for a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 1, 2012, the Sheriff of Washington County and the administrative judge for the District Court in Washington County jointly shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, that evaluates the global positioning satellite tracking system pilot program established by this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the abrogation of this Act at the end of September 30, 2012, as provided in Section 4 of this Act, may not be interpreted or applied to terminate the obligation of a defendant to comply with any order entered by a court under this Act on or before September 30, 2012.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010. It shall remain effective for a period of 2 years and, at the end of September 30, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 4, 2010.

Chapter 465

(House Bill 1345)

AN ACT concerning

Recreational Fishing Licenses – Licensing and Registration

FOR the purpose of expanding the requirement to obtain certain fishing licenses or authorizations to apply to certain fishing activity in the State waters of the

Atlantic Ocean and the Atlantic coastal bays and tributaries; altering the application process for obtaining a freshwater angling license; altering the duration of the short-term freshwater angling license and the short-term tidal sport fishing license; repealing a provision of law governing the sale and disposal of expired trout stamps; altering the ~~fee schedule for the fees for a nonresident trout stamp and the, a short-term nonresident sport fishing license, and the annual nonresident sport fishing license~~; providing for the term and expiration for certain tidal sport fishing licenses; providing for an application process for the tidal sport fishing license; altering certain exemptions from the requirement to obtain a tidal sport fishing license before fishing in tidal waters of the State; requiring certain individuals who are exempt from certain tidal fish licensing requirements to register with the Department of Natural Resources before fishing in tidal waters of the State; authorizing the Department to provide by regulation for the issuance of a special tidal commercial fishing pier license that is valid for all individuals fishing from the pier; establishing an annual fee for the commercial pier license; requiring the owner or operator of a commercial pier to maintain and submit to the Department certain information; ~~extending the sunset repealing the termination~~ date for the increase in certain recreational fishing license annual fees and the operation of the Task Force on Fishery Management; repealing the Task Force on Fishery Management; making certain stylistic changes; defining certain terms; repealing a certain definition; and generally relating to recreational fishing licenses.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4-101, 4-210(g), 4-214, 4-216(d), 4-217(d), 4-604, 4-614, and 4-745

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Chapter 217 of the Acts of the General Assembly of 2007

Section 3

BY repealing

Article – Natural Resources

Section 4-215.4

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

(As enacted by Chapter ____ (S.B.____/H.B.____) of the Acts of the General Assembly of 2010)

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

Article – Natural Resources

4–101.

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

(b) “Apprenticeship permit” means a permit issued by the Department that authorizes the permittee to gain practical experience in the presence of a tidal fish licensee regarding commercial fishing activities.

(c) “Authorization” means an authorization under a tidal fish license issued by the Department which entitles a licensee to engage in a particular fishing activity.

(d) “Catch” includes to take, kill, trap, gather, harvest, or in any manner reduce any fish to personal possession.

(e) “Closed season” means the time during which any particular species of fish may not be caught legally and includes any period of time not included within the open season.

(F) “COMMERCIAL FISHING PIER” MEANS A PIER OPEN TO THE PUBLIC THAT CHARGES A FEE TO FISH IN THE TIDAL WATERS OF THE STATE.

[(f)] (G) “County” includes Baltimore City unless otherwise indicated.

[(g)] (H) “Crew member” means a person who assists a tidal fish licensee during commercial fishing activities including operating a boat, handling fishing related gear, or culling fish.

[(h)] (I) “Department” means Department of Natural Resources.

[(i)] (J) “Fish” means finfish, crustaceans, mollusks, and amphibians and reptiles which spend the majority of their life cycle in water and any part, egg, offspring, or dead body of any of these species.

[(j)] (K) “Game and freshwater fish” means fish found in nontidal water, including but not limited to, a pond, lake, or canal, whether publicly or privately owned.

[(k)] (L) “Nontidal water” means water above a point where the tide ebbs and flows.

[(l)] (M) “Open season” means the time during which fish legally may be caught and includes both the first and last day of the season or period designated in this title.

[(m)] (N) “Person” includes the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver,

trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

(O) “RESIDENT” MEANS AN INDIVIDUAL WHO:

(1) FOR MORE THAN 6 MONTHS OF THE TAXABLE YEAR MAINTAINS A RESIDENCE IN THE STATE; OR

(2) MOVES TO THE STATE WITH THE INTENT TO BE DOMICILED IN THE STATE.

[(n)] (P) “Secretary” means Secretary of Natural Resources.

[(o)] (Q) “Tidal fish license” means a license issued by the Department which authorizes the licensee to guide fishing parties, catch fish for commercial purposes and buy, sell, process, transport, export or otherwise deal in fish which were caught in the tidal waters of Maryland.

[(p)] (R) “Tidal water” means water below a point where the tide ebbs and flows.

4–210.

(g) (1) The Department may issue a limited fishing guide license that is applicable in all waters of the State to allow a license holder to guide:

(i) Anglers in up to 3 boats or vessels that:

1. Have 1 or 2 occupants; and
2. Are propelled by oars or paddles; or

(ii) 1. Except as provided in item 2 of this item, up to 10 anglers fishing from shore or on foot in the water; or

2. Any number of anglers who are participating in an educational or recreational program sponsored by a State, local, or municipal government and who are fishing from shore or on foot in the water.

(2) A person may not accept any consideration for services as a fishing guide licensed under this subsection unless the person and all persons being guided possess, as applicable, an angler’s license issued under § 4–604 of this title or a Chesapeake Bay AND COASTAL sport fishing license issued under § 4–745 of this title.

(3) A recreational angler under the guidance of a limited fishing guide in tidal waters may not:

(i) Catch or possess the species of fish known as the striped bass or rockfish in the tidal waters designated in § 4–210.1(f) of this subtitle; and

(ii) From March 1 through May 31, catch or attempt to catch the species of fish known as the striped bass or rockfish in spawning areas and rivers, including all waters north of a line from Abbey Point to Worton Point, including the Sassafras River, Bohemia River, Elk River, Northeast River, Susquehanna River, Susquehanna Flats, and the Chesapeake and Delaware Canal.

4–214.

By regulation, the Secretary may establish up to 3 free fishing days each calendar year when a person may catch finfish in the tidal and nontidal waters of the State for recreational purposes without an angler's license or Chesapeake Bay **AND COASTAL** sport fishing license.

4–216.

(d) A holder of a resident consolidated senior sport fishing license may:

(1) Engage in angling on the nontidal waters of the State without holding an angler's license under § 4–604 of this title;

(2) Engage in angling for trout on the nontidal waters of the State without holding a trout stamp under § 4–614 of this title; and

(3) Fish for finfish in the Chesapeake Bay and its tributaries **OR IN THE STATE WATERS OF THE ATLANTIC OCEAN AND THE ATLANTIC COASTAL BAYS AND TRIBUTARIES** without holding a Chesapeake Bay **AND COASTAL** sport fishing license under § 4–745 of this title.

4–217.

(d) An individual covered under the organization's license exemption may:

(1) Engage in angling on the nontidal waters of the State without holding an angler's license under § 4–604 of this title;

(2) Engage in angling for trout on the nontidal waters of the State without holding a trout stamp under § 4–614 of this title; and

(3) Fish for finfish in the Chesapeake Bay and its tributaries **OR IN THE STATE WATERS OF THE ATLANTIC OCEAN AND THE ATLANTIC COASTAL BAYS AND TRIBUTARIES** without holding a Chesapeake Bay **AND COASTAL** sport fishing license under § 4–745 of this title.

4-604.

(a) This section provides a fund to pay the expense of protecting and managing game and freshwater fish and preventing unauthorized persons from fishing or attempting to fish for any game and freshwater fish without first procuring an angler's license.

(b) [(1) In this section, "resident" means a person who resides in this State on the date he applies for a license.

(2) "Resident" includes a member of the armed forces of the United States who is on active duty and stationed officially in this State.

(c)] Any person 16 years old or older shall secure an angler's license to fish in the nontidal waters of the State. An angler's license entitles the holder to fish in the nontidal waters of the State only during the open season.

[(d)] (C) An angler's license is not required of the following:

(1) The owner or tenant of land bordering on nontidal water, his spouse and children, or the spouse of any child who resides on the land with the owner or tenant when he fishes in nontidal water adjoining his land;

(2) Any resident serving in the armed forces of the United States, while on leave in the State, during his leave period, if, while angling, he possesses a copy of his official leave orders;

(3) A person who fishes in nontidal waters of the State on free fishing days designated by the Secretary;

(4) A person holding a current resident consolidated senior sport fishing license issued under § 4-216 of this title; or

(5) A person authorized by a disability exemption issued under § 4-217 of this title.

[(e)] (D) A person may apply for an angler's license to any person designated by the Department. The application shall be on a form the Department prepares and supplies. The applicant shall fill out, sign and submit the application to the person designated to issue an angler's license. A person may apply by mail.

[(f) (1) The application shall contain the applicant's name and place of residence.

(2) A person may not use an assumed name or an address other than the person's legal place of residence or make any false statement to obtain an angler's license.

(3) Before an angler's license may be issued, the applicant for the license shall sign a statement that says:

"I understand that this license does not of itself permit me to fish on private property, and if I do so without permission of the owner I may be subject to a fine."

(E) AN APPLICANT FOR A LICENSE ISSUED UNDER THIS SECTION SHALL PROVIDE ALL THE INFORMATION REQUESTED BY THE DEPARTMENT ON FORMS ISSUED BY THE DEPARTMENT.

[(g)] (F) (1) The following annual license fees shall apply:

- (i) Resident..... \$20.50
- (ii) Subject to paragraph (2)(ii) of this subsection, short-term license valid for **[5] 7** consecutive days from date of issuance \$7.50
- (iii) Resident and nonresident blind persons..... No fee
- (iv) Complimentary license No fee

(2) For a nonresident:

- (i) The fee for an annual angler's license is the greater of:
 - 1. \$30.50; or
 - 2. A fee equal to the fee charged a Maryland resident by the nonresident's home state for a similar license; and
- (ii) The fee for a short-term license valid for **[5] 7** consecutive days from the date of issuance is the greater of:
 - 1. \$7.50; or
 - 2. A fee equal to the fee charged a Maryland resident by the nonresident's home state for a license that permits an equal number of days of fishing or the next higher number of days as permitted by the Maryland license.
- (iii) The fee for a short-term license valid for 3 consecutive days from the date of issuance is the greater of:

1. \$5; or

2. A fee equal to the fee charged a Maryland resident by the nonresident's home state for a license that permits an equal number of days of fishing or the next higher number of days as permitted by the Maryland license.

(3) (i) All fees collected by the Department under this section may only be used in accordance with § 4-208 of this title.

(ii) The Department shall publicly report annually the amounts collected and the expenditures under this section.

[(h)] (G) A person designated to sell an angler's license shall issue the license and collect the fee prescribed in subsection **[(g)] (F)** of this section. The Department shall furnish the licenses to the designated persons. An angler's license shall bear the Secretary's facsimile signature and the countersignature of the issuing person. The person who issues the license shall enter the name and address of the licensee. The collected money shall be transmitted to the Department as prescribed by the Department. As compensation, the agent shall retain \$1 for each license issued.

[(i)] (H) (1) Every angler's license shall expire on December 31 of each year following the date of issuance.

(2) The licensee shall sign his name in ink on the license at the time of purchase.

(3) The license may not be transferred to another person, nor used or presented by any person other than the person to whom it was issued.

4-614.

[(a)] (1) Except for a holder of a current resident consolidated senior sport fishing license issued under § 4-216 of this title and a person authorized by a disability exemption issued under § 4-217 of this title, a person 16 years old or older may not fish in any special catch-and-return trout management area and may not possess trout while fishing in nontidal waters unless the person first obtains a trout stamp in addition to an angler's license. The stamp shall be obtained from any authorized agent of the Department at a cost of \$5. The Department may designate a person engaged in a retail business to sell the trout stamp as an agent under the Department's control and supervision. The trout stamps may be furnished to agents upon consignment if the Department is given adequate security to insure ultimate payment to the Department for the stamps.

(2) The Department may sell expired stamps below face value to the general public for a period of 3 years, after which time the Department shall shred any

unsold stamps. All revenues derived from the sale of these stamps shall revert back to the game management fund.]

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT FISH IN A SPECIAL CATCH-AND-RETURN TROUT MANAGEMENT AREA OR POSSESS TROUT WHILE FISHING IN NONTIDAL WATERS UNLESS THE PERSON FIRST OBTAINS A TROUT STAMP IN ADDITION TO AN ANGLER'S LICENSE.

(2) A TROUT STAMP IS NOT REQUIRED OF THE FOLLOWING:

(I) A HOLDER OF A CURRENT RESIDENT CONSOLIDATED SENIOR SPORT FISHING LICENSE ISSUED UNDER § 4-216 OF THIS TITLE;

(II) A PERSON AUTHORIZED BY A DISABILITY EXEMPTION ISSUED UNDER § 4-217 OF THIS TITLE;

(III) A RESIDENT SERVING IN THE ARMED FORCES OF THE UNITED STATES WHILE ON LEAVE IF THE RESIDENT POSSESSES A COPY OF THE RESIDENT'S OFFICIAL LEAVE ORDER WHILE FISHING; OR

(IV) A PERSON UNDER 16 YEARS OF AGE.

(3) THE STAMP MAY BE OBTAINED FROM THE DEPARTMENT OR AN AUTHORIZED AGENT OF THE DEPARTMENT.

(b) [Any resident serving in the armed forces of the United States, while on leave in the State, may fish without a trout stamp during his period of leave if he possesses a copy of his official leave order while fishing.

(c)] A person is not required to have a trout stamp to possess trout taken from:

(1) Any privately owned lake or pond that is stocked with trout artificially propagated by commercial hatcheries or purchased from persons licensed to sell fish; or

(2) Any fee fishing lake or pond operated under § 4-11A-20 of this title.

(C) THE FOLLOWING ANNUAL TROUT STAMP FEES SHALL APPLY:

(1) RESIDENT \$5

(2) ~~FOR A NONRESIDENT, THE GREATER OF:~~

~~(I) \$5; OR~~

~~(II) A FEE EQUAL TO THE FEE CHARGED A MARYLAND RESIDENT BY THE NONRESIDENT'S HOME STATE FOR A SIMILAR LICENSE.~~

NONRESIDENT \$10

(d) The Department or any authorized agent of the Department may issue a duplicate trout stamp for a fee not exceeding \$1 if a person indicates that the trout stamp is lost and is on record for previously purchasing a trout stamp.

4-745.

(a) (1) Except as provided in subsections (c) and (d) of this section and § 4-217 of this title, a person may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries **OR IN STATE WATERS OF THE ATLANTIC OCEAN AND THE ATLANTIC COASTAL BAYS AND TRIBUTARIES** without first obtaining a Chesapeake Bay **AND COASTAL** sport fishing license **OR REGISTRATION ISSUED UNDER SUBSECTION (D)(3) OF THIS SECTION AND POSSESSING EVIDENCE OF THE LICENSE OR REGISTRATION.**

(2) The license may be obtained from the Department or from any authorized agent of the Department. The following annual license fees shall apply:

(i) Resident..... \$15

(ii) Short-term **RESIDENT** license valid for **[5] 7** consecutive days from date of issue.....\$6

(iii) **FOR A SHORT-TERM NONRESIDENT LICENSE VALID FOR 7 CONSECUTIVE DAYS FROM DATE OF ISSUE THE GREATER OF \$6 OR AN AMOUNT EQUAL TO THE FEE CHARGED A MARYLAND RESIDENT BY THE NONRESIDENT'S HOME STATE FOR A SIMILAR LICENSE** **\$12**

(IV) Nonresident[15] THE GREATER OF \$15 OR AN AMOUNT EQUAL TO THE FEE CHARGED A MARYLAND RESIDENT BY THE NONRESIDENT'S HOME STATE FOR A SIMILAR LICENSE **\$22.50**

[(iv)] (V) Resident and nonresident blind persons No fee

[(v)] (VI) Complimentary license under subsection (e) of this section No fee

(3) [Except for a license issued under subsection (d) of this section, every] **EVERY** Chesapeake Bay **AND COASTAL** sport fishing license **AND REGISTRATION** shall be valid for not more than 1 year and shall expire on December 31.

(4) AN APPLICANT FOR A LICENSE ISSUED UNDER THIS SECTION SHALL PROVIDE ALL THE INFORMATION REQUESTED BY THE DEPARTMENT ON FORMS ISSUED BY THE DEPARTMENT.

(b) (1) The Department may designate a person engaged in a commercial enterprise to sell the Chesapeake Bay **AND COASTAL** sport fishing license **OR ISSUE A REGISTRATION UNDER SUBSECTION (D) OF THIS SECTION** as an agent under the Department's control and supervision.

(2) **(I)** As compensation, the agent shall retain \$1 for each license issued.

(II) THERE IS NO AGENT COMPENSATION FOR EACH REGISTRATION ISSUED.

(3) The Chesapeake Bay **AND COASTAL** sport fishing license shall be furnished to an agent upon satisfactory payment or upon consignment and only if the Department is given adequate security to insure ultimate payment by an agent to the Department for the licenses.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, all fees collected on behalf of the Department pursuant to this section shall be remitted to the Department in accordance with its rules and regulations for deposit with the State Treasurer to the credit of the Fisheries Research and Development Fund to be used for the replenishment, protection, and conservation of fish stocks caught by recreational fishermen, for enhancement of recreational fishing opportunities, and for research concerning tidal fishery resources. The Department shall publicly report annually the amounts collected and the expenditures.

(ii) In fiscal year 1999 and in each subsequent fiscal year, the Department, for the purposes set forth in subparagraph (iii) of this paragraph, shall use:

1. \$2 from the sale of each license under subsection (a) of this section;

2. \$20 from the sale of each license under subsection (d)(2) of this section; and

3. \$225 of the special charter boat license under subsection (d)(1) of this section.

(iii) The Department shall use the moneys specified in subparagraph (ii) of this paragraph for:

1. Achieving the maximum federal fund apportionments;
 2. Management assessment and sportfishing surveys;
- and
3. Angler outreach and public fishing information.

(5) In the preparation of plans for the expenditure of license receipts, the Secretary annually shall solicit the advice and opinions of the Department's Sport Fisheries Advisory Commission, representative fishing and boating associations, and other interested parties.

(c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries **OR IN STATE WATERS OF THE ATLANTIC OCEAN AND COASTAL BAYS AND TRIBUTARIES** without a Chesapeake Bay **AND COASTAL** sport fishing license if the person:

- (1) Is under the age of 16;
- (2) Possesses a valid commercial license;
- (3) [Is fishing from private real property as an owner, family member of an owner, or nonpaying guest of an owner;
- (4) Is fishing with a hook and line from a public bridge or public pier that has been designated by the Department as a free fishing area;
- (5)] Holds a valid tidal water sport fishing license issued by the State of Virginia, Potomac River Fisheries Commission, or District of Columbia, provided that this exemption shall not take effect until the Secretary has published notice in the Maryland Register of the Secretary's determination that the Virginia, Potomac River Fisheries Commission, or District of Columbia requirements for a tidal water sport fishing license are substantially similar to and reciprocal with the Chesapeake Bay **AND COASTAL** sport fishing license requirements of this section;

[(6)] (4) Is fishing pursuant to any special **CHARTER BOAT** license issued under subsection **[(d)] (D)(1)** of this section;

[(7)] (5) (i) Is on active duty with the armed forces of the United States;

(ii) Is a resident of this State;

(iii) Is on leave from the armed forces; and

(iv) Has, while fishing, a copy of the person's official leave orders;

[(8)] (6) Fishes on a free fishing day designated by the Secretary;
[or]

[(9)] (7) Holds a current resident consolidated senior sport fishing license issued under § 4-216 of this title;

(8) HOLDS A CURRENT REGISTRATION ISSUED UNDER SUBSECTION (D)(3) OF THIS SECTION; OR

(9) IS FISHING ON A COMMERCIAL FISHING PIER LICENSED UNDER SUBSECTION (D)(4) OF THIS SECTION.

(d) (1) The Department may provide by regulation for issuance of a special charter boat license that would be valid for all individuals on a charter boat operated by a licensed fishing guide **IN TIDAL WATERS OF THE STATE**. The fee shall be:

- (i) For 6 fishermen or less \$240.
- (ii) For 7 or more fishermen \$290.

(2) (i) The Department may provide by regulation for issuance of an annual special Chesapeake Bay **AND COASTAL** sport fishing license, which when permanently affixed to a boat registered in any state shall authorize any person on the boat to fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries **OR IN STATE WATERS OF THE ATLANTIC OCEAN AND THE ATLANTIC COASTAL BAYS AND TRIBUTARIES**, except that such a license may not be used on a boat that has been hired to take such persons fishing.

- (ii) The annual fee for this special license shall be \$50.

(iii) If a boat owner purchases the special license under this paragraph, the boat owner may fish anywhere in the Chesapeake Bay **OR THE STATE WATERS OF THE ATLANTIC OCEAN AND THE ATLANTIC COASTAL BAYS AND TRIBUTARIES**, whether the boat owner is fishing in the owner's boat, in another person's boat, on land, or elsewhere. The Department shall issue a complimentary Chesapeake Bay **AND COASTAL** sport fishing license to the boat owner who purchases a special license under this paragraph. If a boat to which the special license is affixed has more than one owner, then only the individual applicant who signs the application

for the special license shall be entitled to a complimentary Chesapeake Bay AND COASTAL sport fishing license under this paragraph.

(3) (I) AN INDIVIDUAL SHALL REGISTER WITH THE DEPARTMENT BEFORE FISHING IN ANY OF THE FOLLOWING AREAS THAT DO NOT REQUIRE A CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE:

1. A FREE FISHING AREA WITH HOOK AND LINE;

2. ON PRIVATE REAL PROPERTY BORDERING ON TIDAL WATER AS AN OWNER OR TENANT OF THE PROPERTY, OR A SPOUSE OR AN IMMEDIATE FAMILY MEMBER WHO RESIDES ON THE PROPERTY WITH THE OWNER OR TENANT; AND

3. ON A BOAT LICENSED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(II) THERE IS NO FEE FOR REGISTRATION UNDER THIS PARAGRAPH.

(III) AN INDIVIDUAL REQUIRED TO REGISTER UNDER THIS PARAGRAPH SHALL PROVIDE ALL THE INFORMATION REQUESTED BY THE DEPARTMENT ON FORMS ISSUED BY THE DEPARTMENT.

(4) (I) 1. THE DEPARTMENT MAY PROVIDE BY REGULATION FOR THE ISSUANCE OF A SPECIAL COMMERCIAL FISHING PIER LICENSE THAT IS VALID FOR ALL INDIVIDUALS FISHING FROM THE PIER IN TIDAL WATERS OF THE STATE.

2. THE ANNUAL FEE FOR THE SPECIAL COMMERCIAL FISHING PIER LICENSE SHALL BE \$290.

(II) INDIVIDUALS FISHING FROM A LICENSED COMMERCIAL FISHING PIER ARE EXEMPT FROM PURCHASING A CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE.

(III) 1. THE OWNER OR OPERATOR OF A LICENSED COMMERCIAL FISHING PIER SHALL MAINTAIN A LOG OF THE CONTACT INFORMATION OF THE PERSONS FISHING FROM THAT STRUCTURE EACH DAY.

2. THE LOGS REQUIRED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MUST BE SUBMITTED ELECTRONICALLY AS PRESCRIBED OR APPROVED BY THE DEPARTMENT.

(e) (1) In this subsection, “former prisoner of war” means a person who, while serving in the active military, naval, or air service of the United States, was forcibly detained or interned in the line of duty by an enemy government or its agents, or a hostile force, during a period of armed conflict.

(2) The Department may issue a lifetime complimentary Chesapeake Bay **AND COASTAL** sport fishing license to any Maryland resident who certifies that the resident is a former prisoner of war or a 100% service connected disabled American veteran.

(3) A complimentary license is not transferable and shall be issued on forms the Department designates.

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

Chapter 217 of the Acts of 2007

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007. ~~It shall remain effective for a period of 3 years and 6 MONTHS AND, at the end of [June 30] DECEMBER 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Natural Resources

[4–215.4.

(a) There is a Task Force on Fishery Management.

(b) (1) The Task Force consists of the following members:

(i) The Secretary of Natural Resources, or the Secretary’s designee;

(ii) The following members, appointed by the Governor:

1. One representative from the Chesapeake Guides Association;

2. Two representatives from the Coastal Conservation Association Maryland;

3. One representative from the Maryland Bass Federation Nation;

4. One representative from the Mid-Atlantic Council of Trout Unlimited;
5. Two representatives from the Maryland Saltwater Sportfishermen's Association;
6. Two representatives from the Maryland Charter Boat Association;
7. Two representatives from the Maryland Watermen's Association; and
8. Two representatives from communities that are located on the Chesapeake Bay and its tributaries and that rely on fishing for their local economies; and

(iii) A peer review panel that consists of three experts in state fishery management appointed by the Governor in consultation with the American Fisheries Society.

(2) The peer review panel under paragraph (1)(iii) of this subsection shall support and provide expertise for the Task Force and the Department with the development of the report required under this section.

(c) The Governor shall designate the chair of the Task Force.

(d) The Task Force may establish subcommittees as it determines necessary to fulfill its duties.

(e) The Department of Natural Resources shall provide staff for the Task Force.

(f) A member of the Task Force may not receive compensation for serving on the Task Force, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Task Force shall:

(1) Oversee a full review of current fishery management processes and develop recommendations for methods to improve, modernize, and streamline fishery management, including:

(i) Developing a set of recommendations for the 2009 legislative session of the General Assembly that incorporates the improvements suggested for fishery management; and

(ii) Working with the Department to develop regulations and policy, and any follow-up legislation for the 2010 legislative session of the General Assembly that is necessary to implement the recommendations; and

(2) On or before December 1, 2008, submit a report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.]

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2011.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 466

(House Bill 1352)

AN ACT concerning

Forest Conservation Fund – Contribution Rates – Priority Funding Areas

FOR the purpose of altering the rates for contributions required to be made to the Forest Conservation Fund and a local forest conservation fund on the basis of whether a project is inside or outside a priority funding area under certain circumstances; making a clarifying change; defining a certain term; and generally relating to contribution rates for the Forest Conservation Fund.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1610(a), (c), and (h)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article – Natural Resources

5–1610.

(a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "Fund" means the Forest Conservation Fund.

(3) **"PRIORITY FUNDING AREA" HAS THE MEANING STATED IN § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

(c) Except as provided in subsection (h) of this section, if any person subject to this subtitle demonstrates to the satisfaction of the appropriate State or local authority that the requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished, the person shall contribute money to the Fund:

(1) **[Until] ON OR BEFORE September 30, 2014:**

(I) **FOR A PROJECT INSIDE A PRIORITY FUNDING AREA, at a rate of 30 cents per square foot of the area of required planting; and**

(II) **FOR A PROJECT OUTSIDE A PRIORITY FUNDING AREA, AT A RATE OF 36 CENTS PER SQUARE FOOT OF THE AREA OF REQUIRED PLANTING; AND**

(2) **After September 30, 2014:**

(I) **FOR A PROJECT INSIDE A PRIORITY FUNDING AREA, at a rate adjusted for inflation as determined by the Department annually by regulation; AND**

(II) **FOR A PROJECT OUTSIDE A PRIORITY FUNDING AREA, AT A RATE THAT IS 20% HIGHER THAN THE RATE SET UNDER ITEM (2)(I) OF THIS SUBSECTION.**

(h) (1) In lieu of a State Forest Conservation Fund, any local authority with an approved forest conservation program may establish a forest conservation fund, to be administered by the local authority, to allow a payment by any person who has demonstrated to the satisfaction of the local authority that the requirements for reforestation and afforestation on-site and off-site cannot be reasonably accomplished.

(2) **(I) ~~The~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE [rate] RATES shall be:**

(I) 1. FOR A PROJECT INSIDE A PRIORITY FUNDING AREA, AT LEAST the same as the [rate] RATES established for the State Forest Conservation Fund under subsection (c) of this section; AND

~~(H)~~ 2. FOR A PROJECT OUTSIDE A PRIORITY FUNDING AREA, 20% HIGHER THAN THE RATES ESTABLISHED UNDER ITEM (I) OF THIS PARAGRAPH 1 OF THIS SUBPARAGRAPH.

~~(II) IF A LOCAL JURISDICTION ESTABLISHES RATES FOR PROJECTS THAT ARE HIGHER THAN THE MINIMUM RATES ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION, THE LOCAL AUTHORITY MAY USE A RATE FOR PROJECTS INSIDE OF A PRIORITY FUNDING AREA THAT IS 20% LOWER THAN THE RATE CALCULATED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF A LOCAL JURISDICTION ESTABLISHES RATES FOR PROJECTS THAT ARE HIGHER THAN THE MINIMUM RATES ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION, THE LOCAL AUTHORITY MAY USE A RATE FOR A PROJECT:~~

1. INSIDE A PRIORITY FUNDING AREA THAT IS 20% LOWER THAN THE RATE CALCULATED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH; OR

2. OUTSIDE A PRIORITY FUNDING AREA THAT IS 20% HIGHER THAN THE RATE CALCULATED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH.

(III) THE RATE ESTABLISHED UNDER SUBPARAGRAPH (II)1 OF THIS PARAGRAPH FOR A PROJECT INSIDE A PRIORITY FUNDING AREA MAY NOT BE LOWER THAN THE RATE ESTABLISHED FOR THE STATE FOREST CONSERVATION FUND UNDER SUBSECTION (C) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 467

(House Bill 1402)

AN ACT concerning

Public Safety – Preemployment Polygraph Examinations for Correctional
Officer Applicants

FOR the purpose of ~~requiring~~ authorizing the Division of Correction to require an individual to pass a polygraph examination before ~~the individual may be being~~ appointed to serve as a correctional officer in a correctional facility; requiring the Commissioner of Correction to adopt certain regulations governing the administration of polygraph examinations ~~required~~ authorized under this Act; providing an exemption for an applicant for employment as a correctional officer of a State or local correctional facility from a certain prohibition against requiring a polygraph examination as a condition of employment; making stylistic and conforming changes; and generally relating to polygraph examinations for correctional officer applicants.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–215
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–702
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Correctional Services

3–215.

(a) In accordance with the State budget, the Division may appoint officers and other employees as necessary to operate the Division and its units efficiently and effectively.

(b) (1) Except as otherwise provided in this subtitle, all officers and other employees of the Division shall be appointed and removed in accordance with the provisions of the State Personnel and Pensions Article.

(2) The following positions are in the executive service, the management service, or are special appointments of the skilled service or the professional service in the State Personnel Management System:

- (i) Commissioner;
- (ii) Deputy Commissioner;
- (iii) Assistant Commissioner;

- (iv) industries general manager;
- (v) warden;
- (vi) facility administrator; and
- (vii) assistant warden.

(3) (i) The warden of a correctional facility is the appointing officer for the officers and other employees of that facility.

(ii) The Commissioner is the appointing officer for the other officers and employees in the Division.

(c) The Division may provide a dwelling for a warden.

(d) A warden may not receive any compensation or perquisite other than:

(1) the compensation and reimbursement provided under subsection (e) of this section; and

(2) if provided under subsection (c) of this section, a dwelling.

(e) (1) Officers and other employees are entitled to:

(i) compensation as provided in the State budget; and

(ii) reimbursement for expenses in accordance with the Standard State Travel Regulations.

(2) Officers and other employees working 40 hours or more per week in a correctional facility are entitled to one free meal per shift as provided in the State budget.

(F) (1) ~~BEFORE AN INDIVIDUAL MAY BE~~ THE DIVISION MAY REQUIRE AN INDIVIDUAL TO PASS A POLYGRAPH EXAMINATION BEFORE BEING APPOINTED TO SERVE AS A CORRECTIONAL OFFICER IN A CORRECTIONAL FACILITY, THE INDIVIDUAL MUST PASS A POLYGRAPH EXAMINATION.

(2) THE COMMISSIONER SHALL ADOPT REGULATIONS GOVERNING THE ADMINISTRATION OF THE POLYGRAPH EXAMINATION REQUIRED AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

Article – Labor and Employment

3-702.

(a) In this section, “employer” means:

- (1) a person engaged in a business, industry, profession, trade, or other enterprise in the State;
- (2) the State;
- (3) a county; and
- (4) a municipal corporation in the State.

(b) (1) This section does not apply to the federal government or any of its units.

(2) This section does not apply to an individual who is an employee of or applies for assignment to the Internal Investigative Unit of the Department of Public Safety and Correctional Services.

(3) This section does not apply to an individual who applies for employment or is employed:

(i) as a law enforcement officer, as defined in § 3-101 of the Public Safety Article;

(ii) as an employee of a law enforcement agency of the State, a county, or a municipal corporation;

(iii) as a communications officer of the Calvert County Control Center;

(iv) as a correctional officer of the Calvert County Detention Center or in any other capacity that involves direct personal contact with an inmate in the Detention Center;

(v) as a correctional officer of the Washington County Detention Center or in any other capacity that involves direct personal contact with an inmate in the Center; or

(vi) as a correctional officer of:

- 1. the Baltimore City Jail;
- 2. the Baltimore County Detention Center;
- 3. the Cecil County Detention Center;

4. the Charles County Detention Center;
5. the Frederick County Adult Detention Center;
6. the Harford County Detention Center; or
7. the St. Mary's County Detention Center.

(4) This section does not apply to an applicant for employment as a correctional officer [with the Department of Corrections for Prince George's County] **OF A STATE OR LOCAL CORRECTIONAL FACILITY.**

(5) This section does not apply to an applicant for employment with either the Anne Arundel County Department of Detention Facilities or the Caroline County Department of Corrections[:

(i) as a correctional officer; or

(ii)] in any [other] capacity that involves direct contact with an inmate in either the Anne Arundel County Department of Detention Facilities or the Caroline County Department of Corrections.

(c) An employer may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a [lie detector] **POLYGRAPH EXAMINATION** or similar test.

(d) (1) Each application for employment shall set out, in bold-faced upper case type, the following notice:

“Under Maryland law, an employer may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a [lie detector] **POLYGRAPH EXAMINATION** or similar test. An employer who violates this law is guilty of a misdemeanor and subject to a fine not exceeding \$100.”

(2) Each application shall provide a space for an applicant to sign an acknowledgment of the notice required under this subsection.

(e) An applicant shall sign the acknowledgment of the notice required under subsection (d) of this section.

(f) If an employer violates subsection (c) or (d) of this section, an applicant for employment or prospective employment or an employee may submit to the Commissioner a written complaint.

(g) (1) Whenever the Commissioner determines that this section has been violated, the Commissioner may:

(i) try to resolve any issue involved in the violation informally by mediation; or

(ii) ask the Attorney General to bring an action on behalf of the applicant or employee.

(2) The Attorney General may bring an action under this section in the county where the violation allegedly occurred, for injunctive relief, damages, or other relief.

(h) An employer who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 468

(House Bill 1424)

AN ACT concerning

Medicaid State Plan Amendments – Effective Dates

FOR the purpose of establishing the effective date of Medicaid State Plan amendments and Medical Assistance Program waiver applications and modifications; providing for the application of this Act; and generally relating to Medicaid State Plan amendments and Medical Assistance Program waiver applications and modifications.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–134(c)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health – General
Section 15–134(d)
Annotated Code of Maryland

(2009 Replacement Volume)

Preamble

WHEREAS, Each year the State operating budget must be enacted to fund, in part, the Medical Assistance Program, but that funding must be in accordance with federally established and evolving standards and requirements set forth in State Plan Amendments (SPAs); and

WHEREAS, It has become increasingly difficult to predict the precise timing and content of SPAs approved by the Centers for Medicare and Medicaid Services (CMS); and

WHEREAS, Gaps may occur between the time CMS approves a SPA and the time that the State can enact corresponding regulations under State law, and those gaps could create uncertainty about which Medical Assistance Program SPAs are in effect and when; and

WHEREAS, It would be helpful to establish under State law the effective timing of SPAs; now, therefore,

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

Article – Health – General

15–134.

(c) If the Department submits to the federal Centers for Medicare and Medicaid Services an amendment to the Medicaid State Plan or Medical Assistance Program waiver application, the Department shall submit a copy of the amendment or waiver application to the members of the Medicaid Advisory Committee no later than five business days after the Department submits the amendment or waiver application to the federal Centers for Medicare and Medicaid Services.

(D) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ARE EFFECTIVE ON THE DATE SPECIFIED IN A MARYLAND REGISTER NOTICE:

(1) AMENDMENTS OR MODIFICATIONS TO THE MEDICAID STATE PLAN OR MEDICAL ASSISTANCE PROGRAM; AND

(2) MEDICAL ASSISTANCE PROGRAM WAIVER APPLICATIONS AND MODIFICATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply to State Plan Amendment 04-27 if the cost settlement related to that State Plan Amendment is in effect on November 1, 2010.

~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied and interpreted to affect any Medicaid State Plan amendment submitted to the federal Centers for Medicare and Medicaid Services before, on, or after June 1, 2010.~~

SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 469

(House Bill 1425)

AN ACT concerning

Department of the Environment – Consolidation and Administration of Environmental Funds

FOR the purpose of requiring certain penalties recovered by State agencies for violations of sediment control laws to be deposited in the Maryland Clean Water Fund; requiring certain other penalties collected for violations of certain provisions of the sediment control law to be deposited in the Maryland Clean Water Fund; repealing the Sewage Sludge Utilization Fund and requiring certain fees, funds, penalties, and fines to be deposited in the Maryland Clean Water Fund; altering the uses of the Maryland Clean Water Fund; ~~requiring certain costs incurred by the Department of the Environment for responding to certain situations to be reimbursed to the Department and paid into the Maryland Clean Water Fund;~~ requiring certain expenditures for the emergency removal of sewage sludge to be reimbursed to the Department by the sewage sludge utilizer under certain circumstances; authorizing the Attorney General to bring a certain action to recover certain costs and interest under certain circumstances; providing for the transfer of certain funds to the Maryland Clean Water Fund; and generally relating to the administration and consolidation of environmental funds in the Department of the Environment.

BY repealing and reenacting, without amendments,

Article – Environment

Section 1-301(d)(1)

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–301(d)(2), 4–116, 9–244, 9–269, and 9–320
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Environment

1–301.

(d) (1) (i) On or before October 1 of each year, the Secretary, in consultation with the Attorney General, shall submit to the Legislative Policy Committee, in accordance with § 2–1246 of the State Government Article, a report on enforcement activities conducted by the Department during the previous fiscal year.

(ii) The report shall:

1. Include the information required under this subsection and any additional information concerning environmental enforcement that the Secretary decides to provide;

2. Be available to the public as soon as it is forwarded to the Legislative Policy Committee;

3. Include information on the total number of permits and licenses issued by or filed with the Department at any time and still in effect as of the last date of the fiscal year immediately preceding the date on which the report is filed;

4. Include information concerning specific enforcement actions taken with respect to the permits and licenses during the immediately preceding fiscal year; and

5. Include information on the type and number of contacts or consultations with businesses concerning compliance with State environmental laws.

(iii) The information required in the report under paragraph (3) of this subsection shall be organized according to each program specified.

(2) The report shall state the total amount of money as a result of enforcement actions, as of the end of the immediately preceding fiscal year:

- (i) Deposited in the Maryland Clean Air Fund;
- (ii) Deposited in the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund;
- (iii) Deposited in the Nontidal Wetland Compensation Fund;
- (iv) Deposited in the Maryland Hazardous Substance Control Fund;
- (v) Recovered by the Department from responsible parties in accordance with § 7-221 of this article; **AND**
- [(vi) Deposited in the Sewage Sludge Utilization Fund; and
- (vii)] **(VI)** Deposited in the Maryland Clean Water Fund.

4-116.

(a) (1) Any person who violates any provision of this subtitle is guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding one year or both for each violation with costs imposed in the discretion of the court.

(2) The court may order the person to restore the area unlawfully disturbed.

(3) Each day upon which the violation occurs constitutes a separate offense.

(b) Any agency whose approval is required under this subtitle or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this subtitle.

(c) (1) In addition to any other sanction under this subtitle, the appropriate State, county, or municipal agency may bring a civil action against a person for a violation of this subtitle.

(2) (i) The action may seek the imposition of a civil penalty up to \$10,000 for each violation.

(ii) In imposing a penalty under this paragraph, the court may consider the cost of restoring the area unlawfully disturbed.

(3) **(I)** A [State,] county[,] or municipal agency that recovers penalties in accordance with this subtitle shall deposit them in a special fund, to be used solely for:

[(i)] 1. Correcting to the extent possible the failure to implement or maintain erosion and sediment controls; and

[(ii)] 2. Administration of the sediment control program.

(II) A STATE AGENCY THAT RECOVERS PENALTIES IN ACCORDANCE WITH THIS SUBTITLE SHALL DEPOSIT THEM INTO THE MARYLAND CLEAN WATER FUND ESTABLISHED UNDER § 9-320 OF THIS ARTICLE.

(d) If a county or municipality fails to enforce any provision of this subtitle, the Department may request the Attorney General to take appropriate legal action to correct the violation and to recover penalties or fees under this section.

(e) (1) In addition to any other remedies available at law or in equity and after an opportunity for a hearing which may be waived in writing by the person accused of a violation, the Department may impose a penalty on any person who violates any provision of this subtitle or any regulation or plan adopted, approved, or issued under this subtitle. Any request for a hearing on a penalty issued under this subsection must be made in writing no later than 10 working days after receipt of the notice assessing a penalty.

(2) The penalty imposed on a person under this subsection shall be:

(i) Up to \$1,000 for each violation, but not exceeding \$20,000 total for any action; and

(ii) Assessed with consideration given to:

1. The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

2. Any actual harm to the environment or to human health, including injury to or impairment of the use of the waters of this State or the natural resources of this State;

3. The cost of cleanup and the cost of restoration of natural resources;

4. The nature and degree of injury to or interference with general welfare, health, and property;

5. The extent to which the location of the violation, including location near waters of this State or areas of human population, creates the potential for harm to the environment or to human health or safety;

6. The available technology and economic reasonableness of controlling, reducing, or eliminating the violation;

7. The degree of hazard posed by the particular pollutant or pollutants involved;

8. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator; and

9. Whether or not penalties were assessed or will be assessed under other provisions of this subtitle.

(3) Each day a violation occurs is a separate violation under this subsection.

(4) Any penalty imposed under this subsection is payable to the State and collectible in any manner provided at law for the collection of penalties.

(5) Any penalty collected under this subsection or for a violation of § 4-413 of this title shall be placed in the [special fund] **MARYLAND CLEAN WATER FUND ESTABLISHED** under [paragraph (c)(3) of this section] **§ 9-320 OF THIS ARTICLE.**

9-244.

[(a) There is a Sewage Sludge Utilization Fund.

(b) (1)] The Department shall credit all sewage sludge generator's fees, permit application fees, funds that the Department collects under this Part III and §§ 9-269 and 9-270 of this subtitle, and any civil or administrative penalty or fine imposed by a court under the provisions of this subtitle to the [Sewage Sludge Utilization Fund] **MARYLAND CLEAN WATER FUND ESTABLISHED UNDER § 9-320 OF THIS TITLE.**

[(2) The Sewage Sludge Utilization Fund is limited to a maximum of \$400,000.

(3) The Department shall set aside 25% of the Sewage Sludge Utilization Fund for emergency removal of sewage sludge or mitigation of any adverse environmental effect.

(4) Whenever the sum of unallocated funds in the Sewage Sludge Utilization Fund and the projected sewage sludge generator's fees for the next fiscal year exceeds \$400,000, the Department shall adjust the generator's fees for the next

fiscal year on a pro rata basis so that the sum of unallocated funds and actual generator's fees does not exceed \$400,000.

(c) The Department shall use the Sewage Sludge Utilization Fund for:

(1) Emergency removal of sewage sludge or mitigation of the effect of any utilization of sewage sludge that the Department finds:

(i) Endangers public health, safety, or welfare; or

(ii) Endangers or damages natural resources;

(2) Activities that are:

(i) Conducted by the Department, by a local health official, or by the local health official's designee under § 9–243(e) of this subtitle; and

(ii) Related to identifying, monitoring, or regulating the utilization of sewage sludge, including program development; and

(3) Providing supplemental inspections and monitoring of sewage sludge utilization sites by:

(i) Contracting with a county upon request of that county to provide supplemental inspections and monitoring; and

(ii) Limiting the value of services provided under the contract to no more than 45 percent of the generator fees for sludge utilized in that county that is generated outside of that county or service area.

(d) An expenditure that the Department makes under subsection (c)(1) of this section shall be reimbursed to the Department by the sewage sludge utilizer whose sewage sludge utilization brought about the expenditure by:

(1) Endangering public health, safety, or welfare; or

(2) Endangering or damaging natural resources.

(e) In addition to any other legal action authorized by this Part III, § 9–269, or § 9–270 of this subtitle, the Attorney General may bring an action against any person who fails to reimburse the Department under subsection (d) of this section to recover any expenditure that the Department makes under subsection (c)(1) of this section.]

(a) (1) A person who violates any provision of Part III of this subtitle or any rule, regulation, order, or permit adopted or issued under Part III of this subtitle is liable to the State for civil penalties.

(2) These civil penalties are:

(i) A basic civil penalty not exceeding \$10,000; and

(ii) An additional penalty not exceeding \$10,000 a day for each day that the violation continues, up to a maximum of \$50,000.

(3) The State shall recover the civil penalties under this section in a civil action.

(b) (1) In addition to any other remedies available at law or in equity and after an opportunity for a hearing which may be waived in writing by the person accused of a violation, the Department may impose a penalty for violation of any provision of Part III of this subtitle or any regulation, order, or permit adopted or issued under Part III of this subtitle.

(2) The penalty imposed on a person under this subsection shall be:

(i) Up to \$1,000 for each violation, but not exceeding \$50,000 total; and

(ii) Assessed with consideration given to:

1. The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

2. Any actual harm to the environment or to human health, including injury to or impairment of the use of the waters of the State or the natural resources of the State;

3. The cost of cleanup and the cost of restoration of natural resources;

4. The nature and degree of injury to or interference with general welfare, health, and property;

5. The extent to which the location of the violation, including location near waters of the State or areas of human population, creates the potential for harm to the environment or to human health or safety;

6. The available technology and economic reasonableness of controlling, reducing, or eliminating the violation; and

7. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

(3) Each day a violation occurs is a separate violation under this subsection.

(4) Any penalty imposed under this subsection is payable to the State and collectible in any manner provided by law for the collection of debts.

(5) If any person who is liable to pay a penalty imposed under this subsection fails to pay it after demand, the amount, together with interest and any costs that may accrue, shall be:

(i) A lien in favor of the State on any property, real or personal, of the person; and

(ii) Recorded in the office of the clerk of court for the county in which the property is located.

(6) Any penalty collected under this subsection shall be placed in the [Sewage Sludge Utilization] **MARYLAND CLEAN WATER** Fund under [§ 9–244 of this subtitle] **§ 9–320 OF THIS TITLE**.

(c) (1) Except as provided in paragraph (3) of this subsection, in addition to any other penalties set forth in this section, if any sewage sludge utilizer violates the terms of the permit by any action or inaction of the utilizer that results in the return of the sewage sludge to the generator, the utilizer is liable to the State for civil penalties.

(2) The civil penalty imposed under this subsection may not exceed \$100 for each wet ton of sewage sludge returned to the generator.

(3) The provisions of this subsection do not apply if the violation is not caused by any action or inaction of the utilizer.

9–320.

(a) There is a Maryland Clean Water Fund.

(b) The following payments shall be made into the Maryland Clean Water Fund:

(1) All application fees, permit fees, renewal fees, and funds collected by the Department under this subtitle, including any civil or administrative penalty or any fine imposed by a court under the provisions of this subtitle; ~~and~~

(2) Any civil penalty or any fine imposed by a court under the provisions of Title 5, Subtitle 5 of this article relating to water appropriation and use;

(3) ANY CIVIL OR ADMINISTRATIVE PENALTY OR ANY FINE IMPOSED BY A COURT UNDER THE PROVISIONS OF TITLE 4, SUBTITLE 1 OF THIS ARTICLE; AND

(4) ANY FEES OR FUNDS THAT THE DEPARTMENT COLLECTS UNDER SUBTITLE 2, PART III OF THIS TITLE AND §§ 9-269 AND 9-270 OF THIS TITLE AND ANY CIVIL OR ADMINISTRATIVE PENALTY OR FINE IMPOSED BY A COURT UNDER THE PROVISIONS OF SUBTITLE 2 OF THIS TITLE.

(c) The Department shall use the Maryland Clean Water Fund for activities that are related to ~~THE CONSERVATION, MANAGEMENT, AND RESTORATION OF THE WETLANDS AND WATERS OF THE STATE, INCLUDING:~~

(1) The identification, monitoring, and regulation of the proper discharge of effluent into the waters of the State including program development of these activities as provided by the State budget; [and]

(2) The management, conservation, protection, and preservation of the State's groundwater and surface water including program development of these activities as provided by the State budget;

~~**(3) RESPONDING TO THE POLLUTION OR DESTRUCTION OF WETLANDS AND WATERS OF THE STATE AT OR FROM A PARTICULAR SITE, INCLUDING THE RESTORATION OF NATURAL RESOURCES WHERE FEASIBLE, AND SITE MAINTENANCE AND MONITORING;**~~

~~**(4)**~~ **(3) CORRECTING TO THE EXTENT POSSIBLE THE FAILURE TO IMPLEMENT OR MAINTAIN EROSION AND SEDIMENT CONTROLS;**

~~**(5)**~~ **(4) ADMINISTRATION OF THE SEDIMENT CONTROL PROGRAM;**

~~**(6)**~~ **(5) EMERGENCY REMOVAL OF SEWAGE SLUDGE OR MITIGATION OF THE EFFECT OF ANY UTILIZATION OF SEWAGE SLUDGE THAT THE DEPARTMENT FINDS:**

(I) ENDANGERS PUBLIC HEALTH, SAFETY, OR WELFARE; OR

(II) ENDANGERS OR DAMAGES NATURAL RESOURCES;

~~**(7)**~~ **(6) ACTIVITIES THAT ARE:**

(I) CONDUCTED BY THE DEPARTMENT, BY A LOCAL HEALTH OFFICIAL, OR BY THE LOCAL HEALTH OFFICIAL'S DESIGNEE UNDER § 9-243(E) OF THIS TITLE; AND

(II) RELATED TO IDENTIFYING, MONITORING, OR REGULATING THE UTILIZATION OF SEWAGE SLUDGE, INCLUDING PROGRAM DEVELOPMENT; AND

~~(8)~~ (7) PROVIDING SUPPLEMENTAL INSPECTIONS AND MONITORING OF SEWAGE SLUDGE UTILIZATION SITES BY:

(I) CONTRACTING WITH A COUNTY ON REQUEST OF THAT COUNTY TO PROVIDE SUPPLEMENTAL INSPECTIONS AND MONITORING; AND

(II) LIMITING THE VALUE OF SERVICES PROVIDED UNDER THE CONTRACT TO NO MORE THAN 45% OF THE GENERATOR FEES FOR SLUDGE UTILIZED IN THAT COUNTY THAT IS GENERATED OUTSIDE OF THAT COUNTY OR SERVICE AREA.

~~(D) (1) ALL COSTS INCURRED BY THE DEPARTMENT UNDER SUBSECTION (C)(3) OF THIS SECTION NOT OTHERWISE RECOVERED UNDER ANY STATE OR FEDERAL LAWS OR REGULATIONS SHALL BE REIMBURSED TO THE DEPARTMENT BY ANY PERSON WHO CAUSED OR CONTRIBUTED TO POLLUTION OR DESTRUCTION OF WETLAND OR WATERS OF THE STATE.~~

~~(2) RECOVERIES COLLECTED UNDER THIS SUBSECTION SHALL BE PAID INTO THE MARYLAND CLEAN WATER FUND.~~

~~(3) IN ADDITION TO ANY OTHER LEGAL ACTION AUTHORIZED BY THIS SUBTITLE, THE ATTORNEY GENERAL MAY BRING AN ACTION TO RECOVER COSTS AND INTEREST FROM ANY PERSON WHO FAILS TO MAKE REIMBURSEMENT AS REQUIRED UNDER SUBSECTION (H)(1) OF THIS SECTION.~~

~~(E)~~ (D) AN EXPENDITURE THAT THE DEPARTMENT MAKES UNDER SUBSECTION ~~(C)(6)~~ (C)(5) OF THIS SECTION SHALL BE REIMBURSED TO THE DEPARTMENT BY THE SEWAGE SLUDGE UTILIZER WHOSE SEWAGE SLUDGE UTILIZATION BROUGHT ABOUT THE EXPENDITURE BY:

(1) ENDANGERING PUBLIC HEALTH, SAFETY, OR WELFARE; OR

(2) ENDANGERING OR DAMAGING NATURAL RESOURCES.

~~(F)~~ (E) IN ADDITION TO ANY OTHER LEGAL ACTION AUTHORIZED BY THIS SUBTITLE, THE ATTORNEY GENERAL MAY BRING AN ACTION AGAINST ANY

PERSON WHO FAILS TO REIMBURSE THE DEPARTMENT UNDER SUBSECTION (D) OF THIS SECTION TO RECOVER ANY EXPENDITURE THAT THE DEPARTMENT MAKES UNDER SUBSECTION ~~(C)(6)~~ (C)(5) OF THIS SECTION.

[(d)] ~~(G)~~ (F) In determining the use of the Maryland Clean Water Fund, priority shall be given to activities relating to the water quality of the Chesapeake Bay and its tributaries.

[(e)] ~~(H)~~ (G) Notwithstanding any law to the contrary, [unexpended moneys in the Fund shall not revert to the general treasury at the end of a fiscal year] **FUNDS CREDITED AND ANY INTEREST ACCRUED TO THE FUND:**

(1) SHALL REMAIN AVAILABLE UNTIL EXPENDED; AND

(2) MAY NOT BE REVERTED TO THE GENERAL FUND UNDER ANY OTHER PROVISION OF LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That any outstanding balance in the Sewage Sludge Utilization Fund on June 30, 2010, be transferred to the Maryland Clean Water Fund under § 9–320 of the Environment Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 470

(House Bill 1431)

AN ACT concerning

Worcester County – Alcoholic Beverages – Pub–Breweries and Micro–Breweries

FOR the purpose of adding Worcester County to the list of counties in which the holder of a Class 6 pub–brewery license may sell malt beverages for off–premises consumption under certain conditions; adding the county to the list of counties in which a Class 7 micro–brewery license may be issued; adding the county to the list of counties in which the licensee may sell at retail beer for consumption off the licensed premises under certain conditions; and generally relating to alcoholic beverages in Worcester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–207(a) and (b) and 2–208(a), (b)(1), and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–207(g) and 2–208(b)(2) and (d)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

2–207.

(a) A Class 6 pub–brewery license shall be issued:

(1) By the State Comptroller;

(2) Only to a holder of a Class B beer, wine and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the jurisdictions permitted by this subsection;

(3) In the City of Annapolis; and

(4) Throughout the State, but not in the following subdivisions:

(i) Allegany County;

(ii) Caroline County;

(iii) Howard County;

(iv) St. Mary’s County; and

(v) Somerset County.

(b) A holder of a Class 6 pub–brewery license:

(1) May brew malt beverages at a single location for consumption on the restaurant premises; and

(2) Is limited to the brewing of 2,000 barrels of malt beverage each calendar year.

(g) (1) This subsection applies only in the following jurisdictions:

- (i) City of Annapolis;
- (ii) Anne Arundel County;
- (iii) Baltimore City;
- (iv) Baltimore County;
- (v) Calvert County;
- (vi) Charles County;
- (vii) Harford County;
- (viii) Prince George's County;
- (ix) Talbot County; [and]
- (x) Wicomico County; **AND**

(XI) WORCESTER COUNTY.

(2) The holder of a Class 6 pub-brewery license may sell malt beverages for off-premises consumption in sealed refillable containers.

(3) The containers may be returned and at the time of refill shall be sealed by the pub-brewery licensee.

(4) A holder of a Class 6 pub-brewery license may not sell malt beverages to any retail alcoholic beverages licensee in this State for the purpose of a subsequent sale or distribution of that malt beverage under the retail license.

2-208.

(a) There is a Class 7 micro-brewery (on- and off-sale) license.

(b) The license shall be issued:

- (1) By the State Comptroller;
- (2) Only in the following jurisdictions:

- (i) Allegany County;
- (ii) Baltimore City;
- (iii) Baltimore County;
- (iv) The City of Annapolis;
- (v) Anne Arundel County;
- (vi) Calvert County;
- (vii) Carroll County;
- (viii) Charles County;
- (ix) Dorchester County;
- (x) Frederick County;
- (xi) Garrett County;
- (xii) Harford County;
- (xiii) Howard County;
- (xiv) Montgomery County;
- (xv) Prince George's County;
- (xvi) Talbot County; [and]
- (xvii) Wicomico County; AND

(XVIII) WORCESTER COUNTY;

- (c) (1) A holder of a Class 7 micro–brewery license:
 - (i) May brew and bottle malt beverages at the license location;
 - (ii) May obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro–brewery location to bottle malt beverages brewed at the micro–brewery location only;
 - (iii) May contract with the holder of a Class 5 brewery license, a Class 7 micro–brewery license, or a Class 2 rectifying license held under § 2–203 of

this subtitle or the holder of a nonresident dealer's permit to brew and bottle malt beverages on their behalf;

(iv) May store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery to a licensed wholesaler, an authorized person outside this State, and for shipment back to the micro-brewery location for sale on the retail premises;

(v) May not collectively brew, bottle, or contract for more than 22,500 barrels of malt beverages each calendar year; and

(vi) May enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or wine and beer festival and the return of any unused beer if:

1. The beer festival or wine and beer festival is in a sales territory for which the holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act; and

2. The temporary delivery agreement is in writing.

(2) A Class 7 licensee who wishes to produce more than the barrelage authorized under paragraph (1)(v) of this subsection shall divest of any Class B, D, or any other retail license and obtain a Class 5 manufacturer's license.

(3) For the purposes of determining the barrelage limitation under paragraph (1)(v) of this subsection, any salable beer produced under contractual arrangements accrues only to the Class 7 micro-brewery licensee who is the brand owner.

(4) In Allegany County only, the holder of a Class 7 license:

(i) May brew in one location and may contract for the bottling of the malt beverage in another location; and

(ii) Need not meet the hotel/motel requirements for a Class B beer, wine and liquor licensee but shall meet the requirements for those Class B restaurants.

(d) (1) The on-sale privilege authorizes the holder, each calendar year, to sell at retail up to 4,000 barrels of beer brewed under this license to customers for consumption on the licensed premises.

(2) The off-sale privilege authorizes the holder to sell and deliver beer brewed under this license to:

(i) Any wholesaler licensed under this article to sell beer in this State; or

(ii) Any person who is located in a state other than Maryland who is authorized under the laws of that state to receive brewed beverages.

(3) (i) This paragraph applies only in:

1. Allegany County;
2. The City of Annapolis;
3. Anne Arundel County;
4. Baltimore City;
5. Baltimore County;
6. Calvert County;
7. Carroll County;
8. Charles County;
9. Dorchester County;
10. Frederick County;
11. Garrett County;
12. Harford County;
13. Howard County;
14. Montgomery County;
15. Prince George's County; [and]
16. Talbot County; **AND**
- 17. WORCESTER COUNTY.**

(ii) The holder may sell at retail beer brewed under this license to customers for consumption off the licensed premises in refillable containers that are sealed by the micro-brewery licensee at the time of each refill.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 471

(House Bill 1440)

AN ACT concerning

Election Law – Campaign Finance Entity – Officers Authorized to Perform Duties of Treasurer

FOR the purpose of repealing the office of subtreasurer of a campaign finance entity; authorizing the chair of a campaign finance entity to make a disbursement for the campaign finance entity *under certain circumstances*; requiring a chair who makes a disbursement to submit a certain report to the treasurer of the campaign finance entity within a certain number of days after the occurrence of certain events; prohibiting a chair who is a candidate from making a disbursement; and generally relating to officers of a campaign finance entity who are authorized to perform the duties of the treasurer.

BY repealing

Article – Election Law
Section 13–211 and 13–219
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law
Section 13–215 and 13–218
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

Article – Election Law

[13–211.

(a) A treasurer for a campaign finance entity may appoint a subtreasurer for any county or political subdivision.

(b) Notwithstanding subsection (a) of this section, as to any county, a treasurer of the State or county central committee of a political party may appoint a subtreasurer for each precinct in the county.

(c) A treasurer may appoint a subtreasurer under subsection (a) or (b) of this section by:

(1) completing a form that the State Board prescribes and that includes the name and address of that subtreasurer; and

(2) filing the form with the board where the campaign finance entity is established.]

13–215.

(a) Each chairman, treasurer, [subtreasurer,] and campaign manager shall be a registered voter of the State.

(b) (1) Subject to paragraph (2) of this subsection, a candidate may not act:

(i) as the treasurer [or subtreasurer] of a campaign finance entity of the candidate; or

(ii) with respect to any other campaign finance entity:

1. as the campaign manager[, treasurer, or subtreasurer] **OR TREASURER**; or

2. in any other position that exercises general overall responsibility for the conduct of the entity.

(2) (i) An incumbent member of a central committee who is a candidate for election to party office may act as the treasurer of that central committee.

(ii) With respect to any campaign finance entity other than the candidate's own campaign finance entity, a candidate for delegate to the Democratic National Convention or a candidate for delegate to the Republican National Convention may act:

1. as the campaign manager[, treasurer, or subtreasurer] **OR TREASURER**; or

2. in any other position that exercises general overall responsibility for the conduct of the entity.

(c) Subject to subsection (b) of this section, the chairman, treasurer, [subtreasurer,] or campaign manager of a campaign finance entity may serve as the chairman, treasurer, [subtreasurer,] or campaign manager of another campaign finance entity.

13-218.

(a) All assets received by or on behalf of a campaign finance entity shall be:

(1) delivered to the treasurer; and

(2) maintained by the treasurer for the purposes of the campaign finance entity.

(b) (1) Assets of a campaign finance entity may be disbursed only:

(i) if they have passed through the hands of the treasurer; and

(ii) in accordance with the purposes of the entity.

(2) Subject to § 13-220(b)(2) and (c) of this subtitle **AND EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION**, the treasurer shall make all disbursements for the campaign finance entity.

(c) The treasurer of a State or county central committee of a political party may not make any disbursement of the central committee's assets, or incur any liability on its behalf, without authority and direction from the chairman of the central committee.

(D) (1) ~~IN ACCORDANCE WITH THIS SUBSECTION~~ IF THE TREASURER OF A CAMPAIGN FINANCE ENTITY IS TEMPORARILY UNABLE TO PERFORM THE DUTIES OF THE OFFICE, THE CHAIRMAN OF ~~A~~ THE CAMPAIGN FINANCE ENTITY MAY MAKE A DISBURSEMENT ON BEHALF OF THE CAMPAIGN FINANCE ENTITY IN THE SAME MANNER AS THE TREASURER.

(2) ~~EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF~~ IF THE CHAIRMAN MAKES A DISBURSEMENT UNDER THIS SUBSECTION, WITHIN 7 DAYS AFTER MAKING THE DISBURSEMENT, THE CHAIRMAN SHALL SUBMIT A REPORT TO THE TREASURER FOR THE ACCOUNT BOOK OF THE CAMPAIGN FINANCE ENTITY, INCLUDING:

(I) A STATEMENT OF THE EXPENDITURE MADE UNDER THE AUTHORITY OF THE CHAIRMAN;

(II) THE NAME AND ADDRESS OF THE PERSON TO WHOM THE EXPENDITURE WAS MADE;

(III) THE PURPOSE FOR WHICH THE EXPENDITURE WAS MADE; AND

(IV) A COPY OF THE RECEIPT FOR THE EXPENDITURE THAT WAS MADE.

~~(3) (i) IF THE TREASURER IS TEMPORARILY UNABLE TO PERFORM THE DUTIES OF THE OFFICE AT THE TIME THE CHAIRMAN MAKES A DISBURSEMENT UNDER THIS SUBSECTION, THE CHAIRMAN SHALL SUBMIT A REPORT TO THE TREASURER FOR THE ACCOUNT BOOK OF THE CAMPAIGN FINANCE ENTITY WITHIN 7 DAYS AFTER THE TREASURER RESUMES THE DUTIES OF THE OFFICE.~~

~~(ii) THE REPORT SHALL INCLUDE THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR EACH EXPENDITURE MADE UNDER THE AUTHORITY OF THE CHAIRMAN DURING THE PERIOD THAT THE TREASURER WAS UNABLE TO PERFORM THE DUTIES OF THE OFFICE.~~

~~(4) A CHAIRMAN WHO IS A CANDIDATE MAY NOT MAKE A DISBURSEMENT FOR A CAMPAIGN FINANCE ENTITY.~~

[13–219.

(a) A subtreasurer shall:

(1) deposit, disburse, and account for funds in the same manner as, and under the authority of, the treasurer;

(2) submit a campaign finance report under oath to the treasurer on a form that the State Board prescribes; and

(3) include with the report a copy of each campaign contribution receipt issued.

(b) The campaign finance report filed by the campaign finance entity under Subtitle 3 of this title shall have attached to it a copy of the campaign finance report of the subtreasurer and account for the items in the subtreasurer's report.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 472

(House Bill 1466)

AN ACT concerning

**St. Mary's County – Property Tax Credit – Property Leased to Nonprofit
Schools**

FOR the purpose of authorizing the governing body of St. Mary's County or of a municipal corporation in St. Mary's County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on real property leased to a nonprofit school and used exclusively for primary or secondary educational purposes; providing for the duration of the credit; providing for the application of this Act; and generally relating to authority for a property tax credit in St. Mary's County for certain real property leased to a nonprofit school.

BY adding to

Article – Tax – Property

Section 9–320(d)

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

9–320.

(D) (1) THE GOVERNING BODY OF ST. MARY'S COUNTY OR OF A MUNICIPAL CORPORATION IN ST. MARY'S COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON REAL PROPERTY THAT IS:

(I) LEASED TO A NONPROFIT SCHOOL; AND

(II) USED EXCLUSIVELY FOR PRIMARY OR SECONDARY EDUCATIONAL PURPOSES.

(2) A PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL CONTINUE AS LONG AS THE PROPERTY IS IN COMPLIANCE WITH THE TERMS OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010, and shall be applicable to all taxable years beginning after June 30, 2010.

Approved by the Governor, May 4, 2010.

Chapter 473

(House Bill 1473)

AN ACT concerning

Public Safety – Missing Offenders – Blue Alert Program

FOR the purpose of requiring the Department of State Police to establish a Blue Alert Program to provide a system for rapid dissemination of certain information to assist in locating and apprehending certain missing offenders; requiring the Department to adopt certain guidelines and develop certain procedures for issuing a Blue Alert for missing offenders, provide certain training and assistance to local law enforcement agencies, recruit certain broadcasters, local volunteer groups, and other members of the public to assist in developing and implementing a Blue Alert, and consult with the State Highway Administration and the Governor's Division of Emergency Management to establish a certain plan; requiring certain law enforcement officers or agencies to provide a certain notification under certain circumstances; defining certain terms; and generally relating to the establishment of a Blue Alert Program.

BY adding to

Article – Public Safety

Section 3–605

Annotated Code of Maryland

(2003 Volume and 2009 Supplement)

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

Article – Public Safety

3–605.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "LAW ENFORCEMENT AGENCY" MEANS A STATE, COUNTY, OR MUNICIPAL POLICE DEPARTMENT OR AGENCY, OR A SHERIFF'S DEPARTMENT.

(3) "MISSING OFFENDER" MEANS AN INDIVIDUAL:

(I) WHOSE WHEREABOUTS ARE UNKNOWN;

(II) WHO IS SUSPECTED OF KILLING OR SERIOUSLY INJURING A LAW ENFORCEMENT OFFICER;

(III) WHOSE DISAPPEARANCE POSES A SERIOUS THREAT TO THE PUBLIC AND OTHER LAW ENFORCEMENT PERSONNEL; AND

(IV) WHOSE VEHICLE THE REPORTING LAW ENFORCEMENT AGENCY IS ABLE TO DESCRIBE, INCLUDING ANY INFORMATION ABOUT THE VEHICLE'S REGISTRATION PLATE.

(B) (1) THE DEPARTMENT OF STATE POLICE SHALL ESTABLISH A BLUE ALERT PROGRAM TO PROVIDE A SYSTEM FOR RAPID DISSEMINATION OF INFORMATION TO ASSIST IN LOCATING AND APPREHENDING A MISSING OFFENDER.

(2) THE DEPARTMENT OF STATE POLICE SHALL:

(I) ADOPT GUIDELINES AND DEVELOP PROCEDURES FOR ISSUING A BLUE ALERT FOR A MISSING OFFENDER;

(II) PROVIDE TRAINING TO LOCAL LAW ENFORCEMENT AGENCIES ON THE GUIDELINES AND PROCEDURES TO BE USED TO MAKE AND HANDLE A REPORT OF A MISSING OFFENDER;

(III) PROVIDE ASSISTANCE TO A LOCAL LAW ENFORCEMENT AGENCY, AS NECESSARY, TO ASSIST IN THE LOCATION AND APPREHENSION OF A MISSING OFFENDER;

(IV) RECRUIT PUBLIC AND COMMERCIAL TELEVISION AND RADIO BROADCASTERS, LOCAL VOLUNTEER GROUPS, AND OTHER MEMBERS OF THE PUBLIC TO ASSIST IN DEVELOPING AND IMPLEMENTING A BLUE ALERT; AND

(V) CONSULT WITH THE STATE HIGHWAY ADMINISTRATION AND THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A PLAN FOR PROVIDING INFORMATION RELEVANT TO A BLUE ALERT TO THE PUBLIC THROUGH THE DYNAMIC MESSAGE SIGN SYSTEM LOCATED ACROSS THE STATE.

(C) A LAW ENFORCEMENT OFFICER OR AGENCY THAT APPREHENDS A MISSING OFFENDER WHO IS THE SUBJECT OF A BLUE ALERT IMMEDIATELY SHALL NOTIFY THE DEPARTMENT OF STATE POLICE AND THE LAW ENFORCEMENT AGENCY THAT FILED THE REPORT RESULTING IN THE BLUE ALERT THAT THE MISSING OFFENDER HAS BEEN APPREHENDED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 474

(House Bill 1477)

AN ACT concerning

Prince George's County – Municipal Corporations – School Zones and Speed Monitoring Systems

PG 319–10

FOR the purpose of authorizing a municipal corporation in Prince George's county to establish school zones on certain highways; requiring a municipal corporation in the county to be responsible for certain costs related to certain traffic control devices for certain school zones; authorizing a municipal corporation in the county to implement and use a speed monitoring system on certain county highways under certain circumstances; prohibiting the county from unreasonably denying a request from a municipal corporation to implement and use a speed monitoring system on certain county highways; prohibiting the county from placing certain requirements on the implementation and use of a speed monitoring system; requiring the county to state in writing the reasons for any denial of a request made by a municipal corporation for permission to implement and use a speed monitoring system on certain county highways; authorizing a municipal corporation to contest in the circuit court a certain denial of permission by the county; prohibiting a municipal corporation in the county from implementing or using a speed monitoring system in certain school zones unless it has obtained certain approval; providing that, in Prince George's

County, or a municipal corporation of the county, a violation of the law relating to the use of speed monitoring systems applies to a segment of a highway within the grounds of a certain institution of higher education or within a certain distance of the grounds of a building or property used by the institution under certain circumstances; requiring Prince George's County, or a municipal corporation in Prince George's County, as appropriate, to ensure that certain speed limit signs are in accordance with a certain manual and specifications and indicate that a speed monitoring system is in use; and generally relating to school zones and the use of speed monitoring systems in a municipal corporation in Prince George's County.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–803.1 and 21–809(b)(1)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

21–803.1.

(a) (1) Subject to subsection (f) of this section, within a half-mile radius of any school, the State Highway Administration or a local authority:

(i) May establish a school zone and maximum speed limits applicable in the school zone; and

(ii) Subject to subsection (d) of this section, may provide that fines are to be doubled for speeding violations within the school zone.

(2) (i) The State Highway Administration may establish a school zone under paragraph (1) of this subsection on any State highway or, at the request of a local authority, on any highway under the jurisdiction of the local authority.

(ii) A local authority may establish a school zone under paragraph (1) of this subsection on any highway under its jurisdiction.

(III) IN PRINCE GEORGE'S COUNTY, A MUNICIPAL CORPORATION MAY ESTABLISH A SCHOOL ZONE UNDER PARAGRAPH (1) OF THIS SUBSECTION ON ANY HIGHWAY THAT:

1. IS NOT UNDER STATE JURISDICTION; AND

2. IS LOCATED WITHIN ~~OR ADJACENT TO~~ THE CORPORATE LIMITS OF THE MUNICIPAL CORPORATION.

(b) (1) On each highway where a school zone is established under this section, in accordance with specifications of the State Highway Administration, the State Highway Administration or local authority:

(i) Shall place signs designating the school zone; and

(ii) May place other traffic control devices, including timed flashing warning lights.

(2) The signs designating a school zone shall indicate the maximum speed limit applicable in the school zone.

(3) The local authority shall pay the State Highway Administration the cost of placing and maintaining signs and other traffic control devices on highways under the jurisdiction of the local authority when the State Highway Administration establishes the school zone at the local authority's request.

(4) IN PRINCE GEORGE'S COUNTY, A MUNICIPAL CORPORATION SHALL BE RESPONSIBLE FOR THE COST OF PLACING AND MAINTAINING SIGNS AND OTHER TRAFFIC CONTROL DEVICES FOR A SCHOOL ZONE THAT THE MUNICIPAL CORPORATION ESTABLISHES ON A HIGHWAY WITHIN ~~OR ADJACENT TO~~ ITS CORPORATE LIMITS.

(c) A maximum speed limit in a school zone established under this section is in effect when posted on appropriate signs giving notice of the limit.

(d) The fines for speeding in a school zone are double the amount that would otherwise apply if, in accordance with specifications adopted by the State Highway Administration:

(1) (i) A sign designating a school zone under this section is equipped with timed flashing warning lights and indicates that fines for speeding are doubled when the lights are activated; and

(ii) The lights are activated at the time the violation occurs; or

(2) A sign designating a school zone under this section indicates that fines for speeding are doubled during school hours.

(e) A person may not drive a motor vehicle at a speed exceeding the posted speed limit within a school zone established in accordance with subsection (d) of this section.

(f) In any school zone where a school crossing guard is posted to assist students in crossing a highway, the maximum speed limit may not exceed 35 miles per hour in the school zone during the hours posted on signs designating the school zone.

21-809.

(b) (1) (i) A speed monitoring system may not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.

(ii) Before a county may use a speed monitoring system on a State highway at a location within a municipal corporation, the county shall:

1. Obtain the approval of the State Highway Administration;

2. Notify the municipal corporation of the State Highway Administration's approval of the use of a speed monitoring system at that location; and

3. Grant the municipal corporation 60 days from the date of the county's notice to the municipal corporation to enact an ordinance authorizing the municipal corporation instead of the county to use a speed monitoring system at that location.

(III) 1. THIS SUBPARAGRAPH APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

2. IN THE COUNTY, A MUNICIPAL CORPORATION MAY IMPLEMENT AND USE A SPEED MONITORING SYSTEM CONSISTENT WITH THE REQUIREMENTS OF THIS SUBSECTION ON A COUNTY HIGHWAY AT A LOCATION WITHIN ~~OR ADJACENT TO~~ ITS CORPORATE LIMITS IF THE MUNICIPAL CORPORATION:

A. SUBMITS TO THE COUNTY A PLAN DESCRIBING THE BOUNDARY OF THE APPLICABLE SCHOOL ZONE AND THE PROPOSED LOCATION OF THE SPEED MONITORING SYSTEM; AND

B. REQUESTS AND RECEIVES PERMISSION FROM THE COUNTY TO USE THE SPEED MONITORING SYSTEM AT THE PROPOSED LOCATION.

3. IF THE COUNTY FAILS TO RESPOND TO THE REQUEST WITHIN 60 DAYS, THE MUNICIPAL CORPORATION MAY IMPLEMENT

AND USE THE SPEED MONITORING SYSTEM AS DESCRIBED IN THE PLAN SUBMISSION.

4. THE COUNTY MAY NOT:

A. UNREASONABLY DENY A REQUEST UNDER THIS SUBPARAGRAPH; OR

B. PLACE EXACTIONS, FEES, OR UNREASONABLE RESTRICTIONS ON THE IMPLEMENTATION AND USE OF A SPEED MONITORING SYSTEM UNDER THIS SUBPARAGRAPH.

5. THE COUNTY SHALL STATE IN WRITING THE REASONS FOR ANY DENIAL OF A REQUEST UNDER THIS SUBPARAGRAPH.

6. A MUNICIPAL CORPORATION MAY CONTEST IN THE CIRCUIT COURT A COUNTY DENIAL OF A REQUEST UNDER THIS SUBPARAGRAPH.

(IV) IN PRINCE GEORGE'S COUNTY, IF A MUNICIPAL CORPORATION HAS ESTABLISHED A SCHOOL ZONE THAT ~~OVERLAPS WITH~~ IS WITHIN ONE-QUARTER MILE OF A SCHOOL ZONE ESTABLISHED IN ANOTHER MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION MAY NOT IMPLEMENT OR USE A SPEED MONITORING SYSTEM IN THAT SCHOOL ZONE UNLESS IT HAS OBTAINED THE APPROVAL OF THE OTHER MUNICIPAL CORPORATION.

[(iii)] (V) An ordinance or resolution adopted by the governing body of a local jurisdiction under this paragraph shall provide that for a period of at least 30 days after the first speed monitoring system is placed in the local jurisdiction, a violation recorded by any speed monitoring system in the local jurisdiction may be enforced only by the issuance of a warning.

[(iv)] (VI) This section applies to a violation of this subtitle recorded by a speed monitoring system that meets the requirements of this subsection and has been placed:

1. In Montgomery County, on a highway in a residential district, as defined in § 21-101 of this title, with a maximum posted speed limit of 35 miles per hour, which speed limit was established using generally accepted traffic engineering practices; ~~or~~

2. In a school zone established under § 21-803.1 of this subtitle; OR

3. IN PRINCE GEORGE'S COUNTY, ON THAT PART OF A HIGHWAY LOCATED WITHIN THE GROUNDS OF AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10-101(F) OF THE EDUCATION ARTICLE, OR WITHIN ONE-HALF MILE OF THE GROUNDS OF A BUILDING OR PROPERTY USED BY THE INSTITUTION OF HIGHER EDUCATION WHERE GENERALLY ACCEPTED TRAFFIC AND ENGINEERING PRACTICES INDICATE THAT MOTOR VEHICLE, PEDESTRIAN, OR BICYCLE TRAFFIC IS SUBSTANTIALLY GENERATED OR INFLUENCED BY THE INSTITUTION OF HIGHER EDUCATION.

[(v)] (VII) Before activating an unmanned stationary speed monitoring system, the local jurisdiction shall:

1. Publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the jurisdiction; ~~and~~

2. Ensure that each sign that designates a school zone indicates that speed monitoring systems are in use in school zones; **AND**

3. WITH REGARD TO A SPEED MONITORING SYSTEM ESTABLISHED BASED ON PROXIMITY TO AN INSTITUTION OF HIGHER EDUCATION UNDER PARAGRAPH (1)(VI)3 OF THIS SUBSECTION, ENSURE THAT ALL SPEED LIMIT SIGNS APPROACHING AND WITHIN THE SEGMENT OF HIGHWAY ON WHICH THE SPEED MONITORING SYSTEM IS LOCATED INCLUDE SIGNS THAT:

A. ARE IN ACCORDANCE WITH THE MANUAL AND SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS ARTICLE; AND

B. INDICATE THAT A SPEED MONITORING SYSTEM IS IN USE.

[(vi)] (VIII) A speed monitoring system in a school zone may operate only Monday through Friday between 6:00 a.m. and 8:00 p.m.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 4, 2010.

AN ACT concerning

Prince George's County – Beer ~~and~~, Wine, and Liquor Tastings

PG 320–10

FOR the purpose of creating in Prince George's County a beer tasting license ~~and~~, a beer/wine tasting license, and a beer, wine and liquor tasting license; specifying to whom the licenses may be issued; setting maximum limits on the amounts of certain individual servings; specifying that certain licenses may be issued for tasting or sampling purposes only; providing for certain license fees; making certain stylistic changes; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–409
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

8–409.

(a) (1) In Prince George's County, the Board of License Commissioners may approve the issuance of a **BEER TASTING LICENSE, A wine tasting [(WT)] LICENSE, AND A BEER/WINE TASTING [alcoholic beverages] license.**

(2) (I) [The] **A WINE TASTING OR BEER/WINE TASTING** license is issued only to holders of a beer, wine and liquor (BWL) or a beer and wine (BW) license.

(II) 1. **A BEER TASTING OR BEER/WINE TASTING LICENSE IS ISSUED ONLY TO HOLDERS OF A BEER, WINE AND LIQUOR (BWL) OR A BEER AND WINE (BW) LICENSE.**

2. **HOLDERS OF A BEER (B) LICENSE MAY BE ISSUED ONLY A BEER TASTING LICENSE.**

(3) (I) [The] **A WINE TASTING OR BEER/WINE TASTING** license permits the consumption of wine, containing not more than 14 percent of alcohol by volume, for tasting or sampling purposes only.

(II) A BEER TASTING OR BEER/WINE TASTING LICENSE ALLOWS THE CONSUMPTION OF BEER FOR TASTING OR SAMPLING PURPOSES ONLY.

(4) (I) [The] A WINE TASTING OR BEER/WINE TASTING licensee may not serve more than 1 ounce from each given brand OF WINE to any one person.

(II) A BEER TASTING OR BEER/WINE TASTING LICENSEE MAY NOT SERVE MORE THAN 3 OUNCES FROM EACH BRAND OF BEER TO ANY ONE PERSON.

(5) (I) The annual [license] fee OF A BEER TASTING OR WINE TASTING LICENSE:

[(i)] 1. For holders of a BWL license, is \$110 in addition to the cost of the BWL license; [and]

[(ii)] 2. For holders of a BW license, is \$110 in addition to the cost of the BW license; AND

3. FOR HOLDERS OF A B LICENSE, IS \$110 IN ADDITION TO THE COST OF THE B LICENSE.

(II) THE BOARD OF LICENSE COMMISSIONERS SHALL SET THE ANNUAL FEE FOR A BEER/WINE TASTING LICENSE.

(B) (1) IN PRINCE GEORGE'S COUNTY, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BEER, WINE, AND LIQUOR TASTING (BWLT) LICENSE.

(2) A BEER, WINE, AND LIQUOR TASTING LICENSE MAY BE ISSUED ONLY TO HOLDERS OF A BEER, WINE AND LIQUOR LICENSE.

(3) A BEER, WINE, AND LIQUOR TASTING LICENSE AUTHORIZES THE CONSUMPTION OF ONE-HALF AN OUNCE OF LIQUOR FROM A GIVEN BRAND AND 1.5 OUNCES FROM ALL BRANDS BY ANY ONE PERSON IN A SINGLE DAY FOR TASTING AND SAMPLING PURPOSES ONLY.

(4) THE LIMITATIONS ON THE CONSUMPTION OF BEER AND WINE UNDER SUBSECTION (A)(4) OF THIS SECTION APPLY TO A BEER, WINE, AND LIQUOR TASTING LICENSE.

(5) THE BOARD SHALL SET THE ANNUAL FEE FOR A BEER, WINE, AND LIQUOR TASTING LICENSE.

~~(b)~~ **(C)** The Prince George's County Board of License Commissioners may adopt rules or regulations providing additional requirements to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 476

(House Bill 1481)

AN ACT concerning

**Montgomery County – Maryland–National Capital Park and Planning
Commission – Lease, Contract, or Agreement – Terms**

PG/MC 118–10

FOR the purpose of prohibiting a certain lease, contract, or agreement entered into by the Maryland–National Capital Park and Planning Commission from including certain provisions under certain circumstances; providing that a certain prohibition applies only in Montgomery County; *making this Act an emergency measure*; and generally relating to the terms of a lease, contract, or agreement entered into by the Maryland–National Capital Park and Planning Commission.

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 5–110
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Article 28 – Maryland–National Capital Park and Planning Commission

5–110.

(A) The Commission may (1) lease for a term not exceeding 40 years and renew the lease from time to time for additional terms not exceeding ten years each, to

any responsible individual, partnership or corporation, any portion of the lands within the metropolitan district, acquired for park purposes under any of the provisions of this article. The Commission may not enter into any lease agreement in excess of 20 years duration without the prior approval of the provisions of the lease by legislative enactment of the county in which the lease property is located in whole or in part. Further, all such lease agreements shall contain provisions for reversion without cost to the Commission of the property and its improvements regardless of whether the improvements were added to the property by the lessee during the term of the lease or any extension of the lease; and/or (2) grant privileges, permits, and/or concessions, and/or enter into contracts relating to the same, with any responsible individual, partnership, or corporation, to engage in any business or enterprise on lands acquired for park purposes within the metropolitan district under any of the provisions of this article; all on terms and conditions the Commission deems advantageous to the development of the park system as a part of the plan for the physical development of the metropolitan district and the plan of the Maryland–Washington Regional District within the metropolitan district. The purpose for which the property is leased, and/or the privileges, permits, and/or concessions are granted, may not be inconsistent with the use of the property for park purposes. Any lease and/or contract executed under the authority of this section shall contain a condition, stating specifically the purposes for which the property is leased, and/or the privilege, permit, or concession is granted. All agreements entered into by the Commission pursuant to this article shall contain provisions forbidding the assignment of the agreement without the consent of the Commission. This article may not be interpreted as a limitation on the Commission's authority to require in any agreement more restrictive provisions deemed by the Commission to be in the public interest. The provisions of this article may not be construed to validate any lease or agreement executed prior to July 1, 1972, which provides for an initial term beyond 20 years duration, nor to permit the renegotiation of any lease or agreement executed prior to July 1, 1972, for the purpose of extending the initial term of the lease beyond 20 years duration. This limitation does not apply to any lease with a nonprofit, service-oriented organization.

(B) (1) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(2) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A LEASE, CONTRACT, OR AGREEMENT ENTERED INTO UNDER THIS SECTION MAY NOT CONTAIN A PROVISION THAT:

(I) AUTHORIZES A PERSON OTHER THAN THE COMMISSION TO CLOSE A PARK OR PARK FACILITY; OR

(II) ~~PROHIBITS THE COMMISSION FROM OPERATING ANY OTHER PARK OR PARK FACILITY UNDER THE COMMISSION'S JURISDICTION IN ORDER TO PREVENT COMPETITION WITH THE PARK OR PARK FACILITY THAT IS THE SUBJECT OF THE LEASE, CONTRACT, OR AGREEMENT~~ GRANTS A PERSON OTHER THAN THE COMMISSION THE AUTHORITY TO CLOSE OR REQUIRE THE

**CLOSING OF AN EXISTING PARK OR PARK FACILITY UNDER THE JURISDICTION
OF THE COMMISSION TO PREVENT COMPETITION.**

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2010.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
measure, is necessary for the immediate preservation of the public health or safety, has
been passed by a ye and nay vote supported by three-fifths of all the members elected
to each of the two Houses of the General Assembly, and shall take effect from the date it
is enacted.

Approved by the Governor, May 4, 2010.

Chapter 477

(House Bill 1505)

AN ACT concerning

Central Collection Unit – Collection of Debts Owed to the State

FOR the purpose of authorizing the Central Collection Unit in the Department of Budget and Management to certify to the Comptroller and the State Lottery Agency certain debts or claims owed to the State; providing that certain information be provided to the Agency; requiring the Agency to follow certain procedures when a certain debtor wins a certain lottery prize; requiring the Agency to withhold a certain prize under certain circumstances; requiring the Agency to honor certain lottery prize interception requests in a certain order; providing an opportunity for a certain appeal under certain circumstances; providing certain procedures for conducting a certain appeal; authorizing the Secretary of Budget and Management and the Director of the State Lottery Agency to adopt certain regulations; adding to the criteria under which a lottery prize may be assignable; prohibiting certain acts; providing for the application of this Act; and generally relating to the interception of lottery prizes and income tax refunds on behalf of the Central Collection Unit.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11-618(c)(2)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law

Section 10–113.1(h)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–304(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 3–307
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–122(b)(1) and 9–124(b)(6) and (c)(2) and (3)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 13–918
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Article – Criminal Procedure

11–618.

(c) (2) The State Lottery Agency shall honor lottery prize interception requests in the following order:

(i) an interception request under § 10–113.1 of the Family Law Article; [and]

(ii) an interception request under this section; AND

(III) AN INTERCEPTION REQUEST UNDER § 3–307 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Article – Family Law

10–113.1.

(h) The State Lottery Agency shall honor lottery prize interception requests in the following order:

- (1) an interception request under this section; [and]
- (2) an interception request under § 11–618 of the Criminal Procedure Article; AND

(3) AN INTERCEPTION REQUEST UNDER § 3–307 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Article – State Finance and Procurement

3–304.

- (a) In carrying out its responsibilities, the Central Collection Unit may:
- (1) (i) institute, in its name, any action that is available under State law for collection of a debt or claim; or
 - (ii) without suit, settle the debt or claim;
 - (2) for all debts or claims collected on or after June 1, 1992:
 - (i) in addition to the outstanding principal and interest, assess and collect from the debtor a fee, which may not exceed 20% of the outstanding principal and interest, sufficient to cover all collection and administrative costs; and
 - (ii) prior to crediting any amount to any agency which refers a debt for any purpose, withhold a fee sufficient to cover all collection and administrative costs; [and]
 - (3) waive or reduce any fee assessed under paragraph (2) of this subsection; AND
 - (4) CERTIFY A DEBT OR CLAIM AND THE DEBTOR RESPONSIBLE FOR THE DEBT OR CLAIM TO:**
 - (I) THE COMPTROLLER FOR INCOME TAX REFUND INTERCEPTION IN ACCORDANCE WITH TITLE 13, SUBTITLE 9 OF THE TAX – GENERAL ARTICLE; AND**

(II) THE STATE LOTTERY AGENCY FOR STATE LOTTERY PRIZE INTERCEPTION IN ACCORDANCE WITH § 3-307 OF THIS SUBTITLE.

3-307.

(A) CERTIFICATION OF A DEBT OR CLAIM OWED TO THE STATE THAT THE CENTRAL COLLECTION UNIT SENDS TO THE STATE LOTTERY AGENCY UNDER § 3-304(A)(4) OF THIS SUBTITLE SHALL CONTAIN:

(1) THE FULL NAME OF THE DEBTOR AND ANY OTHER NAME KNOWN TO BE USED BY THE DEBTOR;

(2) THE SOCIAL SECURITY NUMBER OF THE DEBTOR; AND

(3) THE AMOUNT OF THE DEBT.

(B) IF A DEBTOR WINS A LOTTERY PRIZE TO BE PAID ~~ELECTRONICALLY OR BY CHECK~~ DIRECTLY BY THE STATE LOTTERY AGENCY, THE STATE LOTTERY AGENCY SHALL ~~SEND A NOTICE TO~~ NOTIFY THE DEBTOR THAT:

(1) THE DEBTOR HAS WON A PRIZE TO BE PAID BY THE STATE LOTTERY AGENCY;

(2) THE STATE LOTTERY AGENCY HAS RECEIVED NOTICE FROM THE CENTRAL COLLECTION UNIT OF THE DEBTOR'S DEBT OR CLAIM OWED TO THE STATE IN THE SPECIFIED AMOUNT;

(3) STATE LAW REQUIRES THE STATE LOTTERY AGENCY TO WITHHOLD THE PRIZE AND TO PAY IT TOWARDS THE DEBTOR'S DEBT OR CLAIM;

(4) THE DEBTOR MAY APPEAL TO THE CENTRAL COLLECTION UNIT IF THE DEBTOR DISPUTES THE EXISTENCE OR THE AMOUNT OF THE DEBT OR CLAIM; AND

(5) IF AN APPEAL IS NOT FILED WITHIN 15 DAYS AFTER THE DATE OF THE NOTICE, THE STATE LOTTERY AGENCY WILL TRANSFER THE PRIZE OR THE PART OF THE PRIZE THAT EQUALS THE AMOUNT OF THE DEBT OR CLAIM TO THE CENTRAL COLLECTION UNIT.

(C) (1) THE STATE LOTTERY AGENCY SHALL WITHHOLD ALL OR PART OF THE PRIZE UP TO THE AMOUNT OF THE DEBT OR CLAIM OWED TO THE STATE UNTIL THE CENTRAL COLLECTION UNIT NOTIFIES THE STATE LOTTERY AGENCY TO WHOM THE WITHHELD PRIZE MONEY IS TO BE PAID.

(2) THE STATE LOTTERY AGENCY SHALL HONOR LOTTERY PRIZE INTERCEPTION REQUESTS IN THE FOLLOWING ORDER:

(I) AN INTERCEPTION REQUEST UNDER § 10–113.1 OF THE FAMILY LAW ARTICLE;

(II) AN INTERCEPTION REQUEST UNDER § 11–618 OF THE CRIMINAL PROCEDURE ARTICLE; AND

(III) AN INTERCEPTION REQUEST UNDER THIS SECTION.

(D) (1) ON RECEIPT OF A NOTICE FROM THE STATE LOTTERY AGENCY, A DEBTOR WHO DISPUTES THE EXISTENCE OR AMOUNT OF THE DEBT OR CLAIM MAY APPEAL THE PROPOSED TRANSFER IN ACCORDANCE WITH THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT, TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(2) IF AN APPEAL IS NOT FILED WITHIN 15 DAYS AFTER THE DATE OF THE NOTICE, THE STATE LOTTERY AGENCY SHALL TRANSFER THE AMOUNT OF THE PRIZE WITHHELD TO THE CENTRAL COLLECTION UNIT.

(3) IF THE DEBTOR APPEALS THE PROPOSED TRANSFER, AFTER A HEARING THE CENTRAL COLLECTION UNIT SHALL NOTIFY THE STATE LOTTERY AGENCY THAT THE WITHHELD PRIZE SHALL BE:

(I) PAID TO THE DEBTOR;

(II) TRANSFERRED TO THE CENTRAL COLLECTION UNIT;

OR

(III) IN SPECIFIED AMOUNTS, PARTLY PAID TO THE DEBTOR AND PARTLY TRANSFERRED TO THE CENTRAL COLLECTION UNIT.

(E) THE SECRETARY AND THE DIRECTOR OF THE STATE LOTTERY AGENCY MAY JOINTLY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

Article – State Government

9–122.

(b) (1) Except as otherwise provided in this subsection, § 10–113.1 of the Family Law Article, [and] § 11–618 of the Criminal Procedure Article, AND § 3–307 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, a prize won under this subtitle is not assignable.

9–124.

(b) Except as otherwise provided in this section, a person or governmental unit may not:

(6) knowingly purchase a State lottery ticket or share from another person with the intent to deceive or circumvent the payment of prize winnings to the State, in accordance with:

(i) § 11–616(b) of the Criminal Procedure Article;

(ii) § 10–113.1(a) of the Family Law Article; [or]

(iii) **§ 3–307 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR**

(IV) § 10–905(c)(3) of the Tax – General Article.

(c) (2) For prizes of over \$600, a licensed agent may not fail to determine, through the Agency and prior to paying the prize whether a holder of a winning lottery ticket has been certified under:

(i) § 11–616(b) of the Criminal Procedure Article; [or]

(ii) § 10–113.1(a) of the Family Law Article; **OR**

(III) § 3–307 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) A licensed agent may not pay a prize to a holder of a winning lottery ticket if the Agency has notified the licensed agent that the holder has been certified under:

(i) § 11–616(b) of the Criminal Procedure Article; [or]

(ii) § 10–113.1 of the Family Law Article; **OR**

(III) § 3–307 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Article – Tax – General

13–918.

(a) The Comptroller shall honor income tax refund interception requests in the following order:

(1) a refund interception request to collect an unpaid State, county, or municipal tax;

(2) a refund interception request under Title 10, Subtitle 1, Part II of the Family Law Article;

(3) a refund interception request for converted funds under § 15–122.2 of the Health – General Article;

(4) A REFUND INTERCEPTION REQUEST UNDER § 3–304 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

[(4)] (5) any other refund interception request by the State, county, or other political subdivision of the State;

[(5)] (6) a request for intercept made by a taxing official under Part IV of this subtitle; and

[(6)] (7) a request for intercept made by a federal official under Part VI of this subtitle.

(b) The Comptroller shall honor vendor payment interception requests in the same order of priority provided in subsection (a) of this section for honoring income tax refund interception requests.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply to every debt or claim owed to the State on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 478

(House Bill 1512)

AN ACT concerning

Frederick County – Archery Hunting – Safety Zone

FOR the purpose of establishing for archery hunters in Frederick County a safety zone of a certain size within which archery hunting may not take place except under certain circumstances; and generally relating to archery hunting in Frederick County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(g)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Natural Resources

10–410.

(g) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone,” of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) FOR ARCHERY HUNTERS IN FREDERICK COUNTY, THE SAFETY ZONE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION EXTENDS FOR 50 YARDS FROM A DWELLING HOUSE, RESIDENCE, CHURCH, OR ANY OTHER BUILDING OR CAMP OCCUPIED BY HUMAN BEINGS.

(3) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.

Chapter 479

(House Bill 1555)

AN ACT concerning

**Fire, Rescue, and Ambulance Funds – Distribution of Money to Companies
Outside the State**

FOR the purpose of altering the entities to which money from the Senator William H. Amoss Fire, Rescue, and Ambulance Fund may be distributed to include fire, rescue, and ambulance companies located outside the State under certain circumstances; altering the volunteer fire, rescue, and ambulance companies to which grants or loans may be awarded under the Volunteer Company Assistance Fund to include companies located outside the State under certain circumstances; making this Act an emergency measure; and generally relating to the distribution of money under the Senator William H. Amoss Fire, Rescue, and Ambulance Fund and the Volunteer Company Assistance Fund.

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 8–102(a) and (b), 8–201(a), (b), and (d), 8–202(a), and 8–203(a) and (b)

Annotated Code of Maryland

(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 8–103(b)(1) and 8–201(e)

Annotated Code of Maryland

(2003 Volume and 2009 Supplement)

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

Article – Public Safety

8–102.

(a) There is a Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

(b) The purposes of the Fund are to promote:

(1) the delivery of effective and high quality fire protection, rescue, and ambulance services in the State;

(2) increased financial support for fire, rescue, and ambulance companies by counties; and

(3) the continued financial viability of volunteer fire, rescue, and ambulance companies given the greatly increased costs of equipment.

8-103.

(b) (1) Subject to paragraph (6) of this subsection, each county shall distribute the money provided under this subtitle on the basis of need to fire, rescue, and ambulance companies, departments, or stations in the county, including companies, departments, or stations:

(I) located in municipal corporations; OR

(II) LOCATED OUTSIDE THE STATE IF THE COMPANY, DEPARTMENT, OR STATION:

1. HAS BEEN A MEMBER OF THE MARYLAND STATE FIREMEN'S ASSOCIATION FOR AT LEAST THE PAST 10 YEARS; AND

2. HAS A FIRST DUE RESPONSE AREA IN THE STATE.

8-201.

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

(b) "Association" means the Maryland State Firemen's Association.

(d) "Fund" means the Volunteer Company Assistance Fund.

(e) "Volunteer company" means a volunteer ambulance, fire, or rescue company:

(1) located in the State; OR

(2) LOCATED OUTSIDE THE STATE IF THE COMPANY:

(I) HAS BEEN A MEMBER OF THE ASSOCIATION FOR AT LEAST THE PAST 10 YEARS; AND

(II) HAS A FIRST DUE RESPONSE AREA IN THE STATE.

8-202.

(a) There is a Volunteer Company Assistance Fund.

8-203.

(a) The purpose of the Fund is to ensure adequate fire protection and rescue services in the State.

(b) A grant or loan awarded under this section shall be used only for purchasing, replacing, or improving:

(1) equipment, including elevated equipment, pumpers, tankers, ladder trucks, ambulances, rescue vehicles, or other large equipment used for fire fighting and emergency services;

(2) communications equipment;

(3) protective equipment, including helmets, turnout coats and pants, boots, eyeshields, gloves, and self-contained respiratory protection units;

(4) any other equipment necessary to carry out the ordinary functions of supporting fire fighting and rescue activities; or

(5) facilities used to house fire fighting equipment, ambulances, and rescue vehicles.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 4, 2010.

Chapter 480

(Senate Bill 119)

AN ACT concerning

Civil Jury Trials – Amount in Controversy

FOR the purpose of proposing an amendment to the Maryland Declaration of Rights to alter the amount in controversy in civil proceedings in which the right to a jury trial may be limited by legislation; altering the amount in controversy in civil proceedings in which the right to a jury trial shall be inviolably preserved; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution

Declaration of Rights

~~Articles~~ Article 5(a) and 23

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Declaration of Rights

Article 5.

(a) (1) That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law, and to the benefit of such of the English statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-seven; except such as may have since expired, or may be inconsistent with the provisions of this Constitution; subject, nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State. And the Inhabitants of Maryland are also entitled to all property derived to them from, or under the Charter granted by His Majesty Charles the First to Caecilius Calvert, Baron of Baltimore.

(2) Legislation may be enacted that limits the right to trial by jury in civil proceedings to those proceedings in which the amount in controversy exceeds **[\$10,000] ~~\$20,000~~ \$15,000**.

Article 23.

In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction.

The right of trial by Jury of all issues of fact in civil proceedings in the several Courts of Law in this State, where the amount in controversy exceeds the sum of **[\$10,000] ~~\$20,000~~ \$15,000**, shall be inviolably preserved.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section proposed as an amendment to the Maryland Constitution shall be submitted to the legal and qualified voters of this State at the next general election to be held in November, 2010 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment

to the Constitution shall be by ballot, and upon each ballot there shall be printed the words “For the Constitutional Amendment” and “Against the Constitutional Amendment,” as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

Assigned a chapter number, enactment subject to constitutional referendum, May 4, 2010.

Chapter 481

(House Bill 417)

AN ACT concerning

Baltimore City – Orphans’ Court Judges – Qualifications

FOR the purpose of proposing an amendment to the Maryland Constitution to prescribe different qualifications for judges of the Orphans’ Court for Baltimore City; requiring judges of the Orphans’ Court for Baltimore City to have been admitted to practice law in this State and be members in good standing of the Maryland Bar; making certain technical changes; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Article IV – Judiciary Department
Section 40

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Article IV – Judiciary Department

40.

(A) The qualified voters of [the City of Baltimore, and of] the several Counties, except Montgomery County and Harford County, shall elect three Judges of the Orphans’ Courts of [City and] Counties[, respectively,] who shall be citizens of the State and residents, for the twelve months preceding, in the [City or] County for which they may be elected.

(B) THE QUALIFIED VOTERS OF THE CITY OF BALTIMORE SHALL ELECT THREE JUDGES OF THE ORPHANS' COURT FOR BALTIMORE CITY WHO SHALL BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS PRECEDING, IN BALTIMORE CITY AND WHO HAVE BEEN ADMITTED TO PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE MARYLAND BAR.

(C) [They] THE JUDGES shall have all the powers now vested in the Orphans' Courts of the State, subject to such changes as the Legislature may prescribe.

(D) Each of the Judges shall be paid such compensation as may be regulated by Law, to be paid by the City or Counties, respectively.

(E) In case of a vacancy in the office of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable person to fill the vacancy for the residue of the term.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects only the City of Baltimore and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments apply.

SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section proposed as an amendment to the Maryland Constitution shall be submitted to the legal and qualified voters of this State at the next general election to be held in November, 2010 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

Assigned a chapter number, enactment subject to constitutional referendum, May 4, 2010.

Chapter 482

(Senate Bill 140)

Budget Bill

(Fiscal Year 2011)

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2011, in accordance with Article III, Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made pursuant to that section.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That subject to the provisions hereinafter set forth and subject to the Public General Laws of Maryland relating to the Budget procedure, the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for the several purposes specified for the fiscal year beginning July 1, 2010, and ending June 30, 2011, as hereinafter indicated.

PAYMENTS TO CIVIL DIVISIONS OF THE STATE

A11K00.01 Miscellaneous Grants	
General Fund Appropriation	~~2,575,000~~ <u>0</u>
A15O00.01 Disparity Grants	
General Fund Appropriation	97,081,836
A19S00.01 Retirement Contribution – Certain Local Employees	
General Fund Appropriation, provided that \$469,497 is reduced contingent upon the enactment of legislation containing a provision to require local jurisdictions to pay the retirement contributions for certain local employees.....	469,497

GENERAL ASSEMBLY OF MARYLAND

B75A01.01 Senate		
General Fund Appropriation		11,292,694
B75A01.02 House of Delegates		
General Fund Appropriation		21,497,720
B75A01.03 General Legislative Expenses		
General Fund Appropriation		1,014,790

DEPARTMENT OF LEGISLATIVE SERVICES

B75A01.04 Office of the Executive Director		
General Fund Appropriation	10,977,550	
Special Fund Appropriation	100,000	11,077,550
B75A01.05 Office of Legislative Audits		
General Fund Appropriation		11,892,331
B75A01.06 Office of Legislative Information Systems		
General Fund Appropriation		4,960,526
B75A01.07 Office of Policy Analysis		
General Fund Appropriation		15,067,691

SUMMARY

Total General Fund Appropriation	76,703,302
Total Special Fund Appropriation	100,000
Total Appropriation	76,803,302

JUDICIARY

Provided that a ~~\$1,371,000~~ \$6,371,000
reduction in general funds is made for
operating expenditures. This reduction
shall be allocated among the divisions.

C00A00.01 Court of Appeals		
General Fund Appropriation		~~13,480,900~~
		<u>13,106,900</u>
C00A00.02 Court of Special Appeals		
General Fund Appropriation		~~9,212,206~~
		<u>8,632,206</u>
C00A00.03 Circuit Court Judges		
General Fund Appropriation	59,073,572	
Federal Fund Appropriation.....	662,851	59,736,423
C00A00.04 District Court		
General Fund Appropriation	145,035,038	
Federal Fund Appropriation	25,000	145,060,038
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
C00A00.05 Maryland Judicial Conference		
General Fund Appropriation		164,300
C00A00.06 Administrative Office of the Courts		
General Fund Appropriation	~~24,083,836~~	
	<u>23,748,836</u>	
Special Fund Appropriation	10,100,000	
Federal Fund Appropriation	74,114	~~34,257,950~~
		<u>33,922,950</u>
C00A00.07 Court Related Agencies		
General Fund Appropriation	6,206,936	
Federal Fund Appropriation	46,600	6,253,536

C00A00.08 State Law Library		
General Fund Appropriation	2,623,710	
Special Fund Appropriation	9,350	2,633,060
C00A00.09 Judicial Information Systems		
General Fund Appropriation, <u>provided that</u> <u>\$257,825 of this appropriation may only be</u> <u>used for the purpose of automating</u> <u>changes to traffic citations and the</u> <u>reprinting of paper traffic citations</u> <u>contingent upon the enactment of HB 829.</u> <u>Funds unexpended at the end of the fiscal</u> <u>year shall revert to the General Fund</u>	27,694,232	
Special Fund Appropriation	8,155,405	35,849,637
C00A00.10 Clerks of the Circuit Court		
General Fund Appropriation	76,649,544	
Special Fund Appropriation	16,875,746	
Federal Fund Appropriation	2,534,591	96,059,881
C00A00.11 Family Law Division		
General Fund Appropriation	17,410,336	
Federal Fund Appropriation	701,546	18,111,882
C00A00.12 Major Information Technology Development Projects		
General Fund Appropriation, <u>provided that a</u> <u>reduction of \$11,899,400 is made for major</u> <u>information technology development (IT)</u> <u>projects contingent upon the enactment of</u> <u>SB 141 or HB 151 removing the sunset of</u> <u>funding major IT from the Land Records</u> <u>Improvement Fund</u>	11,899,400	
Special Fund Appropriation	1,548,000	13,447,400

SUMMARY

Total General Fund Appropriation	392,245,010
Total Special Fund Appropriation	36,688,501
Total Federal Fund Appropriation	4,044,702

Total Appropriation	432,978,213

OFFICE OF THE PUBLIC DEFENDER

C80B00.01 General Administration		
General Fund Appropriation		6,140,882

C80B00.02 District Operations		
General Fund Appropriation	73,702,483	
Special Fund Appropriation	79,591	73,782,074

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C80B00.03 Appellate and Inmate Services		
General Fund Appropriation		5,754,275

C80B00.04 Involuntary Institutionalization Services		
General Fund Appropriation		1,420,171

SUMMARY

Total General Fund Appropriation	87,017,811
Total Special Fund Appropriation	79,591

Total Appropriation	87,097,402

OFFICE OF THE ATTORNEY GENERAL

C81C00.01 Legal Counsel and Advice
General Fund Appropriation, provided that this appropriation is reduced by \$150,000. The Governor is authorized to process a Special Fund budget amendment for \$150,000 to make use of the available balance in the Consumer Protection Recoveries Account.

<u>Further provided that the Office of the Attorney General shall submit a report that provides estimates for indirect cost recoveries to the division of Legal Counsel and Advice associated with the oversight of its programs. The report shall be submitted to the budget committees by November 1, 2010, and the budget committees shall have 45 days to review and comment. ~~Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees~~ ...</u>		
Special Fund Appropriation	5,928,462 600,596	6,529,058
C81C00.04 Securities Division		
General Fund Appropriation		2,445,943
C81C00.05 Consumer Protection Division		
Special Fund Appropriation		4,494,529
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
C81C00.06 Antitrust Division		
General Fund Appropriation		957,033
C81C00.09 Medicaid Fraud Control Unit		
General Fund Appropriation	632,739	
Federal Fund Appropriation	1,896,017	2,528,756
C81C00.10 People's Insurance Counsel Division		
Special Fund Appropriation		547,486
C81C00.12 Juvenile Justice Monitoring Program		
General Fund Appropriation		740,788
C81C00.14 Civil Litigation Division		

General Fund Appropriation	2,084,531	
Special Fund Appropriation	490,933	2,575,464
C81C00.15 Criminal Appeals Division		
General Fund Appropriation		2,491,223
C81C00.16 Criminal Investigation Division		
General Fund Appropriation		1,654,985
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
C81C00.17 Educational Affairs Division		
General Fund Appropriation		520,167
C81C00.18 Correctional Litigation Division		
General Fund Appropriation		372,236
C81C00.20 Contract Litigation Division		
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		

SUMMARY

Total General Fund Appropriation	17,828,107
Total Special Fund Appropriation	6,133,544
Total Federal Fund Appropriation	1,896,017
Total Appropriation	25,857,668

OFFICE OF THE STATE PROSECUTOR

Provided that position identification number
086522 is abolished to reflect the loss of

funds for the position. The Governor is authorized to process a budget amendment for a contractual full-time equivalent if the Office of the State Prosecutor secures alternative grant funding.

C82D00.01 General Administration		
General Fund Appropriation		1,237,436

MARYLAND TAX COURT

C85E00.01 Administration and Appeals		
General Fund Appropriation		641,647

PUBLIC SERVICE COMMISSION

C90G00.01 General Administration and Hearings		
Special Fund Appropriation	7,829,034	
Federal Fund Appropriation	436,961	8,265,995

C90G00.02 Telecommunications Division		
Special Fund Appropriation		542,924

C90G00.03 Engineering Investigations		
Special Fund Appropriation	1,025,514	
Federal Fund Appropriation	224,749	1,250,263

C90G00.04 Accounting Investigations		
Special Fund Appropriation		664,065

C90G00.05 Common Carrier Investigations		
Special Fund Appropriation		1,249,762

C90G00.06 Washington Metropolitan Area Transit Commission		
Special Fund Appropriation		366,756

C90G00.07 Rate Research and Economics		
Special Fund Appropriation		609,223

C90G00.08 Hearing Examiner Division		
Special Fund Appropriation		824,806

C90G00.09 Staff Attorney	
Special Fund Appropriation	830,500

C90G00.10 Integrated Resource Planning Division	
Special Fund Appropriation	574,585

SUMMARY

Total Special Fund Appropriation	14,517,169
Total Federal Fund Appropriation	661,710

Total Appropriation	15,178,879

OFFICE OF THE PEOPLE'S COUNSEL

C91H00.01 General Administration	
Special Fund Appropriation	3,199,441

SUBSEQUENT INJURY FUND

C94I00.01 General Administration	
Special Fund Appropriation	1,968,985

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

UNINSURED EMPLOYERS' FUND

C96J00.01 General Administration	
Special Fund Appropriation	1,117,452

WORKERS' COMPENSATION COMMISSION

C98F00.01 General Administration	
Special Fund Appropriation	13,957,777

Funds are appropriated in other agency budgets to pay for services provided by

this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BOARD OF PUBLIC WORKS

D05E01.01 Administration Office	
General Fund Appropriation	815,539
D05E01.02 Contingent Fund	
To the Board of Public Works to be used by the Board in its judgment (1) for supplementing appropriations made in the budget for fiscal year 2011 when the regular appropriations are insufficient for the operating expenses of the government beyond those that are contemplated at the time of the appropriation of the budget for this fiscal year, or (2) for any other contingencies that might arise within the State or other governmental agencies during the fiscal year or any other purposes provided by law, when adequate provision for such contingencies or purposes has not been made in this budget.	
General Fund Appropriation	~~750,000~~ <u>500,000</u>
D05E01.05 Wetlands Administration	
General Fund Appropriation	191,756
D05E01.10 Miscellaneous Grants to Private Non-Profit Groups	
General Fund Appropriation	5,802,650
To provide annual grants to private groups and sponsors which have statewide implications and merit State support.	
Council of State Governments	145,432
Historic Annapolis Foundation	482,000
Maryland Zoo in Baltimore	5,175,218
D05E01.15 Payments of Judgments Against the State	
General Fund Appropriation	213,125
SUMMARY	
Total General Fund Appropriation	7,523,070

EXECUTIVE DEPARTMENT – GOVERNOR

D10A01.01 General Executive Direction and
Control

General Fund Appropriation 9,733,407

OFFICE OF THE DEAF AND HARD OF HEARING

D11A04.01 Executive Direction

General Fund Appropriation 328,975

DEPARTMENT OF DISABILITIES

D12A02.01 General Administration

Provided that 1 regular position in this
budget shall be deleted.

General Fund Appropriation	2,727,652	
Special Fund Appropriation	193,406	
Federal Fund Appropriation	2,404,864	5,325,922

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND ENERGY ADMINISTRATION

D13A13.01 General Administration

Special Fund Appropriation	2,776,224	
Federal Fund Appropriation	1,882,394	4,658,618

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D13A13.02 The Jane E. Lawton Conservation Loan Program – Capital Appropriation		
Special Fund Appropriation	2,187,925	
Federal Fund Appropriation, <u>provided that \$2,562,075 of this appropriation made for the purpose of the Jane E. Lawton Conservation Loan Program – Capital Appropriation, may not be expended for that purpose but instead may be transferred by budget amendment to program D13A13.03 to be used only for the State Agency Loan Program – Capital Appropriation. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled</u>	2,562,075	4,750,000
D13A13.03 State Agency Loan Program – Capital Appropriation		
Special Fund Appropriation	1,100,000	
Federal Fund Appropriation	1,400,000	2,500,000
D13A13.05 Residential Electricity Rate Relief Program		
Special Fund Appropriation		15,581,602
D13A13.06 Energy Efficiency and Conservation Programs, Low and Moderate Income Residential Sector		
Special Fund Appropriation	4,927,784	
Federal Fund Appropriation	1,600,000	6,527,784
D13A13.07 Energy Efficiency and Conservation Programs, All Other Sectors		
Special Fund Appropriation	1,115,157	
Federal Fund Appropriation	7,538,125	8,653,282
<u>Provided that \$1,000,000 of this appropriation from the American Recovery and Reinvestment Act of 2009 (ARRA) or the Strategic Energy Investment Fund (SEIF) made for the</u>		

purpose of Energy Efficiency and Conservation Programs, All Other Sectors, may not be expended for that purpose but instead may only be used to provide a grant to the Maryland Clean Energy Center, of which \$500,000 may be used for the implementation of a residential consumer energy education program that includes information related to clean energy and energy efficiency and conservation with the remainder to be used to assist local governments to develop and implement energy efficiency and conservation projects using funding received through the ARRA or SEIF. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled.

D13A13.08 Renewable and Clean Energy Programs and Initiatives

Special Fund Appropriation, provided that \$279,000 of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the exemption of electric and plug-in electric hybrid vehicles from the vehicle excise tax in fiscal year 2011

.....	3,603,496	
Federal Fund Appropriation	9,054,695	12,658,191

SUMMARY

Total Special Fund Appropriation	31,292,188
Total Federal Fund Appropriation	24,037,289
Total Appropriation	55,329,477

BOARDS, COMMISSIONS, AND OFFICES

D15A05.01 Survey Commissions

General Fund Appropriation	98,000

D15A05.03 Office of Minority Affairs

General Fund Appropriation		1,281,555

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.05 Governor's Office of Community Initiatives

General Fund Appropriation	2,083,977	
Special Fund Appropriation	267,030	
Federal Fund Appropriation	4,622,179	6,973,186

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.06 State Ethics Commission

General Fund Appropriation	600,837	
Special Fund Appropriation	314,002	914,839

D15A05.07 Health Care Alternative Dispute Resolution Office

General Fund Appropriation	325,575	
Special Fund Appropriation	44,620	370,195

D15A05.16 Governor's Office of Crime Control and Prevention

General Fund Appropriation, ~~provided that~~ ~~\$18,955,972 of this appropriation shall be~~ ~~reduced contingent upon the enactment of~~ ~~legislation to reduce funding for State Aid~~ ~~for Police Protection.....~~	~~88,360,811~~ ~~69,307,954~~ <u>69,404,839</u>	
Special Fund Appropriation	2,266,254	
Federal Fund Appropriation	24,289,222	~~114,916,287~~

95,863,43095,960,315

D15A05.20 State Commission on Criminal
Sentencing Policy
General Fund Appropriation

319,730

D15A05.21 Criminal Justice Coordinating Council

Funds are appropriated in other agency
budgets to pay for services provided by
this program. Authorization is hereby
granted to use these receipts as special
funds for operating expenses in this
program.

D15A05.22 Governor's Grants Office

General Fund Appropriation

352,133

Special Fund Appropriation

30,000

382,133

Funds are appropriated in other agency
budgets to pay for services provided by
this program. Authorization is hereby
granted to use these receipts as special
funds for operating expenses in this
program.

D15A05.23 State Labor Relations Board

General Fund Appropriation

84,436

Funds are appropriated in other agency
budgets to pay for services provided by
this program. Authorization is hereby
granted to use these receipts as special
funds for operating expenses in this
program.

SUMMARY

Total General Fund Appropriation

74,551,082

Total Special Fund Appropriation

2,921,906

Total Federal Fund Appropriation

28,911,401

Total Appropriation

106,384,389

SECRETARY OF STATE

D16A06.01 Office of the Secretary of State

General Fund Appropriation	~~2,000,377~~	
	<u>1,975,377</u>	
Special Fund Appropriation	349,507	~~2,349,884~~
		<u>2,324,884</u>

HISTORIC ST. MARY'S CITY COMMISSION

D17B01.51 Administration

General Fund Appropriation	~~2,140,597~~	
	<u>1,067,616</u>	
	~~2,140,597~~	
	<u>2,067,168</u>	
Special Fund Appropriation	712,255	~~2,852,852~~
		<u>2,670,871</u>
		~~2,852,852~~
		<u>2,779,423</u>

GOVERNOR'S OFFICE FOR CHILDREN

D18A18.01 Governor's Office for Children

General Fund Appropriation, provided that \$390,000 of this appropriation made for the purpose of funding five new contract monitoring and evaluation positions, may not be expended for that purpose but instead may be transferred by budget amendment to the State Department of Education program R00A04.01 Children's Cabinet Interagency Fund to be used only for Local Management Board administration. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that these five new contract monitoring and evaluation positions are deleted

	2,068,210	
Federal Fund Appropriation	882,083	2,950,293

BOARD OF PUBLIC WORKS – INTERAGENCY COMMITTEE
FOR SCHOOL CONSTRUCTION

D25E03.01 General Administration

General Fund Appropriation, provided that \$100,000 of this appropriation may not be expended subject to the items below:

- (1) \$50,000 of this appropriation shall be released upon submission of a report to the budget committees certifying the completion of 115 maintenance surveys in public schools;
- (2) \$50,000 of this appropriation shall be released upon submission of a report to the budget committees certifying the completion of 230 maintenance surveys in public schools; and
- (3) the budget committees shall have 45 days to review and comment from the date of receipt of each report outlined in items (1) and (2) above.

Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

1,498,125

D25E03.02 Aging Schools Program

General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$6,108,000 contingent upon the enactment of legislation to reduce the required appropriation for the Aging Schools program,~~ provided that this appropriation is reduced by \$6,109,000 contingent on enactment of legislation **SB 141 or HB 151** authorizing bond proceeds to provide

<u>the required appropriation for the Aging Schools program</u>	10,748,878

SUMMARY

Total General Fund Appropriation	12,247,003

DEPARTMENT OF AGING

D26A07.01 General Administration

General Fund Appropriation	22,723,727	
Special Fund Appropriation	495,480	
Federal Fund Appropriation	29,190,438	52,409,645

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D26A07.02 Senior Centers Operating Fund

General Fund Appropriation	~~500,000~~
	~~450,000~~
	<u>500,000</u>

SUMMARY

Total General Fund Appropriation	23,223,727
Total Special Fund Appropriation	495,480
Total Federal Fund Appropriation	29,190,438

Total Appropriation	52,909,645

COMMISSION ON HUMAN RELATIONS

D27L00.01 General Administration

General Fund Appropriation	2,643,000	
Federal Fund Appropriation	698,371	3,341,371

MARYLAND STADIUM AUTHORITY

D28A03.02 Maryland Stadium Facilities Fund Special Fund Appropriation	20,000,000
D28A03.55 Baltimore Convention Center General Fund Appropriation	9,124,406
D28A03.58 Ocean City Convention Center General Fund Appropriation	2,819,505
D28A03.59 Montgomery County Convention Center General Fund Appropriation	1,762,300
D28A03.60 Hippodrome Performing Arts Center General Fund Appropriation	1,000,000

SUMMARY

Total General Fund Appropriation	14,706,211
Total Special Fund Appropriation	20,000,000
Total Appropriation	34,706,211

STATE BOARD OF ELECTIONS

D38I01.01 General Administration

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of General Administration may not be expended until the State Board of Elections submits a report to the budget committees. This report shall include:

- (1) for each multi-year contract it holds, the starting date, expected end date, number and length of option periods, estimated cost of the contract in each year of the contract including option periods, the Comptroller subobject where the contract is budgeted, a brief explanation of the services provided for contracts over \$25,000 in effect in fiscal 2010 and 2011,

and planned for fiscal 2012; and

- (2) the estimated need for additional funding required for fiscal 2011 to administer the 2010 gubernatorial elections in addition to the funding provided in the fiscal 2011 appropriation.

The report shall be submitted by August 1, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that \$500,000 of this appropriation made for the purpose of General Administration in the State Board of Elections (SBE) may not be expended until the independent consultant retained by the Department of Legislative Services (DLS) to review voting system issues provides a written certification to DLS that SBE has provided all information necessary to complete the review. The budget committees shall have 45 days to review and comment upon receipt of the certification. Funds restricted pending the receipt of the certification may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the certification is not submitted to the budget committees

4,059,226

D38I01.02 Help America Vote Act

General Fund Appropriation 4,581,938

Special Fund Appropriation ~~6,978,724~~

4,978,724

Federal Fund Appropriation 3,670,186

~~15,230,848~~

13,230,848

SUMMARY

Total General Fund Appropriation	8,641,164
Total Special Fund Appropriation	4,978,724
Total Federal Fund Appropriation	3,670,186
Total Appropriation	17,290,074

MARYLAND STATE BOARD OF CONTRACT APPEALS

D39S00.01 Contract Appeals Resolution	
General Fund Appropriation	611,628

DEPARTMENT OF PLANNING

D40W01.01 Administration	
General Fund Appropriation	2,887,548

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.02 Communications	and
Intergovernmental Affairs	
General Fund Appropriation	1,023,849

D40W01.03 Planning Data Services	
General Fund Appropriation	1,514,588
Special Fund Appropriation	294,771
	1,809,359

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.04 Planning Services	
General Fund Appropriation	2,183,428

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.07 Management Planning and Educational Outreach

General Fund Appropriation	~~1,227,308~~	
	917,409	
Special Fund Appropriation	~~3,113,473~~	
	3,084,223	
Federal Fund Appropriation	~~223,382~~	~~4,564,163~~
	217,532	4,219,164

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.08 Museum Services

General Fund Appropriation	2,139,990	
Special Fund Appropriation	495,750	
Federal Fund Appropriation	145,188	2,780,928

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.09 Research Survey and Registration

General Fund Appropriation	804,178	
Special Fund Appropriation	91,530	
Federal Fund Appropriation	328,864	1,224,572

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

D40W01.10 Preservation Services

General Fund Appropriation	471,515	
Special Fund Appropriation	299,477	
Federal Fund Appropriation	217,883	988,875

D40W01.11 Historic Preservation – Capital Appropriation

Special Fund Appropriation		100,000

D40W01.12 Heritage Structure Rehabilitation Tax Credit

General Fund Appropriation, provided that this appropriation shall be reduced by \$5,000,000 contingent upon the enactment of ~~legislation~~ **HB 475 or SB 285** reauthorizing the program as a non-budgeted tax credit.

<u>Further provided that this appropriation shall be reduced by \$5,000,000 contingent upon the failure of ~~legislation~~ <u>HB 475 and SB 285</u> reauthorizing the program as a budgeted tax credit</u>		5,000,000

D40W01.13 Office of Smart Growth

General Fund Appropriation		208,674

SUMMARY

Total General Fund Appropriation	17,151,179	
Total Special Fund Appropriation	4,365,751	
Total Federal Fund Appropriation	909,467	

Total Appropriation	22,426,397	

MILITARY DEPARTMENT

MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE

Provided that a reduction of \$66,600 is made for deferred compensation (Comptroller

subobject 0172). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$36,856</u>
<u>Federal</u>	<u>\$29,744</u>

Further provided that a reduction of \$74,000 is made for telephone expenses (Comptroller subobject 0302). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$21,705</u>
<u>Federal</u>	<u>\$52,295</u>

D50H01.01 Administrative Headquarters

General Fund Appropriation	2,796,674	
Special Fund Appropriation	52,276	
Federal Fund Appropriation	105,858	2,954,808

D50H01.02 Air Operations and Maintenance

General Fund Appropriation	677,392	
Federal Fund Appropriation	4,418,518	5,095,910

D50H01.03 Army Operations and Maintenance

General Fund Appropriation	3,924,663	
Special Fund Appropriation	121,991	
Federal Fund Appropriation	7,039,734	11,086,388

D50H01.05 State Operations

General Fund Appropriation	~~3,194,144~~	
	<u>3,184,091</u>	
Federal Fund Appropriation	~~2,444,427~~	~~5,638,571~~
	<u>2,435,480</u>	<u>5,619,571</u>

D50H01.06 Maryland Emergency Management
Agency

General Fund Appropriation	2,703,124	
Special Fund Appropriation	12,625,000	
Federal Fund Appropriation	35,766,466	51,094,590

SUMMARY

Total General Fund Appropriation	13,285,944
Total Special Fund Appropriation	12,799,267
Total Federal Fund Appropriation	49,766,056
Total Appropriation	75,851,267

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

D53T00.01 General Administration

Special Fund Appropriation	12,371,123	
Federal Fund Appropriation	130,000	12,501,123

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D53T00.02 Major Information Technology
Development Projects

Special Fund Appropriation	100,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Special Fund Appropriation	12,471,123
Federal Fund Appropriation	130,000

Total Appropriation	12,601,123

DEPARTMENT OF VETERANS AFFAIRS

D55P00.01 Service Program	
General Fund Appropriation	1,132,804

D55P00.02 Cemetery Program	
General Fund Appropriation	1,873,815
Special Fund Appropriation	632,986
Federal Fund Appropriation	652,481
	3,159,282

D55P00.03 Memorials and Monuments Program	
General Fund Appropriation	420,980

D55P00.05 Veterans Home Program	
General Fund Appropriation	3,169,623
Special Fund Appropriation	139,491
Federal Fund Appropriation	8,694,000
	12,003,114

D55P00.08 Executive Direction	
General Fund Appropriation	836,403
Special Fund Appropriation	100,000
	936,403

D55P00.11 Outreach and Advocacy	
General Fund Appropriation	190,519

SUMMARY

Total General Fund Appropriation	7,624,144
Total Special Fund Appropriation	872,477
Total Federal Fund Appropriation	9,346,481

Total Appropriation	17,843,102

STATE ARCHIVES

D60A10.01 Archives	
General Fund Appropriation	2,306,558
Special Fund Appropriation	6,398,065
	8,704,623

D60A10.02 Artistic Property

General Fund Appropriation	221,002	
Special Fund Appropriation	110,916	331,918

SUMMARY

Total General Fund Appropriation	2,527,560	
Total Special Fund Appropriation	6,508,981	

Total Appropriation	9,036,541	

MARYLAND HEALTH INSURANCE PLAN

HEALTH INSURANCE SAFETY NET PROGRAMS

D79Z02.01 Maryland Health Insurance Program

Special Fund Appropriation	126,651,640	
Federal Fund Appropriation	3,000,000	129,651,640

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D79Z02.02 Senior Prescription Drug Assistance Program

Special Fund Appropriation, provided that \$7,000,000 of this appropriation is contingent upon the enactment of legislation postponing the statutory sunset for this program		18,367,760

SUMMARY

Total Special Fund Appropriation	145,019,400	
Total Federal Fund Appropriation	3,000,000	

Total Appropriation	148,019,400	

MARYLAND INSURANCE ADMINISTRATION

INSURANCE ADMINISTRATION AND REGULATION

D80Z01.01 Administration and Operations	
Special Fund Appropriation	27,828,978

D80Z01.05 Rate Stabilization Fund	
Special Fund Appropriation	200,000

SUMMARY

Total Special Fund Appropriation	28,028,978

CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

D90U00.01 General Administration		
General Fund Appropriation	34,000	
Special Fund Appropriation	545,002	579,002

OFFICE OF ADMINISTRATIVE HEARINGS

D99A11.01 General Administration	
Special Fund Appropriation	48,213

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COMPTROLLER OF MARYLAND

OFFICE OF THE COMPTROLLER

E00A01.01 Executive Direction

General Fund Appropriation	2,858,863	
Special Fund Appropriation	466,420	3,325,283

E00A01.02 Financial and Support Services

General Fund Appropriation	1,847,707	
Special Fund Appropriation	301,065	2,148,772

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	4,706,570
Total Special Fund Appropriation	767,485

Total Appropriation	5,474,055

GENERAL ACCOUNTING DIVISION

E00A02.01 Accounting Control and Reporting

General Fund Appropriation	5,140,830

BUREAU OF REVENUE ESTIMATES

E00A03.01 Estimating of Revenues

General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$103,000 contingent upon the enactment of legislation to suspend the production of the Statistics of Income report, provided that \$103,000 of this appropriation made for the purpose of producing the Statistics of Income report may only be used for this~~

purpose. Funds not expended for this
restricted purpose may not be transferred
by budget amendment or otherwise to any
other purpose and shall revert to the
General Fund

827,263

REVENUE ADMINISTRATION DIVISION

E00A04.01 Revenue Administration

General Fund Appropriation	28,525,869	
Special Fund Appropriation	3,958,007	32,483,876

E00A04.02 Major Information Technology

Development Projects		
Special Fund Appropriation		6,745,449

SUMMARY

Total General Fund Appropriation		28,525,869
Total Special Fund Appropriation		10,703,456
Total Appropriation		39,229,325

COMPLIANCE DIVISION

E00A05.01 Compliance Administration

General Fund Appropriation	21,398,290	
Special Fund Appropriation, provided that this appropriation shall be reduced by \$512,000 contingent upon the enactment of legislation to repeal the provisions of law related to the current notification procedure for abandoned property including the requirement to advertise abandoned property in local newspapers on an annual basis	~~8,020,468~~ <u>7,997,978</u>	~~29,418,758~~ <u>29,396,268</u>

FIELD ENFORCEMENT DIVISION

E00A06.01 Field Enforcement Administration

General Fund Appropriation	~~2,500,430~~	
	<u>2,474,145</u>	
Special Fund Appropriation	~~2,638,938~~	~~5,148,377~~
	<u>2,603,643</u>	<u>5,077,788</u>

CENTRAL PAYROLL BUREAU

E00A09.01 Payroll Management

General Fund Appropriation, provided that this appropriation shall be reduced by \$50,000 contingent upon the enactment of legislation to authorize a processing fee from judgment creditors and student loan collection agencies associated with certain payroll garnishments			2,333,259	
Special Fund Appropriation			112,787	2,446,046

INFORMATION TECHNOLOGY DIVISION

E00A10.01 Annapolis Data Center Operations

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E00A10.02 Comptroller IT Services

General Fund Appropriation	10,670,964	
Special Fund Appropriation	1,730,792	12,401,756

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

STATE TREASURER'S OFFICE

TREASURY MANAGEMENT

E20B01.01 Treasury Management

General Fund Appropriation	4,692,165	
Special Fund Appropriation	640,909	5,333,074

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INSURANCE PROTECTION

E20B02.01 Insurance Management

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E20B02.02 Insurance Coverage

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BOND SALE EXPENSES

E20B03.01 Bond Sale Expenses

General Fund Appropriation	67,500	
Special Fund Appropriation	2,635,000	2,702,500

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

E50C00.01 Office of the Director

General Fund Appropriation	2,765,381

E50C00.02 Real Property Valuation

General Fund Appropriation	31,637,632

E50C00.04 Office of Information Technology

General Fund Appropriation		3,439,341
E50C00.05 Business Property Valuation		
General Fund Appropriation		3,356,377
E50C00.06 Tax Credit Payments		
General Fund Appropriation		~~73,611,677~~
		<u>73,511,677</u>
E50C00.08 Property Tax Credit Programs		
General Fund Appropriation	1,719,832	
Special Fund Appropriation	867,043	2,586,875
E50C00.10 Charter Unit		
General Fund Appropriation	63,760	
Special Fund Appropriation	4,574,416	4,638,176

SUMMARY

Total General Fund Appropriation	116,494,000
Total Special Fund Appropriation	5,441,459
Total Appropriation	121,935,459

STATE LOTTERY AGENCY

E75D00.01 Administration and Operations		
Special Fund Appropriation		54,091,923
E75D00.02 Video Lottery Terminal Operations		
General Fund Appropriation	11,607,755	
Special Fund Appropriation, ~~provided that~~		
~~the Governor is authorized to transfer an~~		
~~amount of this appropriation sufficient to~~		
~~fulfill the funding requirements specified~~		
~~in State Government Article Section~~		
~~9-1A-27 to program D05E01.01 within~~		
~~the Board of Public Works for the~~		
~~purposes of a small, minority, and~~		
~~women-owned business investment~~		
~~account and to program P00E01.04 within~~		
~~the Department of Labor, Licensing, and~~		
~~Regulation's Division of Racing for the~~		

~~purposes of purse dedication and~~ ~~racetrack redevelopment~~	64,757,000	76,364,755

SUMMARY

Total General Fund Appropriation	11,607,755
Total Special Fund Appropriation	118,848,923

Total Appropriation	130,456,678

PROPERTY TAX ASSESSMENT APPEALS BOARDS

E80E00.01 Property Tax Assessment Appeals
Boards

General Fund Appropriation	969,839

DEPARTMENT OF BUDGET AND MANAGEMENT

OFFICE OF THE SECRETARY

F10A01.01 Executive Direction

General Fund Appropriation	1,271,131

Funds are appropriated in other agency budgets and funds will be transferred from the Employees' and Retirees' Health Insurance Non-Budgeted Fund Accounts to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A01.02 Division of Finance and Administration

General Fund Appropriation	1,456,809

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A01.03 Central Collection Unit

Special Fund Appropriation	11,279,485

F10A01.04 Division of Procurement Policy and Administration

General Fund Appropriation	2,176,713

SUMMARY

Total General Fund Appropriation	4,904,653

Total Special Fund Appropriation	11,279,485

Total Appropriation	16,184,138

OFFICE OF PERSONNEL SERVICES AND BENEFITS

F10A02.01 Executive Direction

General Fund Appropriation	1,620,289

Funds will be transferred from the Employees' and Retirees' Health Insurance Non-Budgeted Fund Accounts and the Judiciary to pay for administration services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.02 Division of Employee Benefits

Funds will be transferred from the Employees' and Retirees' Health Insurance Non-Budgeted Fund Accounts to pay for administration services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.04 Division of Personnel Services

General Fund Appropriation	851,117

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.06 Division of Classification and Salary

General Fund Appropriation	2,104,931

F10A02.07 Division of Recruitment and Examination

General Fund Appropriation	2,081,536

F10A02.08 Statewide Expenses

General Fund Appropriation, provided that funds appropriated herein for employee death benefits may be transferred to programs of other State agencies	250,000

SUMMARY

Total General Fund Appropriation	6,907,873

OFFICE OF BUDGET ANALYSIS

F10A05.01 Budget Analysis and Formulation

General Fund Appropriation	2,449,670

OFFICE OF CAPITAL BUDGETING

F10A06.01 Capital Budget Analysis and Formulation

General Fund Appropriation	1,078,195

DEPARTMENT OF INFORMATION TECHNOLOGY

MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND

F50A01.01 Major Information Technology Development Project Fund

General Fund Appropriation, provided that funds appropriated herein for Major Information Technology Development projects may be transferred to programs of the respective financial agencies.

Further provided that \$5,000,000 of this appropriation shall be reduced contingent upon the enactment of legislation allowing the use of the 9-1-1 Fund to support the costs of the Department of State Police Computer Aided Design/Records Management System (CADS/RMS) Major Information Technology Development Project

~~22,161,244~~
<u>21,422,207</u>

OFFICE OF INFORMATION TECHNOLOGY

F50B04.01 State Chief of Information Technology

General Fund Appropriation	797,520

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

F50B04.02 Enterprise Information Systems

General Fund Appropriation 2,639,376

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.03 Application Systems Management

General Fund Appropriation 5,433,111

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.04 Networks Division

Special Fund Appropriation 313,823

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.05 Strategic Planning

General Fund Appropriation 1,397,605

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.06 Major Information Technology Development Projects

Special Fund Appropriation 2,131,600

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.07 Web Systems

General Fund Appropriation	1,713,500

F50B04.09 Telecommunications Access of Maryland

Special Fund Appropriation	7,250,569

SUMMARY

Total General Fund Appropriation	11,981,112
Total Special Fund Appropriation	9,695,992

Total Appropriation	21,677,104

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

STATE RETIREMENT AGENCY

G20J01.01 State Retirement Agency

Special Fund Appropriation	~~25,380,061~~
	<u>25,244,761</u>

G20J01.02 Major Information Technology
Development Projects

Special Fund Appropriation	~~5,725,376~~
	<u>5,711,076</u>

SUMMARY

Total Special Fund Appropriation	30,955,837

TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

G50L00.01 Maryland Supplemental Retirement
Plan Board and Staff

Special Fund Appropriation	1,528,165

DEPARTMENT OF GENERAL SERVICES

Provided that \$300,000 of the General Fund appropriation for the Department of General Services may only be used to provide supplemental funding within the Facilities Planning, Design and Construction Program (H00G01.01) for the hiring of additional contractual construction project manager positions. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

OFFICE OF THE SECRETARY

H00A01.01 Executive Direction	
General Fund Appropriation	1,511,698
H00A01.02 Administration	
General Fund Appropriation	3,500,557

SUMMARY

Total General Fund Appropriation	5,012,255

OFFICE OF FACILITIES SECURITY

H00B01.01 Facilities Security		
General Fund Appropriation	~~7,666,048~~	
	<u>7,459,695</u>	
Special Fund Appropriation	73,610	
Federal Fund Appropriation	251,583	~~7,991,241~~
		<u>7,784,888</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF FACILITIES OPERATION AND MAINTENANCE

H00C01.01 Facilities Operation and Maintenance

General Fund Appropriation	~~26,002,143~~	

	~~25,053,143~~	

	~~25,913,143~~	

	<u>25,933,143</u>	

Special Fund Appropriation	2,692,271	

Federal Fund Appropriation	783,798	

		~~29,478,212~~

		~~29,420,212~~

		~~29,389,212~~

		<u>29,409,212</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.04 Saratoga State Center – Capital Appropriation

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.05 Reimbursable Lease Management

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.07 Parking Facilities

General Fund Appropriation	

	1,749,866

SUMMARY

Total General Fund Appropriation	

	27,683,009

Total Special Fund Appropriation	2,692,271
Total Federal Fund Appropriation	783,798

Total Appropriation	31,159,078

OFFICE OF PROCUREMENT AND LOGISTICS

H00D01.01 Procurement and Logistics

General Fund Appropriation	3,049,455	
Special Fund Appropriation	~~593,160~~	~~3,642,615~~
	<u>520,560</u>	<u>3,570,015</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF REAL ESTATE

H00E01.01 Real Estate Management

General Fund Appropriation	1,292,526

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF FACILITIES PLANNING, DESIGN AND CONSTRUCTION

H00G01.01 Facilities Planning, Design and Construction

General Fund Appropriation, provided that the amount appropriated herein for Maryland Environmental Service critical maintenance projects shall be transferred to the appropriate State facility effective July 1, 2010.

Further provided that \$100,000 of this

appropriation made for the purpose of facilities planning, design, and construction may not be expended until the Department of General Services (DGS) submits a report to the budget committees outlining a proposal to fund critical maintenance projects. The report shall include a proposal to add a square foot assessment charge for critical maintenance to the current annual square footage rent calculation for each State-owned facility beginning in fiscal 2012. For critical maintenance projects, the proposal shall include a rental rate that would generate:

- (1) \$10,000,000 annually to address ongoing critical maintenance and backlog needs;
- (2) \$541,000 annually to restore the DGS assessment team; and
- (3) an amount to be determined by DGS to initiate the purchase of a computerized maintenance management system.

The report shall be submitted by July 1, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

Special Fund Appropriation

9,694,097

439,735

10,133,832

Funds are appropriated in other agency budgets and authorizations for capital projects to pay for services provided by this program. Authorization is hereby granted to use an amount not to exceed \$2,500,000 of these receipts as special funds for operating expenses in this

program provided, however, that authorizations for capital projects may not provide more than \$1,750,000 for this purpose.

DEPARTMENT OF TRANSPORTATION

It is the intent of the General Assembly that projects and funding levels appropriated for capital projects, as well as total estimated project costs within the Consolidated Transportation Program (CTP), shall be expended in accordance with the plan approved during the legislative session. The department shall prepare a report to notify the budget committees of the proposed changes in the event the department modifies the program to:

- (1) add a new project to the construction program or development and evaluation program meeting the definition of a “major project” under Section 2-103.1 of the Transportation Article that was not previously contained within a plan reviewed in a prior year by the General Assembly and will result in the need to expend funds in the current budget year; or
- (2) change the scope of a project in the construction program or development and evaluation program meeting the definition of a “major project” under Section 2-103.1 of the Transportation Article that will result in an increase of more than 10% or \$1,000,000, whichever is greater, in the total project costs as reviewed by the General Assembly during a prior session.

For each change, the report shall identify the project title, justification for adding the new project or modifying the scope of the existing project, current year funding levels, and the total project cost as approved by the General Assembly during the prior session compared with the

proposed current year funding and total project cost estimate resulting from the project addition or change in scope.

Notification of changes in scope shall be made to the General Assembly concurrent with the submission of the draft and final CTP. Notification of new construction project additions, as outlined in paragraph (1) above, shall be made to the General Assembly prior to the expenditure of funds or the submission of any contract for approval to the Board of Public Works.

It is the intent of the General Assembly that funds dedicated to the Transportation Trust Fund shall be applied to purposes bearing direct relation to the State transportation program, unless directed otherwise by legislation. To implement this intent for the Maryland Department of Transportation (MDOT) in fiscal 2011, no commitment of funds in excess of \$250,000 may be made nor *may* such an amount ~~may~~ be transferred, by budget amendment or otherwise, for any project or purpose not normally arising in connection with the ordinary ongoing operation of MDOT and not contemplated in the approved budget or the last published Consolidated Transportation Program without 45 days of review and comment by the budget committees.

The Maryland Department of Transportation (MDOT) shall not expend funds on any job or position of employment approved in this budget in excess of 8,979.00 positions and 137.91 contractual full-time equivalents paid through special payments payroll (defined as the quotient of the sum of the hours worked by all such employees in the fiscal year divided by 2,080 hours) of the total authorized amount established in the budget for MDOT at any one time during fiscal 2011. The level of contractual full-time

equivalents may be exceeded only if MDOT notifies the budget committees of the need and justification for additional contractual personnel due to:

- (1) business growth at the Helen Delich Bentley Port of Baltimore or Baltimore/Washington International Thurgood Marshall Airport which demands additional personnel; or
- (2) emergency needs that must be met (such as transit security or highway maintenance).

The Secretary shall use the authority under Sections 2-101 and 2-102 of the Transportation Article to implement this provision. However, any authorized job or position to be filled above the regular position ceiling approved by the Board of Public Works shall count against the Rule of 100 imposed by the General Assembly. The establishment of new jobs or positions of employment not authorized in the fiscal 2011 budget shall be subject to Section 7-236 of the State Finance and Procurement Article and the Rule of 100.

Further provided that the Maryland Department of Transportation shall submit a revised financial forecast to the budget committees no more than three days after the Board of Revenue Estimates releases its March 2011 revenue estimate including actual and estimated snow removal costs. The revised financial forecast shall include information on the last actual full fiscal year and the subsequent six fiscal years as well as the following:

- (1) a schedule of operating expenses for each specific modal administration;

- (2) a schedule of revenues, including tax and fee revenues, deductions from revenues for other agencies, department program and fees, Motor Vehicle Administration cost recovery, deductions for highway user revenues, operating revenues by modal administration, and miscellaneous revenues; and
- (3) a summary schedule for the Transportation Trust Fund that includes the opening and closing fund balance, revenues, transfers, bond sales, bond premiums, any other revenues, expenditures for debt service, operating expenses, amounts available for capital expenses, bond interest rates, bond coverage ratios, total bonds outstanding, federal capital aid, and the total amount for the Transportation Capital Program.

THE SECRETARY'S OFFICE

J00A01.01 Executive Direction

Special Fund Appropriation

~~25,726,072~~
25,638,309

J00A01.02 Operating Grants-In-Aid

Special Fund Appropriation, provided that no more than \$3,790,294 of this appropriation may be expended for operating grants-in-aid, except for:

- (1) any additional special funds necessary to match unanticipated federal fund attainments; or
- (2) any proposed increase either to provide funds for a new grantee or to expand funds for an existing grantee; and

Further provided that no expenditures in excess of \$3,790,294 may occur unless the

department provides notification to the budget committees to justify the need for additional expenditures due to either provision (1) or (2) above, and the committees provide review and comment or 45 days elapse from the date such notification is provided to the committees..

	~~3,980,759~~	
	<u>3,790,294</u>	
Federal Fund Appropriation	8,590,601	~~12,571,360~~
		<u>12,380,895</u>

J00A01.03 Facilities and Capital Equipment

Special Fund Appropriation, provided that it is the intent of the General Assembly that the State cost of the Broening Highway project as provided for in the 2010 to 2015 Consolidated Transportation Program shall not exceed \$5,000,000 and begin in calendar 2011

27,203,382

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

J00A01.04 Washington Metropolitan Area
Transit – Operating
Special Fund Appropriation

224,450,000

J00A01.05 Washington Metropolitan Area
Transit – Capital
Special Fund Appropriation

102,041,000

J00A01.07 Office of Transportation Technology
Services
Special Fund Appropriation

~~35,708,372~~
35,683,202

SUMMARY

Total Special Fund Appropriation	418,806,187
Total Federal Fund Appropriation	8,590,601

Total Appropriation	427,396,788

DEBT SERVICE REQUIREMENTS

Consolidated Transportation Bonds may be issued in any amount provided that the aggregate outstanding and unpaid balance of these bonds and bonds of prior issues shall not exceed \$1,791,840,000 as of June 30, 2011. Further provided that the debt service appropriation shall be reduced by any proceeds generated from net bond sale premiums. To achieve this reduction, the Maryland Department of Transportation may either use projected proceeds from bond sale premiums to reduce the size of the bond issuance or apply the proceeds from the premium to debt service for that bond issuance provided that those revenues are recognized by the department and reflected in the Transportation Trust Fund forecast.

The Maryland Department of Transportation (MDOT) shall submit with its annual September and January financial forecasts information on (1) anticipated and actual nontraditional debt outstanding as of June 30 of each year; and (2) anticipated and actual debt service payments for each outstanding nontraditional debt issuance from fiscal 2010 through 2021. Nontraditional debt is defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond; such debt includes, but is not limited to, Certificates of Participation, debt backed by customer facility charges, passenger facility charges, or other revenues, and debt issued by the Maryland Economic Development Corporation or any other third party on behalf of MDOT.

The total aggregate outstanding and unpaid

principal balance of nontraditional debt, defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond issued by the Maryland Department of Transportation (MDOT), may not exceed \$628,340,000 as of June 30, 2011. Provided, however, that in addition to the limit established under this provision, MDOT may increase the aggregate outstanding unpaid and principal balance of nontraditional debt so long as:

- (1) MDOT provides notice to the Senate Budget and Taxation Committee and the House Appropriations Committee stating the specific reason for the additional issuance and providing specific information regarding the proposed issuance, including information specifying the total amount of nontraditional debt that would be outstanding on June 30, 2011, and the total amount by which the fiscal 2011 debt service payment for all nontraditional debt would increase following the additional issuance; and
- (2) the Senate Budget and Taxation Committee and the House Appropriations Committee have 45 days to review and comment on the proposed additional issuance before the publication of a preliminary official statement. The Senate Budget and Taxation Committee and the House Appropriations Committee may hold a public hearing to discuss the proposed increase and must signal their intent to hold a hearing within 45 days of receiving notice from MDOT.

Special Fund Appropriation	163,984,750	

STATE HIGHWAY ADMINISTRATION

J00B01.01 State System Construction and Equipment		
Special Fund Appropriation	279,395,000	
Federal Fund Appropriation	422,763,000	702,158,000
J00B01.02 State System Maintenance		
Special Fund Appropriation	195,773,081	
Federal Fund Appropriation	6,855,816	202,628,897
J00B01.03 County and Municipality Capital Funds		
Special Fund Appropriation	4,875,000	
Federal Fund Appropriation	105,217,000	110,092,000
J00B01.04 Highway Safety Operating Program		
Special Fund Appropriation	6,749,256	
Federal Fund Appropriation	11,183,863	17,933,119
J00B01.05 County and Municipality Funds		
Special Fund Appropriation, provided that \$1,000,000 of this appropriation, made for the purpose of distributing the share of revenues from the Gasoline and Motor Vehicle Revenue Account to Prince George's County (i.e., highway user revenues) shall be deducted prior to the distribution of funds to the county and be retained by the Transportation Trust Fund. The deduction would occur after the deduction of sinking fund requirements for county transportation bonds from highway user revenues		~~378,845,000~~ ~~142,625,950~~ ~~141,074,105~~ <u>134,296,005</u>

~~Further provided that \$238,336,990 of this appropriation shall be reduced contingent upon the enactment of legislation reducing~~

~~the required appropriation for the local
share of Highway User Revenues.~~

J00B01.08 Major Information Technology Development Projects		
Special Fund Appropriation	1,500,000	
Federal Fund Appropriation	4,400,000	5,900,000

SUMMARY

Total Special Fund Appropriation	622,588,342
Total Federal Fund Appropriation	550,419,679

Total Appropriation	1,173,008,021

MARYLAND PORT ADMINISTRATION

Provided that 16 positions at the Maryland
Port Administration shall be abolished by
June 30, 2011, or as soon as they are
vacated, whichever occurs first.

J00D00.01 Port Operations		
Special Fund Appropriation	~~92,235,613~~	<u>51,589,370</u>
		<u>51,757,370</u>

J00D00.02 Port Facilities and Capital Equipment		
Special Fund Appropriation	~~80,933,476~~	
	<u>80,773,087</u>	
Federal Fund Appropriation	5,101,000	~~86,034,476~~
		<u>85,874,087</u>

SUMMARY

Total Special Fund Appropriation	132,530,457
Total Federal Fund Appropriation	5,101,000

Total Appropriation	137,631,457

MOTOR VEHICLE ADMINISTRATION

J00E00.01 Motor Vehicle Operations

Special Fund Appropriation, provided that this appropriation made for the purpose of funding the Motor Vehicle Administration's operating budget is reduced by \$903,000 and the department shall allocate the reduction as necessary across the agency to recognize the savings.....

~~163,557,096~~

163,315,528

Federal Fund Appropriation

176,500

~~163,733,596~~163,492,028

J00E00.03 Facilities and Capital Equipment

Special Fund Appropriation

19,650,240

Federal Fund Appropriation

322,876

19,973,116

J00E00.08 Major Information Technology Development Projects

Special Fund Appropriation

3,275,000

SUMMARY

Total Special Fund Appropriation

186,240,768

Total Federal Fund Appropriation

499,376

Total Appropriation

186,740,144

MARYLAND TRANSIT ADMINISTRATION

J00H01.01 Transit Administration

Special Fund Appropriation

52,077,588

J00H01.02 Bus Operations

Special Fund Appropriation, provided that the Maryland Transit Administration and the Maryland Transportation Authority shall not consolidate their police forces prior to submitting a report to the budget committees. The budget committees shall have 45 days to review and comment following receipt of the report. The report

<u>shall include information on any consolidation of police services being taken, why the consolidation is occurring, the budgetary impact, the status of collective bargaining rights for each police force, and jurisdictional responsibilities</u>		
	245,077,388	
Federal Fund Appropriation	30,278,599	275,355,987
J00H01.04 Rail Operations		
Special Fund Appropriation	186,302,266	
Federal Fund Appropriation	21,346,351	207,648,617
J00H01.05 Facilities and Capital Equipment		
Special Fund Appropriation	142,670,305	
Federal Fund Appropriation	282,776,000	425,446,305
J00H01.06 Statewide Programs Operations		
Special Fund Appropriation	70,474,079	
Federal Fund Appropriation	11,111,196	81,585,275
J00H01.08 Major Information Technology Development Projects		
Special Fund Appropriation		7,900,000
SUMMARY		
Total Special Fund Appropriation		704,501,626
Total Federal Fund Appropriation		345,512,146
Total Appropriation		1,050,013,772

MARYLAND AVIATION ADMINISTRATION

J00I00.02 Airport Operations		
Special Fund Appropriation	~~174,189,259~~	
	~~173,155,057~~	
	<u>173,055,057</u>	
Federal Fund Appropriation	656,191	~~174,845,450~~
		~~173,811,248~~
		<u>173,711,248</u>

J00I00.03 Airport Facilities and Capital
Equipment

Special Fund Appropriation	19,126,000	
Federal Fund Appropriation	5,667,000	24,793,000

J00I00.08 Major Information Technology
Development Projects

Special Fund Appropriation		874,000

SUMMARY

Total Special Fund Appropriation	193,055,057
Total Federal Fund Appropriation	6,323,191

Total Appropriation	199,378,248

DEPARTMENT OF NATURAL RESOURCES

~~Provided that \$2,696,006 of the General Fund appropriation within this agency, made for the purpose of general operating expenses, may not be expended for that purpose but instead may be used only to provide operating expenses for and installation of 50 water quality monitoring stations to measure ambient nitrogen and phosphorus concentrations as well as flow data for water bodies entering Maryland but that currently are not being monitored. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.~~

OFFICE OF THE SECRETARY

K00A01.01 Secretariat

General Fund Appropriation	229,593	
Special Fund Appropriation	1,182,269	
Federal Fund Appropriation	107,307	1,519,169

K00A01.02 Office of the Attorney General

General Fund Appropriation	658,173	
Special Fund Appropriation	682,904	1,341,077

K00A01.03 Finance and Administrative Service

General Fund Appropriation	1,836,517	
Special Fund Appropriation	2,176,244	
Federal Fund Appropriation	156,287	4,169,048

K00A01.04 Human Resource Service

General Fund Appropriation	183,670	
Special Fund Appropriation	439,637	
Federal Fund Appropriation	40,841	664,148

K00A01.05 Information Technology Service

General Fund Appropriation	2,092,637	
Special Fund Appropriation	1,882,954	

Federal Fund Appropriation	123,630	4,099,221
K00A01.06 Office of Communications and Marketing		
General Fund Appropriation	415,729	
Special Fund Appropriation	460,116	875,845

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A01.07 Major Information Technology Development Projects Program		
Special Fund Appropriation		850,000

SUMMARY

Total General Fund Appropriation	5,416,319
Total Special Fund Appropriation	7,674,124
Total Federal Fund Appropriation	428,065
Total Appropriation	13,518,508

FOREST SERVICE

K00A02.09 Forest Service		
General Fund Appropriation	1,856,600	
Special Fund Appropriation	7,495,792	
Federal Fund Appropriation	1,500,861	10,853,253

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WILDLIFE AND HERITAGE SERVICE

K00A03.01 Wildlife and Heritage Service

It is the intent of the General Assembly that the Department of Natural Resources (DNR) evaluate potential deer hunting opportunities on public lands managed by DNR in Calvert, Charles, and St. Mary's counties in order to minimize deer-related crop damage impacts on agricultural lands and maintain a local deer population appropriate for the natural environment.

General Fund Appropriation	196,064	
Special Fund Appropriation	6,179,272	
Federal Fund Appropriation	3,756,977	10,132,313

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND PARK SERVICE

K00A04.01 Statewide Operation

Special Fund Appropriation	32,694,178	
Federal Fund Appropriation	737,718	33,431,896

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A04.06 Revenue Operations

Special Fund Appropriation		1,483,172

SUMMARY

Total Special Fund Appropriation	34,177,350
Total Federal Fund Appropriation	737,718
Total Appropriation	34,915,068

LAND ACQUISITION AND PLANNING

K00A05.05 Land Acquisition and Planning	
Special Fund Appropriation	3,744,885
K00A05.10 Outdoor Recreation Land Loan	
Special Fund Appropriation	~~44,940,608~~
	<u>2,717,000</u>

Provided that of the Special Fund Allowance, \$32,587,765 represents that share of Program Open Space Revenues available for State projects and \$12,352,843 represents that share of Program Open Space Revenues available for local programs. These amounts may be used for any State projects or local share authorized in Chapter 403, Laws of Maryland, 1969 as amended, or in Chapter 81, Laws of Maryland, 1984; Chapter 106, Laws of Maryland, 1985; Chapter 109, Laws of Maryland, 1986; Chapter 121, Laws of Maryland, 1987; Chapter 10, Laws of Maryland, 1988; Chapter 14, Laws of Maryland, 1989; Chapter 409, Laws of Maryland, 1990; Chapter 3, Laws of Maryland, 1991; Chapter 4, 1st Special Session, Laws of Maryland, 1992; Chapter 204, Laws of Maryland, 1993; Chapter 8, Laws of Maryland, 1994; Chapter 7, Laws of Maryland, 1995; Chapter 13, Laws of Maryland, 1996; Chapter 3, Laws of Maryland, 1997; Chapter 109, Laws of Maryland, 1998; Chapter 118, Laws of Maryland, 1999; Chapter 204, Laws of Maryland, 2000; Chapter 102, Laws of Maryland, 2001; Chapter 290, Laws of Maryland, 2002; Chapter 204, Laws of

Maryland, 2003; Chapter 432, Laws of Maryland, 2004; Chapter 445, Laws of Maryland, 2005; Chapter 46, Laws of Maryland, 2006; Chapter 488, Laws of Maryland, 2007; Chapter 336, Laws of Maryland, 2008; Chapter 485, Laws of Maryland, 2009; and for any of the following State and Local Projects.

Allowance, Local Projects\$12,352,843
Land Acquisitions\$14,130,397

Department of Natural Resources Capital Improvements:

Critical	Maintenance
Program	\$3,150,000
Ocean	City
Replenishment Fund	\$1,000,000

Subtotal\$4,150,000

Heritage Conservation Fund\$1,669,597

Rural Legacy\$12,637,770

Allowance, State Projects\$32,587,765

~~Further provided, that notwithstanding the appropriations above, the Special Fund appropriation for the Outdoor Recreation Land Loan Program shall be reduced by \$42,223,608 contingent upon the enactment of legislation crediting transfer tax revenues to the General Fund. The reduction shall be distributed in the following manner:~~

~~Program~~	~~Open~~	~~Space~~
~~State Acquisition~~	~~\$13,082,995~~	
~~Program~~	~~Open~~	~~Space~~
~~Local Share~~	~~\$12,352,843~~	
~~Program~~	~~Open~~	~~Space~~
~~Capital Improvements~~	~~\$ 4,150,000~~	
~~Rural Legacy~~	~~\$12,637,770~~	
~~Total~~	~~\$42,223,608~~	

Federal Fund Appropriation	11,095,962	~~56,036,570~~
		<u>13,812,962</u>

SUMMARY

Total Special Fund Appropriation	6,461,885
Total Federal Fund Appropriation	11,095,962

Total Appropriation	17,557,847

LICENSING AND REGISTRATION SERVICE

K00A06.01 General Direction	
Special Fund Appropriation	3,642,438

NATURAL RESOURCES POLICE

K00A07.01 General Direction	
General Fund Appropriation	4,790,143
Special Fund Appropriation	2,212,527
Federal Fund Appropriation	1,888,595
	8,891,265

K00A07.04 Field Operations	
General Fund Appropriation	19,060,113
Special Fund Appropriation	5,956,328
Federal Fund Appropriation	2,410,573
	27,427,014

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	23,850,256
Total Special Fund Appropriation	8,168,855
Total Federal Fund Appropriation	4,299,168

Total Appropriation	36,318,279

ENGINEERING AND CONSTRUCTION

K00A09.01 General Direction

General Fund Appropriation	68,384	
Special Fund Appropriation	3,986,239	4,054,623

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A09.06 Ocean City Maintenance

Special Fund Appropriation	1,000,000

SUMMARY

Total General Fund Appropriation	68,384
Total Special Fund Appropriation	4,986,239

Total Appropriation	5,054,623

CRITICAL AREA COMMISSION

K00A10.01 Critical Area Commission

General Fund Appropriation	2,084,601

BOATING SERVICES

K00A11.01 Boating Services

Special Fund Appropriation	6,016,978	
Federal Fund Appropriation	496,089	6,513,067

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program.

Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A11.02 Waterway Improvement Capital Program		
Special Fund Appropriation	~~5,000,000~~	
	~~1,066,000~~	
	<u>5,000,000</u>	
Federal Fund Appropriation	500,000	~~5,500,000~~
		~~1,566,000~~
		<u>5,500,000</u>

SUMMARY

Total Special Fund Appropriation	11,016,978
Total Federal Fund Appropriation	996,089
Total Appropriation	12,013,067

RESOURCE ASSESSMENT SERVICE

K00A12.05 Power Plant Assessment Program		
Special Fund Appropriation		7,208,435
K00A12.06 Monitoring and Ecosystem Assessment		
General Fund Appropriation	2,768,362	
Special Fund Appropriation	1,894,765	
Federal Fund Appropriation	1,458,139	6,121,266

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A12.07 Maryland Geological Survey		
General Fund Appropriation	1,040,514	
Special Fund Appropriation	228,175	
Federal Fund Appropriation	217,342	1,486,031

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	3,808,876
Total Special Fund Appropriation	9,331,375
Total Federal Fund Appropriation	1,675,481
Total Appropriation	14,815,732

MARYLAND ENVIRONMENTAL TRUST

K00A13.01 General Direction

General Fund Appropriation	476,618	
Special Fund Appropriation	183,121	659,739

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WATERSHED SERVICES

K00A14.02 Watershed Services

General Fund Appropriation	2,596,635
Special Fund Appropriation, ~~provided that this appropriation shall be reduced by \$22,101,428 contingent upon the enactment of legislation to allocate Chesapeake Bay 2010 Trust Fund revenue to the General Fund, provided that this appropriation shall be reduced by \$22,101,428~~ \$22,101,428 contingent on enactment of SB 141 or HB 151 that	

contains a provision to allocate Chesapeake and Atlantic Coastal Bays 2010 Trust Fund revenue to the General Fund.

Further provided that ~~\$5,000,000~~ \$9,520,000 of this appropriation made for the purpose of reducing non-point source nutrient loading to the Chesapeake Bay, may not be expended for that purpose in the Department of Natural Resources' budget but instead may be transferred by budget amendment to the Maryland Department of Agriculture's program L00A15.04 Resource Conservation Grants to be used only for planting cover crops. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled

	43,313,828	
Federal Fund Appropriation	6,736,907	52,647,370

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

FISHERIES SERVICE

K00A17.01 Fisheries Services

General Fund Appropriation	5,043,109	
Special Fund Appropriation	11,983,507	
Federal Fund Appropriation	14,212,790	31,239,406

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

L00A11.01 Executive Direction		
General Fund Appropriation		2,943,968
L00A11.02 Administrative Services		
General Fund Appropriation		1,081,419
L00A11.03 Central Services		
General Fund Appropriation	900,077	
Federal Fund Appropriation	349,208	1,249,285
Funds are appropriated in other units of the Department of Agriculture budget to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
L00A11.04 Maryland Agricultural Commission		
General Fund Appropriation		79,227
L00A11.05 Maryland Agricultural Land Preservation Foundation		
Special Fund Appropriation		2,069,030
L00A11.11 Capital Appropriation		
Special Fund Appropriation, ~~provided that this appropriation shall be reduced by \$11,814,797 contingent upon the enactment of legislation crediting transfer tax revenues to the General Fund~~	~~23,874,797~~	
	12,060,000	
Federal Fund Appropriation	2,000,000	~~25,874,797~~
		<u>14,060,000</u>

SUMMARY

Total General Fund Appropriation	5,004,691
Total Special Fund Appropriation	14,129,030
Total Federal Fund Appropriation	2,349,208

Total Appropriation		21,482,929

OFFICE OF MARKETING, ANIMAL INDUSTRIES, AND CONSUMER SERVICES

L00A12.01 Office of the Assistant Secretary

General Fund Appropriation		182,600

L00A12.02 Weights and Measures

General Fund Appropriation	413,124	
Special Fund Appropriation	1,366,870	1,779,994

L00A12.03 Food Quality Assurance

General Fund Appropriation	33,726	
Special Fund Appropriation	1,543,705	
Federal Fund Appropriation	319,650	1,897,081

L00A12.04 Maryland Agricultural Statistics Services

General Fund Appropriation	78,000	
Federal Fund Appropriation	16,000	94,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A12.05 Animal Health

General Fund Appropriation	2,225,295	
Special Fund Appropriation	410,460	
Federal Fund Appropriation	361,214	2,996,969

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A12.07 State Board of Veterinary Medical Examiners

Special Fund Appropriation		504,853
L00A12.08 Maryland Horse Industry Board		
General Fund Appropriation, <u>provided that this appropriation made for the purpose of funding the general operations of the Maryland Horse Industry Board shall be reduced by \$63,068 contingent on enactment of SB 62, which would increase the revenue collected from licensing and inspection of horse stables and redirect those funds to the Maryland Horse Industry Board</u>	63,068	
Special Fund Appropriation	206,176	269,244
L00A12.09 Aquaculture Development and Seafood Marketing		
General Fund Appropriation	285,177	
Special Fund Appropriation	4,000	289,177
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
L00A12.10 Marketing and Agriculture Development		
General Fund Appropriation	667,756	
Special Fund Appropriation	2,863,100	
Federal Fund Appropriation	1,726,086	5,256,942
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
L00A12.11 Maryland Agricultural Fair Board		
Special Fund Appropriation		1,460,000
L00A12.13 Tobacco Transition Program		

Special Fund Appropriation		2,256,000
L00A12.18 Rural Maryland Council		
General Fund Appropriation	62,409	
Special Fund Appropriation	203,107	265,516
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
L00A12.19 Maryland Agricultural Education and Rural Development Assistance Fund		
General Fund Appropriation	130,000	
Special Fund Appropriation	130,000	260,000
L00A12.20 Maryland Agricultural and Resource-Based Industry Development Corporation		
General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$1,000,000 contingent upon the enactment of legislation reducing the mandated amount of funds for the Maryland Agricultural and Resource Based Industry Development Corporation~~		~~2,750,000~~
		~~850,000~~
		<u>2,750,000</u>
L00A12.21 MARBIDCO Installment Purchase Agreements Program		
Special Fund Appropriation		4,000,000
L00A12.22 MARBIDCO Next Generation Farmland Acquisition Program		
Special Fund Appropriation		~~675,000~~
		<u>0</u>

SUMMARY

Total General Fund Appropriation	6,891,155
Total Special Fund Appropriation	14,948,271
Total Federal Fund Appropriation	2,422,950

Total Appropriation	24,262,376

OFFICE OF PLANT INDUSTRIES AND PEST MANAGEMENT

L00A14.01 Office of the Assistant Secretary

General Fund Appropriation	185,094

L00A14.02 Forest Pest Management

General Fund Appropriation	1,300,432	
Special Fund Appropriation	252,395	
Federal Fund Appropriation	93,935	1,646,762

L00A14.03 Mosquito Control

General Fund Appropriation	1,584,128	
Special Fund Appropriation	1,341,645	2,925,773

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A14.04 Pesticide Regulation

Special Fund Appropriation	669,244	
Federal Fund Appropriation	289,505	958,749

L00A14.05 Plant Protection and Weed Management

General Fund Appropriation	1,106,838	
Special Fund Appropriation	220,180	
Federal Fund Appropriation	935,641	2,262,659

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A14.06 Turf and Seed

General Fund Appropriation	698,425	
Special Fund Appropriation	249,545	947,970

L00A14.09 State Chemist

Special Fund Appropriation	2,188,358	
Federal Fund Appropriation	139,601	2,327,959

Funds are appropriated in other units of the Department of Agriculture budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	4,874,917	
Total Special Fund Appropriation	4,921,367	
Total Federal Fund Appropriation	1,458,682	
Total Appropriation		11,254,966

OFFICE OF RESOURCE CONSERVATION

L00A15.01 Office of the Assistant Secretary

General Fund Appropriation		278,561

L00A15.02 Program Planning and Development

General Fund Appropriation	1,998,515	
Federal Fund Appropriation	35,000	2,033,515

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.03 Resource Conservation Operations

General Fund Appropriation, ~~provided that~~

~~this appropriation shall be reduced by \$400,000 and 7 new positions contingent upon the enactment of legislation reducing the mandated amount of funds for the Resource Conservation Operations.....~~	~~8,548,307~~	
	~~8,148,307~~	
	<u>8,548,307</u>	
Special Fund Appropriation	214,956	
Federal Fund Appropriation	205,221	~~8,968,484~~
		~~8,568,484~~
		<u>8,968,484</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.04 Resource Conservation Grants

General Fund Appropriation	874,843
Special Fund Appropriation, <u>provided that when expenditures or encumbrances for the Cover Crop Program may be charged to either Bay Restoration Funds or Chesapeake and Atlantic Coastal Bays 2010 Trust Fund, spending shall be charged to Chesapeake and Atlantic Coastal Bays 2010 Trust Fund revenues before Bay Restoration Funds are charged. It is the intent of the General Assembly that appropriations for the Cover Crop Program exhaust all Chesapeake and Atlantic Coastal Bays 2010 Trust Fund revenues before using any revenues from the Bay Restoration Fund.</u>	

Further provided that any Bay Restoration Funds that remain unexpended for the Cover Crop Program as of ~~April~~ **June 1, 2011**, may not be expended for any other purpose except for enhanced nutrient removal PAYGO upgrades to wastewater treatment plants. Provided that no portion of these unexpended funds may be applied to debt service. The Governor is authorized

to process a budget amendment to transfer remaining Bay Restoration Funds from the Maryland Department of Agriculture to the Maryland Department of the Environment. Funds not transferred to the Maryland Department of the Environment may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled

6,274,992

7,149,835

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program. Authorization to expend reimbursable funds received from the Department of Natural Resources for the Cover Crop Program is reduced by \$8,245,048.

SUMMARY

Total General Fund Appropriation	11,700,226
Total Special Fund Appropriation	6,489,948
Total Federal Fund Appropriation	240,221
Total Appropriation	18,430,395

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

OFFICE OF THE SECRETARY

M00A01.01 Executive Direction

General Fund Appropriation	~~7,235,499~~	
	<u>7,220,499</u>	
Federal Fund Appropriation	~~1,668,971~~	~~8,904,470~~
	<u>1,663,971</u>	<u>8,884,470</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00A01.02 Operations

General Fund Appropriation	~~15,404,190~~	
	<u>15,366,190</u>	
	<u>15,404,190</u>	
Special Fund Appropriation	410,000	
Federal Fund Appropriation	12,760,044	~~28,574,234~~
		<u>28,536,234</u>
		<u>28,574,234</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	22,624,689
Total Special Fund Appropriation	410,000
Total Federal Fund Appropriation	14,424,015
Total Appropriation	37,458,704

REGULATORY SERVICES

M00B01.03 Office of Health Care Quality

General Fund Appropriation	10,113,127	
Special Fund Appropriation	362,680	
Federal Fund Appropriation	6,744,969	17,220,776

M00B01.04 Health Professionals Boards and Commission

General Fund Appropriation	334,551	
Special Fund Appropriation	11,671,409	12,005,960

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00B01.05 Board of Nursing

Special Fund Appropriation		7,135,953

M00B01.06 Maryland Board of Physicians

Special Fund Appropriation		8,601,553

SUMMARY

Total General Fund Appropriation	10,447,678	
Total Special Fund Appropriation	27,771,595	
Total Federal Fund Appropriation	6,744,969	

Total Appropriation	44,964,242	

DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES

M00F01.01 Executive Direction

General Fund Appropriation	~~1,258,058~~	
	<u>1,214,058</u>	

INFECTIOUS DISEASE AND ENVIRONMENTAL HEALTH ADMINISTRATION

M00F02.03 Infectious Disease and Environmental Health Services

General Fund Appropriation, provided that

~~\$100,000~~ <u>\$50,000</u> of this appropriation made for the purpose of licensure and inspection of food processing facilities, may not be expended until the Department of Health and Mental Hygiene, in conjunction with the Department of Agriculture, submits a report to the budget committees on the progress of a rabbit and poultry certification program that ensures rabbit and poultry producers in this State that are exempt from regulation by the U.S. Department of Agriculture may sell their products at farmers' markets in the State without being required to have a license from a local jurisdiction provided the producer has completed this program. The report shall be submitted by September 1, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees			10,252,068	
Special Fund Appropriation			17,630,356	
Federal Fund Appropriation			63,924,736	91,807,160

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00F02.07 Core Public Health Services

General Fund Appropriation, ~~provided that \$3,716,516 of this appropriation shall be reduced contingent upon the enactment of legislation reducing funding for Core Public Health Services,~~ provided that \$100,000 of this appropriation may not be expended until the Department of Health and Mental Hygiene, in conjunction with the local health departments, provides a

report to the budget committees on the budgets of the 24 local health departments. Specifically, the report shall outline how State funds were used programmatically by the departments in fiscal 2010 and how they will be used in fiscal 2011. Lastly, the report shall describe programmatic and budgetary changes made in response to cost containment measures in fiscal 2010 and 2011. The report shall be submitted by January 1, 2011, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ...

	~~41,000,000~~	
	<u>37,283,484</u>	
Federal Fund Appropriation	4,493,000	~~45,493,000~~
		<u>41,776,484</u>

SUMMARY

Total General Fund Appropriation	47,535,552
Total Special Fund Appropriation	17,630,356
Total Federal Fund Appropriation	68,417,736
Total Appropriation	133,583,644

FAMILY HEALTH ADMINISTRATION

M00F03.02 Family Health Services and Primary Care

General Fund Appropriation, provided that \$42,559 of this appropriation shall be reduced contingent upon the enactment of legislation reducing the mandated funding for the WIC Special Supplemental Nutrition Program

Nutrition Program	20,606,760	
Special Fund Appropriation	57,346	
Federal Fund Appropriation	125,109,228	145,773,334

M00F03.06 Prevention and Disease Control

General Fund Appropriation	~~12,181,749~~	
	<u>11,884,909</u>	

Special Fund Appropriation, provided that this appropriation shall be reduced by \$7,350,000 contingent upon the enactment of legislation reducing funding from the Cigarette Restitution Fund to Academic Health Centers.

Further provided that this appropriation shall be reduced by \$803,160 contingent upon the enactment of legislation reducing funding from the Cigarette Restitution Fund to tobacco programs.

Further provided that \$100,000 of this appropriation, made for the purpose of awarding grants to Statewide Academic Health Centers, may not be used for that purpose but instead shall be transferred to other tobacco cessation programs within the department, including the Tobacco Quitline. Funds not used for this restricted purpose shall be cancelled

	~~43,980,871~~	
	~~43,922,374~~	
	<u>43,980,871</u>	
Federal Fund Appropriation	11,893,279	~~68,055,899~~
		~~67,700,562~~
		<u>67,759,059</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	32,491,669
Total Special Fund Appropriation	44,038,217
Total Federal Fund Appropriation	137,002,507

Total Appropriation		213,532,393

OFFICE OF THE CHIEF MEDICAL EXAMINER

M00F05.01 Post Mortem Examining Services

General Fund Appropriation	10,339,508	
Federal Fund Appropriation	201,240	10,540,748

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF PREPAREDNESS AND RESPONSE

M00F06.01 Office of Preparedness and Response

Special Fund Appropriation	494,401	
Federal Fund Appropriation	20,698,444	21,192,845

WESTERN MARYLAND CENTER

M00I03.01 Services and Institutional Operations

General Fund Appropriation	21,595,046	
Special Fund Appropriation	1,082,085	22,677,131

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEER'S HEAD CENTER

M00I04.01 Services and Institutional Operations

General Fund Appropriation	18,435,652	
Special Fund Appropriation	4,138,094	22,573,746

LABORATORIES ADMINISTRATION

M00J02.01 Laboratory Services

General Fund Appropriation	19,414,303	
Special Fund Appropriation	480,810	
Federal Fund Appropriation	3,354,657	23,249,770

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPUTY SECRETARY FOR BEHAVIORAL HEALTH AND DISABILITIES

M00K01.01 Executive Direction

General Fund Appropriation		2,074,725

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

ALCOHOL AND DRUG ABUSE ADMINISTRATION

M00K02.01 Alcohol and Drug Abuse Administration

General Fund Appropriation	87,526,996	
Special Fund Appropriation	20,825,195	
Federal Fund Appropriation	33,989,658	142,341,849

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MENTAL HYGIENE ADMINISTRATION

M00L01.01 Program Direction

General Fund Appropriation, provided that \$100,000 of this appropriation made for

the purpose of administration of the public mental health system may not be expended until the Mental Hygiene Administration (MHA), in consultation with other child-serving agencies, interested provider groups, and the advocacy community representing children's mental health needs, submits a report to the budget committees concerning the treatment of children and adolescents in residential treatment centers (RTC). For the purpose of this report, MHA's estimates and recommendations shall be based on private and public RTC capacity. Specifically, the report shall provide information on:

- (1) the current capacity of RTCs, by region and by treatment specialty, including but not limited to court-involved youth and youth with co-occurring illness;
- (2) an estimate of demand over the next three years for RTC-level care, by region and by treatment specialty, including court involved;
- (3) the methodology used to estimate the demand for RTC-level care and including in that methodology the total and regional availability of current and proposed RTC-diversion programming;
- (4) a plan for realizing any capacity changes proposed to RTC capacity and RTC-diversion programming; and
- (5) in developing any plan for capacity changes, the role of private RTCs and public RTCs shall be clearly delineated and justified.

The report shall be submitted by November

<u>15, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees</u>		
	6,007,885	
Federal Fund Appropriation	2,198,389	8,206,274

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00L01.02 Community Services

General Fund Appropriation	~~79,713,595~~	
	<u>78,963,595</u>	
Special Fund Appropriation	158,605	
Federal Fund Appropriation	32,239,653	~~112,111,853~~
		<u>111,361,853</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00L01.03 Community Services for Medicaid Recipients

General Fund Appropriation	296,257,383	
Special Fund Appropriation	15,850,000	
Federal Fund Appropriation	287,345,958	599,453,341

SUMMARY

Total General Fund Appropriation	381,228,863
Total Special Fund Appropriation	16,008,605
Total Federal Fund Appropriation	321,784,000

Total Appropriation	719,021,468	

WALTER P. CARTER COMMUNITY MENTAL HEALTH CENTER

M00L03.01 Services and Institutional Operations		
General Fund Appropriation		925,799

THOMAS B. FINAN HOSPITAL CENTER

M00L04.01 Services and Institutional Operations		
General Fund Appropriation	17,109,393	
Special Fund Appropriation	993,084	18,102,477

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS – BALTIMORE

M00L05.01 Services and Institutional Operations		
General Fund Appropriation	10,699,160	
Special Fund Appropriation	1,877,751	
Federal Fund Appropriation	69,020	12,645,931

CROWNSVILLE HOSPITAL CENTER

M00L06.01 Services and Institutional Operations		
General Fund Appropriation	990,259	
Special Fund Appropriation	433,989	1,424,248

EASTERN SHORE HOSPITAL CENTER

M00L07.01 Services and Institutional Operations		
General Fund Appropriation	18,213,221	
Special Fund Appropriation	5,732	18,218,953

SPRINGFIELD HOSPITAL CENTER

M00L08.01 Services and Institutional Operations

General Fund Appropriation	72,587,473	
Special Fund Appropriation	855,921	73,443,394

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SPRING GROVE HOSPITAL CENTER

M00L09.01 Services and Institutional Operations

General Fund Appropriation	73,509,309	
Special Fund Appropriation	2,684,067	
Federal Fund Appropriation	31,549	76,224,925

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CLIFTON T. PERKINS HOSPITAL CENTER

M00L10.01 Services and Institutional Operations

General Fund Appropriation	49,656,137	
Special Fund Appropriation	139,963	49,796,100

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

JOHN L. GILDNER REGIONAL INSTITUTE FOR
CHILDREN AND ADOLESCENTS

M00L11.01 Services and Institutional Operations

General Fund Appropriation	10,024,839	

Special Fund Appropriation	113,798	
Federal Fund Appropriation	48,520	10,187,157

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

UPPER SHORE COMMUNITY MENTAL HEALTH CENTER

M00L12.01 Services and Institutional Operations		
General Fund Appropriation	516,669	
Special Fund Appropriation	270,925	787,594

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS – SOUTHERN MARYLAND

M00L14.01 Services and Institutional Operations		
General Fund Appropriation		61,429

DEVELOPMENTAL DISABILITIES ADMINISTRATION

M00M01.01 Program Direction
General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of administration, may not be expended until the Developmental Disabilities Administration (DDA) submits a report detailing:

- (1) the disposition of the approximately 5,547 individuals that are proposed to be removed from the waiting list because they currently receive at least one

- waiver service while continuing to wait for additional services;
- (2) the total number of individuals on the waiting list (including those that are being proposed for removal) by county, type of service(s) requested, priority category, and projected cost to provide these services;
 - (3) a description of the manner in which the department notifies individuals who are waiting for services from DDA of their change in status (if any), their appeal rights, and how to access additional services for those individuals who have already been determined eligible for and in need of additional DDA-waiver services; and
 - (4) for individuals whom DDA could not locate through its process of verifying the status of people waiting for services, the steps taken to locate these individuals, the manner in which it will maintain identifying information for these individuals in the event they contact DDA in the future, and how DDA will ensure their waiting list status will be restored if they again contact DDA.

The report shall be submitted by October 1, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that it is the intent of the

General Assembly that the 5,547 individuals who had been determined by DDA to be eligible for the waiting list and in need of additional services shall not be removed from the waiting list until they have received the additional services.

Further provided that \$100,000 of this appropriation made for the purpose of administration, may not be expended until the Developmental Disabilities Administration submits a report detailing:

- (1) a projection of the service needs and associated costs, including residential costs, for students transitioning from educational services at age 21 years in fiscal 2012, 2013, and 2014, who are also transitioning from foster care and education nonpublic placements and who will require residential supports upon transition; and
- (2) a projection of the service needs and associated costs of children and youth in the Autism Waiver who are aging out in fiscal 2012, 2013, and 2014.

The report shall be submitted by October 1, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that \$100,000 of this appropriation made for the purpose of administration, may not be expended until the Department of Health and Mental Hygiene submits a report detailing its performance in conducting annual Level of

Care Re-evaluations in accordance with its federal Home and Community-based Waiver. The report shall include:

- (1) the method and documents used in conducting annual Level of Care Re-evaluations;
- (2) aggregate data on the numbers of individuals re-evaluated and a summary of the aggregate changes in level of care; and
- (3) the manner in which the department provides notice of appeal rights under the Medicaid Fair Hearing Appeal process.

The report shall be submitted by October 1, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

	4,354,151	
Federal Fund Appropriation	1,855,786	6,209,937

M00M01.02 Community Services

General Fund Appropriation	436,416,411	
Special Fund Appropriation	3,445,337	
Federal Fund Appropriation	315,715,239	755,576,987

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	440,770,562
Total Special Fund Appropriation	3,445,337

Total Federal Fund Appropriation	317,571,025
Total Appropriation	761,786,924

ROSEWOOD CENTER

M00M02.01 Services and Institutional Operations		
General Fund Appropriation	1,947,203	
Special Fund Appropriation	693,263	2,640,466

HOLLY CENTER

M00M05.01 Services and Institutional Operations		
General Fund Appropriation	18,540,506	
Special Fund Appropriation	118,452	18,658,958

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEVELOPMENTAL DISABILITIES ADMINISTRATION COURT INVOLVED
SERVICE DELIVERY SYSTEM

M00M06.01 Services and Institutional Operations		
General Fund Appropriation		8,293,836

POTOMAC CENTER

M00M07.01 Services and Institutional Operations		
General Fund Appropriation	11,011,399	
Special Fund Appropriation	5,000	11,016,399

JOSEPH D. BRANDENBURG CENTER

M00M09.01 Services and Institutional Operations		
General Fund Appropriation		3,316,531

MEDICAL CARE PROGRAMS ADMINISTRATION

M00Q01.01 Deputy Secretary for Health Care Financing

General Fund Appropriation, provided that \$500,000 of this appropriation made for the purpose of administering Medical Care Programs may not be expended until the Medical Care Programs Administration submits a report detailing estimated savings, program impact, and effects on utilization of implementing:

- (1) limitations on services including outpatient hospital, physician, clinics, federally qualified health centers, non-hospital and clinic laboratory and x-rays, nurse practitioner, targeted case management, and other services that are subject to material limits in other states. The analysis shall be based on the range of mandatory limitations in use in other states and up to the maximum in use in other states and allowable by federal law;
- (2) co-payments, to the extent permitted by federal law. The analysis shall be based on the range of co-payments currently applied in other states and up to the maximum in use in other states and allowable by federal law; and
- (3) premiums, to the extent permitted by federal law. The analysis shall be based on the range of premiums currently imposed in other states and up to the maximum in use in other states and allowable by federal law.

The report shall be submitted by November 15, 2010, and the budget committees shall have 45 days to review and comment.

<u>Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise for any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees</u>	1,158,905	
Special Fund Appropriation	50,000	
Federal Fund Appropriation	1,272,892	2,481,797
M00Q01.02 Office of Systems, Operations and Pharmacy		
General Fund Appropriation	9,348,603	
Federal Fund Appropriation	22,276,678	31,625,281
M00Q01.03 Medical Care Provider Reimbursements		
General Fund Appropriation, provided that no part of this General Fund appropriation may be paid to any physician or surgeon or any hospital, clinic, or other medical facility for or in connection with the performance of any abortion, except upon certification by a physician or surgeon, based upon his or her professional judgment that the procedure is necessary, provided one of the following conditions exists: where continuation of the pregnancy is likely to result in the death of the woman; or where the woman is a victim of rape, sexual offense, or incest which has been reported to a law enforcement agency or a public health or social agency; or where it can be ascertained by the physician with a reasonable degree of medical certainty that the fetus is affected by genetic defect or serious deformity or abnormality; or where it can be ascertained by the physician with a reasonable degree of medical certainty that termination of pregnancy is medically necessary because there is substantial risk that continuation of the pregnancy could have a serious and adverse effect on the woman's present or		

future physical health; or before an abortion can be performed on the grounds of mental health there must be certification in writing by the physician or surgeon that in his or her professional judgment there exists medical evidence that continuation of the pregnancy is creating a serious effect on the woman's present mental health and if carried to term there is a substantial risk of a serious or long lasting effect on the woman's future mental health.

Further provided that this appropriation shall be reduced by \$9,000,000 contingent upon the enactment of the Maryland False Claims Act of 2010.

Further provided that this appropriation shall be reduced by \$8,153,160 contingent upon the enactment of legislation reducing funding for other programs supported by the Cigarette Restitution Fund. Authorization is hereby provided to process a Special Fund budget amendment of up to \$8,153,160 from the Cigarette Restitution Fund to support the Medical Assistance Program.

Further provided that \$17,000,000 of this appropriation shall be reduced contingent upon the enactment of legislation increasing the nursing facility quality assessment and allowing a portion of the assessment to supplant general funds

~~1,742,174,807~~

~~1,718,174,807~~

1,742,174,807

Special Fund Appropriation

410,564,395

Federal Fund Appropriation, provided that this appropriation shall be reduced by \$11,000,000 contingent upon the enactment of the Maryland False Claims Act of 2010

3,707,023,970

~~5,859,763,172~~

~~5,835,763,172~~

5,859,763,172

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

All appropriations provided for program M00Q01.03 are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose. Funds not expended for these purposes shall revert to the General Fund or be cancelled.

Provided that \$250,000 of this appropriation (\$125,000 in general funds and \$125,000 in federal funds) made for the purpose of provider reimbursements may not be expended for that purpose but instead may only be used for the procurement of an independent report detailing how the Medical Care Programs Administration can maximize savings from minimizing claims processing and eligibility payment errors, and employing additional utilization review strategies beyond efforts already undertaken by the Administration. The report shall include:

- (1) an assessment of the Administration's current strategies to reduce claims processing and eligibility payment errors and undertake utilization review;*
- (2) the extent of claims processing and eligibility payment errors within the Medicaid program;*
- (3) the identification of the reasons for claims processing and eligibility payment errors;*
- (4) strategies to reduce claims processing and eligibility payment errors;*

- (5) potential savings associated with reducing claims processing and eligibility payment errors;
- (6) potential savings from employing additional and/or different utilization review strategies; and
- (7) the resources required and associated costs to implementing strategies to reduce claims processing and eligibility payment errors and undertake different utilization review strategies.

The report, together with recommendations from the Departments of Health and Mental Hygiene and Human Resources to implement strategies identified in the report, shall be submitted to the budget committees by December 1, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise for any other purpose and shall revert to the General Fund or be cancelled if the report is not submitted to the budget committees.

M00Q01.04 Office of Health Services

General Fund Appropriation	10,536,844	
Special Fund Appropriation	25,949	
Federal Fund Appropriation	8,967,818	19,530,611

M00Q01.05 Office of Finance

General Fund Appropriation	1,468,441	
Federal Fund Appropriation	1,518,466	2,986,907

M00Q01.06 Kidney Disease Treatment Services

Special Fund Appropriation, provided that \$12,000,000 of this appropriation is contingent upon the enactment of legislation authorizing the use of revenue

from a nonprofit health service plan or
Special Funds from the Community
Health Resources Commission Fund
 for this purpose

12,400,000

M00Q01.07 Maryland Children's Health Program

General Fund Appropriation, provided that no part of this General Fund appropriation may be paid to any physician or surgeon or any hospital, clinic, or other medical facility for or in connection with the performance of any abortion, except upon certification by a physician or surgeon, based upon his or her professional judgment that the procedure is necessary, provided one of the following conditions exists: where continuation of the pregnancy is likely to result in the death of the woman; or where the woman is a victim of rape, sexual offense, or incest which has been reported to a law enforcement agency or a public health or social agency; or where it can be ascertained by the physician with a reasonable degree of medical certainty that the fetus is affected by genetic defect or serious deformity or abnormality; or where it can be ascertained by the physician with a reasonable degree of medical certainty that termination of pregnancy is medically necessary because there is substantial risk that continuation of the pregnancy could have a serious and adverse effect on the woman's present or future physical health; or before an abortion can be performed on the grounds of mental health there must be certification in writing by the physician or surgeon that in his or her professional judgment there exists medical evidence that continuation of the pregnancy is creating a serious effect on the woman's present mental health and if carried to term there is a substantial risk of a serious or long lasting effect on the woman's future mental health

Special Fund Appropriation

62,435,700

5,743,886

Federal Fund Appropriation	123,135,291	191,314,877

M00Q01.08 Major Information Technology
Development Projects

It is the intent of the General Assembly that in order to improve service delivery, generate savings through optimizing operational efficiency, and maximize federal fund claims, in replacing the current Medicaid Management Information System (MMIS) the Department of Health and Mental Hygiene (DHMH) fully implement the scope of work reflected in the fiscal 2011 Information Technology Project Request Form. That scope of work includes, but is not limited to, the replacement of the core MMIS, enhancements to the Pharmacy e-Prescriber system and Client Automated Resource and Eligibility System, and the addition of a Decision Support System.

Further provided that \$100,000 of the Federal Fund appropriation made for the purpose of replacing MMIS, may not be expended until the Department of Information Technology (DoIT) and DHMH submit to the budget committees reports on the following:

- (1) the extent of DoIT oversight, fulltime dedicated DHMH project and contract management being provided to the MMIS replacement project, detailing internal and external project and contract support, and the extent of subject matter expertise being dedicated to the project, including how internal subject matter experts may be freed from their current responsibilities to dedicate time to the MMIS replacement project. The report shall be submitted by July 1, 2010, and the budget committees shall have 45 days to review and

comment; and

- (2) if a contract award has not been made by November 1, 2010, an update on the status of the vendor selection process and any known adjustment to implementation deadlines. The report shall be submitted by November 15, 2010, and the budget committees shall have 45 days to review and comment. Nothing in this report request shall be considered as requiring the submission of information that may be considered prejudicial to the making of any subsequent award.

Funds restricted pending the receipt of these reports may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled if the reports are not submitted to the budget committees.

Federal Fund Appropriation		11,250,000
M00Q01.09 Office of Eligibility Services		
General Fund Appropriation	5,660,246	
Federal Fund Appropriation	6,506,325	12,166,571

SUMMARY

Total General Fund Appropriation	1,832,783,546
Total Special Fund Appropriation	428,784,230
Total Federal Fund Appropriation	3,881,951,440
Total Appropriation	6,143,519,216

HEALTH REGULATORY COMMISSIONS

M00R01.01 Maryland Health Care Commission	
Special Fund Appropriation	27,993,656

Funds are appropriated in other agency

budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00R01.02 Health Services Cost Review Commission	
Special Fund Appropriation	130,334,192
M00R01.03 Maryland Community Health Resources Commission	
Special Fund Appropriation	3,004,386

SUMMARY

Total Special Fund Appropriation	161,332,234

DEPARTMENT OF HUMAN RESOURCES

OFFICE OF THE SECRETARY

N00A01.01 Office of the Secretary

General Fund Appropriation	5,894,618	
Federal Fund Appropriation	6,556,230	12,450,848

N00A01.02 Citizen's Review Board for Children

General Fund Appropriation	1,003,356	
Federal Fund Appropriation	531,059	1,534,415

N00A01.03 Maryland Commission for Women

General Fund Appropriation		172,954

N00A01.04 Maryland Legal Services Program

General Fund Appropriation	10,849,876	
Federal Fund Appropriation	5,532,990	16,382,866

N00A01.05 Office of Grants Management

General Fund Appropriation	~~11,489,661~~	
	<u>11,430,067</u>	
Federal Fund Appropriation	12,130,686	~~23,620,347~~
		<u>23,560,753</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	29,350,871
Total Federal Fund Appropriation	24,750,965
Total Appropriation	54,101,836

SOCIAL SERVICES ADMINISTRATION

N00B00.04 General Administration – State

General Fund Appropriation	9,697,128	
Federal Fund Appropriation	16,098,086	25,795,214

OPERATIONS OFFICE

N00E01.01 Division of Budget, Finance, and
Personnel

General Fund Appropriation	~~9,380,365~~ 9,238,944	
Federal Fund Appropriation	~~6,705,250~~ 6,607,420	~~16,085,615~~ 15,846,364

N00E01.02 Division of Administrative Services

General Fund Appropriation	4,053,142	
Federal Fund Appropriation	4,326,575	8,379,717

SUMMARY

Total General Fund Appropriation		13,292,086
Total Federal Fund Appropriation		10,933,995

Total Appropriation		24,226,081

OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

N00F00.02 Major Information Technology

Development Projects		
Federal Fund Appropriation		~~18,342,830~~ 16,618,411

N00F00.04 General Administration

General Fund Appropriation	30,865,073	
Federal Fund Appropriation	35,374,593	66,239,666

SUMMARY

Total General Fund Appropriation		30,865,073
Total Federal Fund Appropriation		51,993,004

Total Appropriation

82,858,077

LOCAL DEPARTMENT OPERATIONS

N00G00.01 Foster Care Maintenance Payments

Provided that all appropriations provided for program N00G00.01 Foster Care Maintenance Payments are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except that funds may be transferred to program N00G00.03 Child Welfare Services. Funds not expended or transferred shall revert to the General Fund or be cancelled.

General Fund Appropriation, provided that funds appropriated herein may be used to develop a broad range of services to assist in returning children with special needs from out-of-state placements, to prevent unnecessary residential or institutional placements within Maryland and to work with local jurisdictions in these regards. Policy decisions regarding the expenditures of such funds shall be made jointly by the Executive Director of the Governor's Office for Children, the Secretaries of Health and Mental Hygiene, Human Resources, Juvenile Services, Budget and Management, and the State Superintendent of Education

244,893,000

Special Fund Appropriation

65,941

Federal Fund Appropriation

106,961,699

351,920,640

N00G00.02 Local Family Investment Program

General Fund Appropriation

44,337,141

Special Fund Appropriation

2,081,157

Federal Fund Appropriation

91,078,072

137,496,370

N00G00.03 Child Welfare Services

Provided that all appropriations provided for

program N00G00.03 Child Welfare Services are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except that funds may be transferred to program N00G00.01 Foster Care Maintenance Payments. Funds not expended or transferred shall be reverted to the General Fund or be cancelled.

General Fund Appropriation	85,397,745	
Special Fund Appropriation	1,198,486	
Federal Fund Appropriation	115,272,599	201,868,830
N00G00.04 Adult Services		
General Fund Appropriation	10,360,921	
Special Fund Appropriation	1,366,876	
Federal Fund Appropriation	29,689,868	41,417,665
N00G00.05 General Administration		
General Fund Appropriation	23,107,609	
Special Fund Appropriation	2,568,948	
Federal Fund Appropriation	16,748,488	42,425,045
N00G00.06 Local Child Support Enforcement Administration		
General Fund Appropriation	14,532,384	
Special Fund Appropriation	407,997	
Federal Fund Appropriation	28,938,316	43,878,697
N00G00.08 Assistance Payments		
<u>General Fund Appropriation, provided that \$500,000 of this appropriation made for the purpose of providing assistance through the Temporary Disability Assistance Program, may not be expended for that purpose but instead may be transferred by budget amendment to program N00G00.04 Adult Services to be used only for respite care services. Funds not expended for this restricted purpose may not be transferred by budget</u>		

amendment or otherwise to any other purpose and shall revert to the General Fund. *Fund*

~~Further provided that \$550,000 of this appropriation made for the purpose of providing assistance through the Temporary Disability Assistance Program, may not be expended for that purpose but instead may be transferred by budget amendment to program N00A01.05 Office of Grants Management to be used only for the Service-linked Housing Program. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund~~

~~59,279,808~~

~~53,829,808~~

53,279,808

Special Fund Appropriation

16,410,790

Federal Fund Appropriation

816,220,679

~~891,911,277~~

~~886,461,277~~

885,911,277

N00G00.10 Work Opportunities

Federal Fund Appropriation

38,200,303

SUMMARY

Total General Fund Appropriation

475,908,608

Total Special Fund Appropriation

24,100,195

Total Federal Fund Appropriation

1,243,110,024

Total Appropriation

1,743,118,827

CHILD SUPPORT ENFORCEMENT ADMINISTRATION

N00H00.08 Support Enforcement – State

General Fund Appropriation

1,066,577

Special Fund Appropriation

~~12,255,615~~

12,186,198

Federal Fund Appropriation

~~27,688,675~~

~~41,010,867~~

27,553,924

40,806,699

FAMILY INVESTMENT ADMINISTRATION

N00I00.04 Director's Office

General Fund Appropriation	5,449,755	
Federal Fund Appropriation	15,182,122	20,631,877

N00I00.05 Maryland Office for Refugees and Asylees

Federal Fund Appropriation		9,891,946

N00I00.06 Office of Home Energy Programs

Provided that \$1,020,000 of the Special Fund appropriation and \$980,000 of the Federal Fund appropriation made for the purpose of software maintenance and systems support for application software development for the Office of Home Energy Programs (OHEP) data system may not be expended for that purpose in OHEP but instead may be transferred by budget amendment to N00F00.04 Office of Technology for Human Services program to be used only for the purpose of software maintenance and systems support for application software development for the OHEP data system. Funds not expended for this restricted purpose in N00F00.04 may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled.

Special Fund Appropriation	81,198,670	
Federal Fund Appropriation	49,732,343	130,931,013

SUMMARY

Total General Fund Appropriation	5,449,755	
Total Special Fund Appropriation	81,198,670	
Total Federal Fund Appropriation	74,806,411	

Total Appropriation	161,454,836

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

OFFICE OF THE SECRETARY

P00A01.01 Executive Direction

General Fund Appropriation	497,780	
Special Fund Appropriation	382,934	
Federal Fund Appropriation	893,030	1,773,744

P00A01.05 Legal Services

General Fund Appropriation	1,080,008	
Special Fund Appropriation	1,190,592	
Federal Fund Appropriation	974,313	3,244,913

P00A01.08 Office of Fair Practices

General Fund Appropriation	26,238	
Special Fund Appropriation	62,582	
Federal Fund Appropriation	239,362	328,182

P00A01.09 Governor's Workforce Investment Board

General Fund Appropriation		97,114

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00A01.11 Board of Appeals

Federal Fund Appropriation		1,142,965

P00A01.12 Lower Appeals

Federal Fund Appropriation		5,791,708

SUMMARY

Total General Fund Appropriation		1,701,140
Total Special Fund Appropriation		1,636,108
Total Federal Fund Appropriation		9,041,378

Total Appropriation		12,378,626

DIVISION OF ADMINISTRATION

P00B01.03 Office of Budget and Fiscal Services

General Fund Appropriation	330,615	
Special Fund Appropriation	949,320	
Federal Fund Appropriation	3,011,594	4,291,529

P00B01.04 Office of General Services

General Fund Appropriation	228,469	
Special Fund Appropriation	2,125,485	
Federal Fund Appropriation	3,215,586	5,569,540

P00B01.05 Office of Information Technology

Funds are appropriated in other units of the Department of Labor, Licensing, and Regulation budget to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00B01.06 Office of Human Resources

General Fund Appropriation	170,019	
Special Fund Appropriation	382,131	
Federal Fund Appropriation	1,412,388	1,964,538

SUMMARY

Total General Fund Appropriation	729,103
Total Special Fund Appropriation	3,456,936
Total Federal Fund Appropriation	7,639,568

Total Appropriation	11,825,607

DIVISION OF FINANCIAL REGULATION

P00C01.02 Financial Regulation

General Fund Appropriation	1,997,998	
Special Fund Appropriation	6,692,486	8,690,484

DIVISION OF LABOR AND INDUSTRY

P00D01.01 General Administration

General Fund Appropriation	70,420	
Special Fund Appropriation	503,767	
Federal Fund Appropriation	257,302	831,489

P00D01.02 Employment Standards

General Fund Appropriation	385,723	
Special Fund Appropriation	769,116	1,154,839

P00D01.03 Railroad Safety and Health

Special Fund Appropriation		452,553

P00D01.05 Safety Inspection

Special Fund Appropriation		4,754,937

P00D01.06 Apprenticeship and Training

General Fund Appropriation	243,078	
Special Fund Appropriation	210,617	
Federal Fund Appropriation	27,250	480,945

P00D01.07 Prevailing Wage

General Fund Appropriation		727,070

P00D01.08 Occupational Safety and Health
Administration

Special Fund Appropriation	4,374,700	
Federal Fund Appropriation	4,373,593	8,748,293

SUMMARY

Total General Fund Appropriation		1,426,291
Total Special Fund Appropriation		11,065,690
Total Federal Fund Appropriation		4,658,145

Total Appropriation		17,150,126

DIVISION OF RACING

P00E01.02 Maryland Racing Commission

General Fund Appropriation	505,686	
Special Fund Appropriation	1,110,000	1,615,686

P00E01.03 Racetrack Operation

General Fund Appropriation	~~1,540,837~~	
	<u>1,488,910</u>	
Special Fund Appropriation	527,342	~~2,068,179~~
		<u>2,016,252</u>

P00E01.04 Share of Racing Revenue to Local Subdivisions

Special Fund Appropriation		~~1,205,600~~
		~~602,800~~
		~~805,600~~
		<u>705,600</u>

SUMMARY

Total General Fund Appropriation		1,994,596
Total Special Fund Appropriation		2,342,942
Total Appropriation		4,337,538

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

P00F01.01 Occupational and Professional Licensing

General Fund Appropriation	3,301,171	
Special Fund Appropriation	5,014,516	8,315,687

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING

P00G01.01 Office of the Assistant Secretary

General Fund Appropriation	~~575,110~~	
	~~337,555~~	
	~~120,000~~	
	<u>220,000</u>	
Federal Fund Appropriation	33,916,500	~~34,491,610~~
		~~34,254,055~~
		~~34,036,500~~
		<u>34,136,500</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.03 Workforce Development

Special Fund Appropriation	1,250,000	
Federal Fund Appropriation	18,652,805	19,902,805

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.12 Adult Education and Literacy Program

General Fund Appropriation	478,541	
Special Fund Appropriation	713,728	
Federal Fund Appropriation	1,386,918	2,579,187

P00G01.13 Adult Corrections Program

General Fund Appropriation	13,545,166	
Special Fund Appropriation	392,000	
Federal Fund Appropriation	1,220,091	15,157,257

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

P00G01.14 Aid to Education

General Fund Appropriation	6,933,622	
Federal Fund Appropriation	6,814,797	13,748,419

SUMMARY

Total General Fund Appropriation	21,177,329
Total Special Fund Appropriation	2,355,728
Total Federal Fund Appropriation	61,991,111

Total Appropriation	85,524,168

DIVISION OF UNEMPLOYMENT INSURANCE

P00H01.01 Office of Unemployment Insurance

Special Fund Appropriation	402,665	
Federal Fund Appropriation	64,325,255	64,727,920

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

Provided that *it is the intent of the General Assembly that* the Department of Public Safety and Correctional Services shall not employ more than two assistant secretary positions and that additional assistant secretary positions shall not be created unless both statutory deputy secretary positions are filled.

OFFICE OF THE SECRETARY

Q00A01.01 General Administration

General Fund Appropriation	~~22,411,310~~	
	<u>20,406,456</u>	
Special Fund Appropriation	507,493	
Federal Fund Appropriation	850,000	~~23,768,812~~
		<u>21,763,949</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.02 Information Technology and
Communications Division

General Fund Appropriation	31,473,083	
Special Fund Appropriation	4,150,196	
Federal Fund Appropriation	803,873	36,427,152

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.03 Internal Investigative Unit

General Fund Appropriation	2,563,405	
Federal Fund Appropriation	110,000	2,673,405

Q00A01.04 9-1-1 Emergency Number Systems		
Special Fund Appropriation	57,308,228	
Federal Fund Appropriation	955,681	58,263,909

Q00A01.06 Division of Capital Construction and Facilities Maintenance		
General Fund Appropriation	2,007,489	
Federal Fund Appropriation	40,000	2,047,489

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.08 Office of Treatment Services		
General Fund Appropriation	3,187,583	
Special Fund Appropriation	1,505,333	4,692,916

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.09 Professional Development and Training Division		
General Fund Appropriation	~~1,783,314~~	
	<u>1,688,284</u>	
Special Fund Appropriation	8,000	~~1,791,314~~
		<u>1,696,284</u>

SUMMARY

Total General Fund Appropriation	61,326,300
Total Special Fund Appropriation	63,479,250
Total Federal Fund Appropriation	2,759,554

Total Appropriation	127,565,104

DIVISION OF CORRECTION – HEADQUARTERS

Q00B01.01 General Administration

General Fund Appropriation	8,708,983	
Special Fund Appropriation	25,000	
Federal Fund Appropriation	145,331	8,879,314

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B01.02 Classification, Education and Religious Services

General Fund Appropriation	6,351,131	
Special Fund Appropriation	657,632	
Federal Fund Appropriation	1,255,000	8,263,763

Q00B01.03 Canine Operations

General Fund Appropriation	1,905,520	
Federal Fund Appropriation	34,400	1,939,920

SUMMARY

Total General Fund Appropriation		16,965,634
Total Special Fund Appropriation		682,632
Total Federal Fund Appropriation		1,434,731

Total Appropriation		19,082,997

JESSUP REGION

Q00B02.02 Jessup Correctional Institution

General Fund Appropriation	58,964,032	
Special Fund Appropriation	1,299,283	
Federal Fund Appropriation	2,781,151	63,044,466

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B02.03 Maryland Correctional Institution – Jessup

General Fund Appropriation	36,819,419	
Special Fund Appropriation	822,986	
Federal Fund Appropriation	1,406,000	39,048,405

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	95,783,451
Total Special Fund Appropriation	2,122,269
Total Federal Fund Appropriation	4,187,151
Total Appropriation	102,092,871

BALTIMORE REGION

Q00B03.01 Metropolitan Transition Center

General Fund Appropriation	39,394,295	
Special Fund Appropriation	1,078,847	
Federal Fund Appropriation	1,788,000	42,261,142

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B03.03 Maryland Correctional Adjustment

Center		
General Fund Appropriation	10,485,421	
Special Fund Appropriation	461,394	
Federal Fund Appropriation	14,064,333	25,011,148

Q00B03.04 Maryland Reception, Diagnostic, and
Classification Center

General Fund Appropriation	40,714,985	
Special Fund Appropriation	304,912	
Federal Fund Appropriation	2,348,000	43,367,897

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B03.05 Baltimore Pre–Release Unit

General Fund Appropriation	5,122,956	
Special Fund Appropriation	439,545	
Federal Fund Appropriation	20,000	5,582,501

Q00B03.07 Baltimore City Correctional Center

General Fund Appropriation	12,575,299	
Special Fund Appropriation	412,606	
Federal Fund Appropriation	554,000	13,541,905

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	108,292,956	
Total Special Fund Appropriation	2,697,304	
Total Federal Fund Appropriation	18,774,333	

Total Appropriation	129,764,593	

HAGERSTOWN REGION

Q00B04.01 Maryland Correctional Institution –

Hagerstown

General Fund Appropriation	59,784,000	
Special Fund Appropriation	1,993,450	
Federal Fund Appropriation	2,067,000	63,844,450

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B04.02 Maryland Correctional Training Center

General Fund Appropriation	61,273,020	
Special Fund Appropriation	2,464,227	
Federal Fund Appropriation	1,966,000	65,703,247

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B04.03 Roxbury Correctional Institution

General Fund Appropriation	42,874,560	
Special Fund Appropriation	1,249,896	
Federal Fund Appropriation	1,700,000	45,824,456

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		163,931,580

Total Special Fund Appropriation	5,707,573	
Total Federal Fund Appropriation	5,733,000	

Total Appropriation	175,372,153	

WOMEN'S FACILITIES

Q00B05.01 Maryland Correctional Institution for Women

General Fund Appropriation	33,373,869	
Special Fund Appropriation	1,226,123	
Federal Fund Appropriation	3,632,000	38,231,992

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND CORRECTIONAL PRE-RELEASE SYSTEM

Q00B06.01 General Administration

General Fund Appropriation	3,751,472	
Federal Fund Appropriation	100,000	3,851,472

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.02 Brockbridge Correctional Facility

General Fund Appropriation	20,676,386	
Special Fund Appropriation	597,683	
Federal Fund Appropriation	800,000	22,074,069

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

Q00B06.03 Jessup Pre-Release Unit

General Fund Appropriation	16,069,567	
Special Fund Appropriation	395,000	
Federal Fund Appropriation	857,000	17,321,567

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.05 Southern Maryland Pre-Release Unit

General Fund Appropriation	4,353,632	
Special Fund Appropriation	418,744	
Federal Fund Appropriation	150,000	4,922,376

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.06 Eastern Pre-Release Unit

General Fund Appropriation	4,658,683	
Special Fund Appropriation	354,996	
Federal Fund Appropriation	134,000	5,147,679

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.11 Central Maryland Correctional Facility

General Fund Appropriation	13,933,761	
Special Fund Appropriation	529,490	14,463,251

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	63,443,501	
Total Special Fund Appropriation	2,295,913	
Total Federal Fund Appropriation	2,041,000	
Total Appropriation	67,780,414	

EASTERN SHORE REGION

Q00B07.01 Eastern Correctional Institution

General Fund Appropriation	89,075,745	
Special Fund Appropriation	3,107,717	
Federal Fund Appropriation	8,830,000	101,013,462

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WESTERN MARYLAND REGION

Q00B08.01 Western Correctional Institution

General Fund Appropriation	46,940,902	
Special Fund Appropriation	1,348,954	
Federal Fund Appropriation	2,242,000	50,531,856

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B08.02 North Branch Correctional Institution

General Fund Appropriation	41,899,397	
Special Fund Appropriation	1,015,000	
Federal Fund Appropriation	4,167,600	47,081,997

SUMMARY

Total General Fund Appropriation	88,840,299	
Total Special Fund Appropriation	2,363,954	
Total Federal Fund Appropriation	6,409,600	
Total Appropriation		97,613,853

MARYLAND CORRECTIONAL ENTERPRISES

Q00B09.01 Maryland Correctional Enterprises

Special Fund Appropriation	58,388,573

MARYLAND PAROLE COMMISSION

Q00C01.01 General Administration and Hearings

General Fund Appropriation	~~5,255,820~~
	<u>5,172,008</u>

DIVISION OF PAROLE AND PROBATION

Q00C02.01 General Administration

General Fund Appropriation	5,115,520

Q00C02.02 Field Operations

General Fund Appropriation, *provided that \$714,480 of this appropriation made for the purpose of supporting Community Adult Rehabilitation Centers (CARCs) may only be expended in support of locally sentenced inmates housed at the CARC in Cecil County. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.*

Further provided that it is the intent of the General Assembly that inmates sentenced to the Division of Correction shall not be housed in CARC facilities and that fiscal 2011 be the final year that State funding is provided to support CARC operations

	~~82,680,617~~	
	~~81,265,073~~	
	<u>81,979,553</u>	
Special Fund Appropriation	7,860,276	
Federal Fund Appropriation	3,936,345	~~94,486,238~~
		<u>93,061,694</u>
		<u>93,776,174</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00C02.03 Community Surveillance and Enforcement Program		
General Fund Appropriation	9,930,213	
Special Fund Appropriation	200,000	10,130,213

SUMMARY

Total General Fund Appropriation	97,025,286	
Total Special Fund Appropriation	8,060,276	
Total Federal Fund Appropriation	3,936,345	
		<u>109,021,907</u>

PATUXENT INSTITUTION

Q00D00.01 Services and Institutional Operations		
General Fund Appropriation	44,997,286	
Special Fund Appropriation	702,670	
Federal Fund Appropriation	2,030,000	47,729,956

INMATE GRIEVANCE OFFICE

Q00E00.01 General Administration

Special Fund Appropriation	735,006

POLICE AND CORRECTIONAL TRAINING COMMISSIONS

Q00G00.01 General Administration

General Fund Appropriation	~~7,163,519~~	
	<u>6,908,918</u>	
Special Fund Appropriation	352,000	
Federal Fund Appropriation	42,089	~~7,557,608~~
		<u>7,303,007</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CRIMINAL INJURIES COMPENSATION BOARD

Q00K00.01 Administration and Awards

Special Fund Appropriation, provided that \$250,000 of this appropriation made for the purpose of funding administrative operating expenses within the Criminal Injuries Compensation Board (CICB) may not be expended until CICB provides the following information *to the budget committees*:

- (1) confirmation that all staff and board members have completed training on maintaining compliance with the State Open Meetings Law and the Administrative Procedure Act;
- (2) confirmation that all staff and board members who have interaction with victims and their families have completed sensitivity training;
- (3) a report on each case in fiscal 2010

where statutory timeline provisions were violated and the number of claims where the claimant was requested to resubmit information;

- (4) the potential for providing a victim advocate within existing agency resources to assist with victims' needs, and if existing resources are inadequate, the cost of creating a victim advocate position; and
- (5) proposed solutions for addressing the fiscal concerns regarding the amount of funding available for making awards to victims of crime, including potential legislation.

It is the intent of the General Assembly that CICB improve its efficiency of operations and alter its agency culture in order to better address the needs of Maryland's crime victim population and create a more victim-friendly environment.

The report shall be submitted by October 15, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise for any other purpose and shall be cancelled if the report is not submitted to the budget committees

.....	3,610,192	
Federal Fund Appropriation	3,100,000	6,710,192

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

Q00N00.01 General Administration

General Fund Appropriation	559,355

DIVISION OF PRETRIAL DETENTION AND SERVICES

Q00P00.01 General Administration

General Fund Appropriation		9,946,030
Q00P00.02 Pretrial Release Services		
General Fund Appropriation		5,863,646
Q00P00.03 Baltimore City Detention Center		
General Fund Appropriation	91,119,392	
Special Fund Appropriation	2,044,358	
Federal Fund Appropriation	4,130,000	97,293,750
Q00P00.04 Central Booking and Intake Facility		
General Fund Appropriation	50,203,442	
Special Fund Appropriation	123,141	
Federal Fund Appropriation	3,289,843	53,616,426
SUMMARY		
Total General Fund Appropriation		157,132,510
Total Special Fund Appropriation		2,167,499
Total Federal Fund Appropriation		7,419,843
Total Appropriation		166,719,852

STATE DEPARTMENT OF EDUCATION

HEADQUARTERS

Provided that a reduction of \$524,776 is made for the Deferred Compensation Match (Comptroller subobject 0172). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$132,638</u>
<u>Special</u>	<u>\$ 6,911</u>
<u>Federal</u>	<u>\$385,227</u>

Further provided that a \$225,000 reduction is made to implement furloughs for loaned educator contracts (Comptroller subobject 0885). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$ 67,073</u>
<u>Federal</u>	<u>\$140,670</u>
<u>Special</u>	<u>\$ 17,257</u>

R00A01.01 Office of the State Superintendent

Provided that it is the intent of the General Assembly that no individual loaned educator be engaged by the Maryland State Department of Education (MSDE) for more than ~~five~~ six years. For loaned educators engaged in fiscal 2010, the time already served at MSDE shall not be counted toward the six-year limit.

Further provided that it is the intent of the General Assembly that all loaned

educators submit annual financial disclosure statements, as is required by State employees in similar positions.

Further provided that MSDE shall provide an annual census report on the number of loaned educator contracts and any conversion of these personnel to regular positions to the General Assembly by December 15, 2010. The annual report shall include job function, title, salary, fund source(s) for the contract, the first year of the contract and the number of years that each loaned educator has been employed by the State, and whether the educator files a financial disclosure statement. MSDE shall also provide a report to the budget committees prior to entering into any new loaned educator contract to provide temporary assistance to the State. The budget committees shall have 45 days to review and comment from the date of receipt of any report on new contracts.

General Fund Appropriation	~~4,884,031~~	
	<u>4,883,031</u>	
Special Fund Appropriation	576,929	
Federal Fund Appropriation	5,373,780	~~10,834,740~~
		<u>10,833,740</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A01.02 Division of Business Services

General Fund Appropriation	1,369,421	
Special Fund Appropriation	46,949	
Federal Fund Appropriation	8,387,389	9,803,759

R00A01.03 Division for Leadership Development

General Fund Appropriation	1,494,001

Federal Fund Appropriation	522,870	2,016,871
R00A01.04 Division of Accountability and Assessment		
General Fund Appropriation	29,323,346	
Special Fund Appropriation	590,008	
Federal Fund Appropriation	8,430,650	38,344,004
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
R00A01.05 Office of Information Technology		
General Fund Appropriation	168,629	
Federal Fund Appropriation	2,915,486	3,084,115
R00A01.06 Major Information Technology Development Projects		
Federal Fund Appropriation		7,003,720
R00A01.10 Division of Early Childhood Development		
General Fund Appropriation	13,670,155	
Federal Fund Appropriation	24,083,607	37,753,762
R00A01.11 Division of Instruction		
General Fund Appropriation	2,229,496	
Special Fund Appropriation	1,408,614	
Federal Fund Appropriation	3,667,079	7,305,189
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
R00A01.12 Division of Student, Family and School Support		

General Fund Appropriation	~~2,501,156~~	
	~~2,275,847~~	
	<u>2,501,156</u>	
Special Fund Appropriation	25,000	
Federal Fund Appropriation	4,636,124	~~7,162,280~~
		~~6,936,971~~
		<u>7,162,280</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A01.13 Division of Special Education/Early Intervention Services		
General Fund Appropriation	811,377	
Special Fund Appropriation	615,420	
Federal Fund Appropriation	11,755,601	13,182,398
R00A01.14 Division of Career and College Readiness		
General Fund Appropriation	1,141,593	
Federal Fund Appropriation	2,136,641	3,278,234
R00A01.15 Juvenile Services Education Program		
General Fund Appropriation		7,452,000
R00A01.17 Division of Library Development and Services		
General Fund Appropriation	789,053	
Federal Fund Appropriation	2,601,990	3,391,043
R00A01.18 Division of Certification and Accreditation		
General Fund Appropriation	2,733,621	
Special Fund Appropriation	222,932	
Federal Fund Appropriation	282,084	3,238,637
R00A01.19 Home and Community Based Waiver for Children With Autism Spectrum Disorder		

General Fund Appropriation		10,817,928
R00A01.20 Division of Rehabilitation Services – Headquarters		
General Fund Appropriation	1,459,278	
Special Fund Appropriation	184,372	
Federal Fund Appropriation	7,781,080	9,424,730
R00A01.21 Division of Rehabilitation Services – Client Services		
General Fund Appropriation	10,864,069	
Federal Fund Appropriation	23,712,632	34,576,701
R00A01.22 Division of Rehabilitation Services – Workforce and Technology Center		
General Fund Appropriation	1,631,950	
Federal Fund Appropriation	7,471,032	9,102,982
R00A01.23 Division of Rehabilitation Services – Disability Determination Services		
Federal Fund Appropriation		32,655,321
R00A01.24 Division of Rehabilitation Services – Blindness and Vision Services		
General Fund Appropriation	740,049	
Special Fund Appropriation	3,424,620	
Federal Fund Appropriation	4,142,304	8,306,973

SUMMARY

Total General Fund Appropriation	94,080,153
Total Special Fund Appropriation	7,094,844
Total Federal Fund Appropriation	157,559,390
Total Appropriation	258,734,387

AID TO EDUCATION

*Provided that the Maryland State Department
of Education shall notify the budget
committees of any intent to transfer funds*

from program R00A02 Aid to Education to any other budgetary unit. The budget committees shall have 45 days to review and comment on the planned transfer prior to its effect.

R00A02.01 State Share of Foundation Program

General Fund Appropriation, provided that \$350,000,000 of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the transfer of funds from the local income tax reserve to the Education Trust Fund. Authorization is hereby provided to process a Special Fund budget amendment of up to \$350,000,000 from the Education Trust Fund to support the State Share of Foundation Program

Foundation Program	2,735,995,388	
Special Fund Appropriation	85,543,000	
Federal Fund Appropriation	108,098,250	2,929,636,638

R00A02.02 Compensatory Education

General Fund Appropriation
Federal Fund Appropriation

977,147,438	
62,681,179	1,039,828,617

R00A02.03 Aid for Local Employee Fringe Benefits

General Fund Appropriation
Federal Fund Appropriation

638,622,810	
228,066,682	866,689,492

R00A02.04 Children at Risk

General Fund Appropriation

~~6,000,000~~

~~5,700,000~~

6,000,000

Special Fund Appropriation

2,387,838

Federal Fund Appropriation

21,962,842

~~30,350,680~~

~~30,050,680~~

30,350,680

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this

program.

R00A02.05 Formula Programs for Specific Populations General Fund Appropriation	6,120,000

R00A02.07 Students With Disabilities General Fund Appropriation	384,849,174

To provide funds as follows:

Formula	261,689,888
Non–Public Placement Program	112,770,182
Infants and Toddlers Program	10,389,104

Provided that funds appropriated for non–public placements may be used to develop a broad range of services to assist in returning children with special needs from out–of–state placements to Maryland; to prevent out–of–state placements of children with special needs; to prevent unnecessary separate day school, residential or institutional placements within Maryland; and to work with local jurisdictions in these regards. Policy decisions regarding the expenditures of such funds shall be made jointly by the Executive Director of the Governor’s Office for Children and the Secretaries of Health and Mental Hygiene, Human Resources, Juvenile Services, Budget and Management, and the State Superintendent of Education.

R00A02.08 Assistance to State for Educating Students With Disabilities Federal Fund Appropriation	201,625,659

R00A02.09 Gifted and Talented Federal Fund Appropriation	972,896

R00A02.12 Educationally Deprived Children Federal Fund Appropriation	216,319,047

R00A02.13 Innovative Programs	

General Fund Appropriation	~~3,020,266~~ ~~3,366,206~~ ~~3,620,266~~ <u>3,497,736</u>	
Federal Fund Appropriation	14,874,166	~~18,803,432~~ ~~18,240,372~~ ~~18,503,432~~ <u>18,371,902</u>
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
R00A02.15 Language Assistance Federal Fund Appropriation		9,045,505
R00A02.18 Career and Technology Education Federal Fund Appropriation		15,499,366
R00A02.24 Limited English Proficient General Fund Appropriation		142,550,072
R00A02.25 Guaranteed Tax Base General Fund Appropriation		45,783,585
R00A02.27 Food Services Program General Fund Appropriation	7,156,664	
Federal Fund Appropriation	209,663,766	216,820,430
R00A02.31 Public Libraries General Fund Appropriation	33,032,330	
Federal Fund Appropriation	770,341	33,802,671
R00A02.32 State Library Network General Fund Appropriation		15,657,837
R00A02.39 Transportation General Fund Appropriation, provided that \$4,343,672 of this appropriation shall be reduced contingent upon the enactment of legislation to reduce the required		

appropriation for the Transportation Program	225,078,351	
Federal Fund Appropriation	23,493,723	248,572,074
R00A02.52 Science and Mathematics Education Initiative		
General Fund Appropriation	1,321,230	
Federal Fund Appropriation	1,658,878	2,980,108
R00A02.53 School Technology		
Federal Fund Appropriation		7,333,597
R00A02.55 Teacher Development		
General Fund Appropriation	5,648,000	
Special Fund Appropriation	600,000	
Federal Fund Appropriation	40,000,000	46,248,000
R00A02.57 Transitional Education Funding Program		
General Fund Appropriation		10,575,000
R00A02.58 Head Start		
General Fund Appropriation		1,800,000
R00A02.59 Child Care Subsidy Program		
General Fund Appropriation	33,604,000	
Federal Fund Appropriation	60,110,605	93,714,605

SUMMARY

Total General Fund Appropriation	5,274,439,615
Total Special Fund Appropriation	88,530,838
Total Federal Fund Appropriation	1,222,176,502
Total Appropriation	6,585,146,955

FUNDING FOR EDUCATIONAL ORGANIZATIONS

R00A03.01 Maryland School for the Blind	
General Fund Appropriation	17,813,174

R00A03.02 Blind Industries and Services of Maryland General Fund Appropriation	571,282
R00A03.03 Funding for Educational Organizations General Fund Appropriation	4,131,446
Alice Ferguson Foundation	53,486
Alliance of Southern Prince George's Communities, Inc.	21,394
American Visionary Art Museum	10,134
Arts Excel – Baltimore Symphony Orchestra	42,789
B&O Railroad Museum	40,537
Baltimore Museum of Industry	54,049
Best Buddies International (MD Program)	106,972
Chesapeake Bay Foundation	280,943
Chesapeake Bay Maritime Museum	13,512
Citizenship Law–Related Education	19,705
College Bound	24,210
The Dyslexia Tutoring Program, Inc.	24,210
Echo Hill Outdoor School	36,033
Imagination Stage	160,459
Jewish Museum of Maryland	8,445
Junior Achievement of Central Maryland	27,024
Living Classrooms Foundation	204,937
Maryland Academy of Sciences	588,352
Maryland Historical Society	80,510
Maryland Humanities Council	28,150
Maryland Leadership Workshops	29,277
Maryland Mathematics, Engineering and Science Achievement	51,234
Maryland Zoo in Baltimore – Education Component	547,251
National Aquarium in Baltimore	319,792
National Great Blacks in Wax Museum	27,024
National Museum of Ceramic	

Art and Glass	13,512
Northbay Adventure	625,000
Olney Theatre	94,023
Outward Bound	85,578
Port Discovery	74,881
Salisbury Zoological Park	11,823
Sotterley Foundation	8,445
South Baltimore Learning Center	27,024
State Mentoring Resource Center	51,234
Sultana Projects	13,512
Super Kids Camp	263,490
The Village Learning Place, Inc.	29,277
Walters Art Museum	10,697
Ward Museum	22,521

R00A03.04 Aid to Non–Public Schools

Special Fund Appropriation, provided that this appropriation shall be for the purchase of textbooks or computer hardware and software and other electronically delivered learning materials as permitted under Title IID, Section 2416(b)(4), (6), and (7) of the No Child Left Behind Act for loan to students in eligible non–public schools with a maximum distribution of \$60 per eligible non–public school student for participating schools, except that at schools where at least 20% of the students are eligible for the free or reduced price lunch program there shall be a distribution of \$90 per student. To be eligible to participate, a non–public school shall:

- (1) Hold a certificate of approval from or be registered with the State Board of Education;
- (2) Not charge more tuition to a participating student than the statewide average per pupil expenditure by the local education agencies, as calculated by the department, with appropriate

exceptions for special education students as determined by the department; and

- (3) Comply with Title VI of the Civil Rights Act of 1964, as amended.

The department shall establish a process to ensure that the local education agencies are effectively and promptly working with the non-public schools to assure that the non-public schools have appropriate access to federal funds for which they are eligible.

Further provided that the Maryland State Department of Education shall:

- (1) Assure that the process for textbook, computer hardware, and computer software acquisition uses a list of qualified textbook, computer hardware, and computer software vendors and of qualified textbooks, computer hardware, and computer software; uses textbooks, computer hardware, and computer software that are secular in character and acceptable for use in any public elementary or secondary school in Maryland;
- (2) Receive requisitions for textbooks, computer hardware, and computer software to be purchased from the eligible and participating schools, and forward the approved requisitions and payments to the qualified textbook, computer hardware, or computer software vendor who will send the textbooks, computer hardware, or computer software directly to the eligible school which will:
 - (i) Report shipment receipt to the department;

- (ii) Provide assurance that the savings on the cost of the textbooks, computer hardware, or computer software will be dedicated to reducing the cost of textbooks, computer hardware, or computer software for students; and
- (iii) Since the textbooks, computer hardware, or computer software shall remain property of the State, maintain appropriate shipment receipt records for audit purposes 4,440,000

SUMMARY

Total General Fund Appropriation	22,515,902
Total Special Fund Appropriation	4,440,000
Total Appropriation	26,955,902

CHILDREN'S CABINET INTERAGENCY FUND

Local Management Boards shall report to the Governor's Office for Children all funding from non-Children's Cabinet Interagency Fund sources and shall report how the funds were expended.

R00A04.01 Children's Cabinet Interagency Fund
General Fund Appropriation, provided that \$210,000 of this appropriation made for the purpose of funding early intervention and prevention programs may not be expended for that purpose but instead may only be used to supplement funding of Local Management Board administration. Funds not expended for this restricted purpose may not be transferred by budget amendment or

<u>otherwise to any other purpose and shall revert to the General Fund</u>	20,668,565	
Federal Fund Appropriation, <u>provided that \$1,823,709 of this appropriation made for the purpose of early intervention and prevention activities may only be used to fund these activities through Youth Services Bureaus. Further provided that the allocation of funding among Youth Services Bureaus shall be distributed in the same proportions as provided in fiscal 2010. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled</u>	7,698,989	28,367,554

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MORGAN STATE UNIVERSITY

R13M00.00 Morgan State University		
Current Unrestricted Appropriation	160,576,267	
Current Restricted Appropriation	40,172,210	200,748,477

ST. MARY'S COLLEGE OF MARYLAND

R14D00.00 St. Mary's College of Maryland		
Current Unrestricted Appropriation, <u>provided that \$250,000 of this appropriation may not be expended until St. Mary's College of Maryland submits a report updating the budget committees on progress toward addressing findings raised by the Office of Legislative Audits in the February 2010 audit. The report shall include changes made to the college's internal controls and how the Board of Trustees may be more proactive in responding to audit findings. The report shall be submitted to the budget committees by September 1, 2010, and the</u>		

<i>budget committees shall have 45 days for review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled if the report is not submitted to the budget committees</i>	66,502,006	
Current Restricted Appropriation	3,599,836	70,101,842

MARYLAND PUBLIC BROADCASTING COMMISSION

R15P00.01 Executive Direction and Control		
Special Fund Appropriation		625,245
R15P00.02 Administration and Support Services		
General Fund Appropriation	8,747,527	
Special Fund Appropriation	570,348	9,317,875
R15P00.03 Broadcasting		
Special Fund Appropriation	10,337,734	
Federal Fund Appropriation	1,606,827	11,944,561
R15P00.04 Content Enterprises		
General Fund Appropriation	258,602	
Special Fund Appropriation	3,933,679	
Federal Fund Appropriation	475,000	4,667,281

SUMMARY

Total General Fund Appropriation		9,006,129
Total Special Fund Appropriation		15,467,006
Total Federal Fund Appropriation		2,081,827
Total Appropriation		26,554,962

UNIVERSITY SYSTEM OF MARYLAND

UNIVERSITY OF MARYLAND, BALTIMORE

R30B21.00 University of Maryland, Baltimore	
Current Unrestricted Appropriation, ~~provided~~	

~~that \$250,000 \$500,000 of this appropriation may not be expended until the University of Maryland, Baltimore School of Law submits a report containing complete information, to the extent possible, from each law school clinic the Environmental Law Clinic listing and describing each legal case in the past five two years in which they participated in a court action, including the client represented, complete delineation of the non-privileged expenditures for each case, and the source of funds for each expenditure. The report shall be submitted to the budget committees by August 1, 2010, and the budget committees shall have 45 days for review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled if the report is not submitted to the budget committees.~~

~~*Further provided, provided that \$250,000 of this appropriation may not be expended until the University of Maryland, Baltimore submits a report updating the budget committees on progress toward addressing findings raised by the Office of Legislative Audits in the February 2010 audit. The report shall include updated policies regarding the kinds of special compensation payments made to faculty and the justifications for making such payments. The report shall be submitted to the budget committees by September 1, 2010, and the budget committees shall have 45 days for review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled if the report is not submitted to the budget committees*~~

Current Restricted Appropriation

515,597,772

430,454,139

946,051,911

UNIVERSITY OF MARYLAND, COLLEGE PARK

R30B22.00 University of Maryland, College Park

Current Unrestricted Appropriation	1,214,816,896	
Current Restricted Appropriation	409,254,727	1,624,071,623

BOWIE STATE UNIVERSITY

R30B23.00 Bowie State University

Current Unrestricted Appropriation	84,074,956	
Current Restricted Appropriation	15,500,000	99,574,956

TOWSON UNIVERSITY

R30B24.00 Towson University

Current Unrestricted Appropriation	352,585,885	
Current Restricted Appropriation	40,390,007	392,975,892

UNIVERSITY OF MARYLAND EASTERN SHORE

R30B25.00 University of Maryland Eastern Shore

Current Unrestricted Appropriation	82,730,345	
Current Restricted Appropriation	32,104,875	114,835,220

FROSTBURG STATE UNIVERSITY

R30B26.00 Frostburg State University

Current Unrestricted Appropriation	86,556,651	
Current Restricted Appropriation	9,110,000	95,666,651

COPPIN STATE UNIVERSITY

R30B27.00 Coppin State University

Current Unrestricted Appropriation	67,741,689	
Current Restricted Appropriation	22,826,010	90,567,699

UNIVERSITY OF BALTIMORE

R30B28.00 University of Baltimore

Current Unrestricted Appropriation	103,342,247	

Current Restricted Appropriation	12,950,000	116,292,247

SALISBURY UNIVERSITY

R30B29.00 Salisbury University

Current Unrestricted Appropriation	132,839,449	
Current Restricted Appropriation	7,435,883	140,275,332

UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE

R30B30.00 University of Maryland University
College

Current Unrestricted Appropriation	292,644,297	
Current Restricted Appropriation	12,995,511	305,639,808

UNIVERSITY OF MARYLAND BALTIMORE COUNTY

R30B31.00 University of Maryland Baltimore
County

Current Unrestricted Appropriation	262,015,445	
Current Restricted Appropriation	88,581,998	350,597,443

UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE

R30B34.00 University of Maryland Center for
Environmental Science

Current Unrestricted Appropriation	24,209,312	
Current Restricted Appropriation	18,787,748	42,997,060

UNIVERSITY SYSTEM OF MARYLAND OFFICE

R30B36.00 University System of Maryland Office

Current Unrestricted Appropriation, ~~provided that \$250,000 of this appropriation may not be expended until the University System of Maryland submits a report on law school clinics operated out of public higher education institutions in other states. The report shall describe the criteria used to select the legal cases handled by law school clinics and funding sources of the programs. The report shall~~

~~be submitted to the budget committees by August 1, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled if the report is not submitted to the budget committees.~~

~~*Further provided, provided that \$250,000 of this appropriation for the University System of Maryland Office may not be expended until the University System of Maryland Board of Regents submits a report updating the budget committees on how it is working to improve the system's response to audit findings reported by the Office of Legislative Audits. The report shall include how the system and Board of Regents may be more proactive when receiving preliminary findings from the Office of Legislative Audits and how the information may be shared among the Board of Regents, Chancellor, and constituent institutions of the University System of Maryland. The report shall be submitted to the budget committees by September 1, 2010, and the budget committees shall have 45 days for review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled if the report is not submitted to the budget committees*~~

.....	53,159,001	
Current Restricted Appropriation	19,900,000	73,059,001

MARYLAND HIGHER EDUCATION COMMISSION

R62I00.01 General Administration

General Fund Appropriation	5,052,802	
Special Fund Appropriation	372,038	
Federal Fund Appropriation	559,156	5,983,996

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R62I00.02 College Prep/Intervention Program

General Fund Appropriation	750,000	
Federal Fund Appropriation	1,200,000	1,950,000

R62I00.03 Joseph A. Sellinger Formula for Aid to Non-Public Institutions of Higher Education

General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$21,983,458 contingent upon the enactment of legislation to reduce the required appropriation for the support of non-public institutions of higher education~~		~~51,983,458~~
		<u>38,445,958</u>

R62I00.05 The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges

General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$23,085,062 contingent upon the enactment of legislation to reduce the required appropriation for the support of community colleges~~		~~231,663,764~~
		<u>208,578,702</u>

R62I00.06 Aid to Community Colleges – Fringe Benefits

General Fund Appropriation		47,536,536

R62I00.07 Educational Grants

General Fund Appropriation	~~7,999,081~~	
	~~7,799,081~~	
	~~7,466,728~~	
	<u>7,999,081</u>	
Federal Fund Appropriation	1,693,077	~~9,692,158~~
		~~9,492,158~~
		~~9,159,805~~
		<u>9,692,158</u>

To provide Education Grants to various State, Local
and Private Entities

Improving Teacher Quality	1,693,077
OCR Enhancement Fund	4,900,000
Washington Center for Internships & Academic Seminars	25,000
Interstate Educational Compacts in Optometry	124,125
UMB – WellMobile Program	285,250
Regional Higher Education Centers	1,500,000
Academy of Leadership	~~100,000~~
	<u>0</u>
	<u>100,000</u>
Harry Hughes Center for Agro–Ecology	~~200,000~~
	<u>100,000</u>
	<u>200,000</u>
Higher Education Investment Workforce Initiatives	~~864,706~~
	<u>432,353</u>
	<u>864,706</u>

R62I00.10 Educational Excellence Awards

General Fund Appropriation	75,121,624	
Federal Fund Appropriation	1,271,546	76,393,170

R62I00.12 Senatorial Scholarships

General Fund Appropriation	6,486,000

R62I00.14 Edward T. Conroy Memorial
Scholarship Program

General Fund Appropriation	570,474

R62I00.15 Delegate Scholarships

General Fund Appropriation	4,996,530

R62I00.16 Charles W. Riley Fire and Emergency
Medical Services Tuition Reimbursement
Program

General Fund Appropriation	340,979

R62I00.17 Graduate and Professional Scholarship

Program		
General Fund Appropriation		~~1,178,303~~
		~~589,151~~
		<u>1,178,303</u>
R62I00.20 Distinguished Scholar Program		
General Fund Appropriation, ~~provided that~~		
~~\$1,050,000 of this appropriation shall be~~		
~~reduced contingent upon the enactment of~~		
~~legislation to reduce the required~~		
~~appropriation for the support of the~~		
~~Distinguished Scholar Program, provided~~		
~~that it is the intent of the General~~		
~~Assembly that scholarship funds~~		
~~committed by the State be fully funded in~~		
~~the budget. If sufficient funds are not~~		
~~available, the Department of Budget and~~		
~~Management shall alert the Maryland~~		
~~Higher Education Commission before~~		
~~scholarship funds are committed~~		
		4,111,000
R62I00.21 Jack F. Tolbert Memorial Student		
Grant Program		
General Fund Appropriation, ~~provided that~~		
~~\$200,000 of this appropriation shall be~~		
~~reduced contingent upon the enactment of~~		
~~legislation to repeal the program~~		
		200,000
R62I00.26 Janet L. Hoffman Loan Assistance		
Repayment Program		
General Fund Appropriation	1,492,895	
Special Fund Appropriation	400,000	1,892,895
Funds are appropriated in other agency		
budgets to pay for services provided by		
this program. Authorization is hereby		
granted to use these receipts as special		
funds for operating expenses in this		
program.		
R62I00.30 Private Donation Incentive Grants		
General Fund Appropriation		214,580
R62I00.33 Part-time Grant Program		
General Fund Appropriation		5,087,780

R62I00.36 Workforce Shortage Student Assistance Grants	
General Fund Appropriation	1,254,775
R62I00.37 Veterans of the Afghanistan and Iraq Conflicts Scholarships	
General Fund Appropriation	750,000
R62I00.38 Nurse Support Program II	
Special Fund Appropriation	13,875,185
R62I00.39 Health Personnel Shortage Incentive Grant Program	
Special Fund Appropriation	400,000

SUMMARY

Total General Fund Appropriation	410,168,019
Total Special Fund Appropriation	15,047,223
Total Federal Fund Appropriation	4,723,779
Total Appropriation	429,939,021

HIGHER EDUCATION

R75T00.01 Support for State Operated Institutions of Higher Education

The following amounts constitute the General Fund appropriation for the State operated institutions of higher education. The State Comptroller is hereby authorized to transfer these amounts to the accounts of the programs indicated below in four equal allotments; said allotments to be made on July 1 and October 1 of 2010 and January 1 and April 1 of 2011. Neither this appropriation nor the amounts herein enumerated constitute a lump sum appropriation as contemplated by Sections 7-207 and 7-233 of the State Finance and Procurement Article of the Code.

Program	Title
R30B21 University	of Maryland,

Baltimore	181,672,253
R30B22 University of Maryland, College Park.....	411,294,400
R30B23 Bowie State University ..	35,366,774
R30B24 Towson University	91,406,019
R30B25 University of Maryland Eastern Shore	32,396,131
R30B26 Frostburg State University	33,440,859
R30B27 Coppin State University	38,169,580
R30B28 University of Baltimore ..	30,767,793
R30B29 Salisbury University	39,818,032
R30B30 University of Maryland University College	31,782,150
R30B31 University of Maryland Baltimore County	90,885,263
R30B34 University of Maryland Center for Environmental Science.....	17,949,266
R30B36 University System of Maryland Office	39,183,956
Subtotal University System of Maryland.....	1,074,132,476
R95C00 Baltimore City Community College	40,828,695
R14D00 St. Mary's College of Maryland.....	17,517,752
R13M00 Morgan State University	74,056,581

General Fund Appropriation, provided that this appropriation shall be reduced by \$42,130,020 contingent upon the enactment of legislation reauthorizing the Higher Education Investment Fund. Authorization is hereby provided to process a Special Fund budget amendment of \$42,130,020 to replace the aforementioned General Fund amount.

~~Further provided that \$250,000 \$500,000 of this appropriation may not be expended until the University of Maryland, Baltimore School of Law submits a report~~

~~containing complete information, to the extent possible, from each law school clinic the Environmental Law Clinic listing and describing each legal case in the past five two years in which they participated in a court action, including the client represented, complete delineation of the non-privileged expenditures for each case, and the source of funds for each expenditure. The report shall be submitted to the budget committees by August 1, 2010, and the budget committees shall have 45 days for review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.~~

~~Further provided that \$250,000 of this appropriation may not be expended until the University System of Maryland submits a report on law school clinics operated out of public higher education institutions in other states. The report shall describe the criteria used to select the legal cases handled by law school clinics and funding sources of the programs. The report shall be submitted to the budget committees by August 1, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.~~

Further provided that \$250,000 of this appropriation may not be expended until St. Mary's College of Maryland submits a report updating the budget committees on progress toward addressing findings raised by the Office of Legislative Audits in the February 2010 audit. The report shall

include changes made to the college's internal controls and how the Board of Trustees may be more proactive in responding to audit findings. The report shall be submitted to the budget committees by September 1, 2010, and the budget committees shall have 45 days for review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that \$250,000 of this appropriation may not be expended until the University of Maryland, Baltimore submits a report updating the budget committees on progress toward addressing findings raised by the Office of Legislative Audits in the February 2010 audit. The report shall include updated policies regarding the kinds of special compensation payments made to faculty and the justifications for making such payments. The report shall be submitted to the budget committees by September 1, 2010, and the budget committees shall have 45 days for review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that \$250,000 of this appropriation for the University System of Maryland Office may not be expended until the University System of Maryland Board of Regents submits a report updating the budget committees on how it is working to improve the system's response to audit findings reported by the Office of Legislative Audits. The report shall include how the system and Board of Regents may be more proactive when

<u>receiving preliminary findings from the Office of Legislative Audits and how the information may be shared among the Board of Regents, Chancellor, and constituent institutions of the University System of Maryland. The report shall be submitted to the budget committees by September 1, 2010, and the budget committees shall have 45 days for review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees</u>	1,206,535,504	
Special Fund Appropriation, provided that \$7,153,002 of this appropriation shall be used by the University of Maryland, College Park (R30B22) for no other purpose than to support MFRI as provided in Section 13-955 of the Transportation Article	7,153,002	1,213,688,506

BALTIMORE CITY COMMUNITY COLLEGE

R95C00.00 Baltimore City Community College		
Current Unrestricted Appropriation	67,234,687	
Current Restricted Appropriation	25,444,700	92,679,387

MARYLAND SCHOOL FOR THE DEAF

FREDERICK CAMPUS

R99E01.00 Services and Institutional Operations		
General Fund Appropriation, provided that this appropriation shall be reduced by ~~\$500,000~~ \$1,000,000 contingent upon the enactment of legislation to transfer funds from the Universal Services Trust Fund to the Maryland School for the Deaf	18,325,313	
Special Fund Appropriation	125,911	
Federal Fund Appropriation	478,012	18,929,236

Funds are appropriated in other agency

budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COLUMBIA CAMPUS

R99E02.00 Services and Institutional Operations

General Fund Appropriation, provided that this appropriation shall be reduced by ~~\$500,000~~ \$1,000,000 contingent upon the enactment of legislation to transfer funds from the Universal Services Trust Fund to the Maryland School for the Deaf

~~8,886,809~~

8,885,708

Special Fund Appropriation

101,964

Federal Fund Appropriation

495,580

~~9,484,353~~

9,483,252

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

It is the intent of the General Assembly that the General Bond Reserve Fund Indenture maintain an ending fund balance of at least \$32,000,000 by the close of fiscal 2012, \$34,000,000 by the close of fiscal 2014, and no less than \$35,000,000 in subsequent years; provided, however, that any increases or decreases be consistent with the obligations of the Community Development Administration (CDA) to its bondholders and other parties, as determined at the sole discretion of CDA.

OFFICE OF THE SECRETARY

S00A20.01 Office of the Secretary		
Special Fund Appropriation	2,280,576	
Federal Fund Appropriation	1,061,800	3,342,376
S00A20.02 Maryland Affordable Housing Trust		
Special Fund Appropriation		3,000,000
S00A20.03 Office of Management Services		
Special Fund Appropriation	2,019,088	
Federal Fund Appropriation	1,086,481	3,105,569

SUMMARY

Total Special Fund Appropriation		7,299,664
Total Federal Fund Appropriation		2,148,281
Total Appropriation		9,447,945

DIVISION OF CREDIT ASSURANCE

S00A22.01 Maryland Housing Fund		
Special Fund Appropriation		642,348
S00A22.02 Asset Management		
Special Fund Appropriation	1,261,455	
Federal Fund Appropriation	3,025,193	4,286,648

S00A22.03 Maryland Building Codes

Special Fund Appropriation		711,337

SUMMARY

Total Special Fund Appropriation		2,615,140
Total Federal Fund Appropriation		3,025,193

Total Appropriation		5,640,333

DIVISION OF NEIGHBORHOOD REVITALIZATION

S00A24.01 Neighborhood Revitalization

General Fund Appropriation	240,000	
Special Fund Appropriation	2,863,547	
Federal Fund Appropriation	12,995,951	16,099,498

S00A24.02 Neighborhood Revitalization – Capital
Appropriation

Federal Fund Appropriation		10,000,000

SUMMARY

Total General Fund Appropriation	240,000	
Total Special Fund Appropriation	2,863,547	
Total Federal Fund Appropriation	22,995,951	

Total Appropriation		26,099,498

DIVISION OF DEVELOPMENT FINANCE

S00A25.01 Administration

Special Fund Appropriation	2,369,343	
Federal Fund Appropriation	237,390	2,606,733

S00A25.02 Housing Development Program

Special Fund Appropriation	3,564,186	
Federal Fund Appropriation	552,340	4,116,526

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.03 Homeownership Programs

Special Fund Appropriation	2,996,867	
Federal Fund Appropriation	45,541	3,042,408

S00A25.04 Special Loan Programs

Special Fund Appropriation	1,612,960	
Federal Fund Appropriation	5,738,223	7,351,183

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.05 Rental Services Programs

General Fund Appropriation	1,700,000	
Special Fund Appropriation	85,000	
Federal Fund Appropriation	202,049,158	203,834,158

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.07 Rental Housing Programs – Capital Appropriation

Special Fund Appropriation	21,500,000	
Federal Fund Appropriation	5,200,000	26,700,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.09 Special Loan Programs – Capital
Appropriation

Federal Fund Appropriation	2,700,000

SUMMARY

Total General Fund Appropriation	1,700,000
Total Special Fund Appropriation	32,128,356
Total Federal Fund Appropriation	216,522,652

Total Appropriation	250,351,008

DIVISION OF INFORMATION TECHNOLOGY

S00A26.01 Information Technology

Special Fund Appropriation	1,190,270	
Federal Fund Appropriation	1,470,140	2,660,410

S00A26.02 Major Information Technology
Development Projects

Special Fund Appropriation	75,000

SUMMARY

Total Special Fund Appropriation	1,265,270
Total Federal Fund Appropriation	1,470,140

Total Appropriation	2,735,410

DIVISION OF FINANCE AND ADMINISTRATION

S00A27.01 Finance and Administration

Special Fund Appropriation	4,472,332	
Federal Fund Appropriation	1,438,767	5,911,099

MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION

S50B01.01 General Administration

General Fund Appropriation

2,000,000

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

OFFICE OF THE SECRETARY

T00A00.01 Secretariat Services

General Fund Appropriation	1,327,121	
Special Fund Appropriation	237,102	
Federal Fund Appropriation	60,644	1,624,867

T00A00.03 Office of the Assistant Attorney General

General Fund Appropriation	92,073	
Special Fund Appropriation	1,371,453	
Federal Fund Appropriation	6,458	1,469,984

T00A00.05 Maryland Biotechnology Center

General Fund Appropriation	1,059,885	
Special Fund Appropriation	2,781,658	3,841,543

T00A00.07 Office of Economic Policy and Legislative Affairs

General Fund Appropriation	500,026	
Special Fund Appropriation	106,328	
Federal Fund Appropriation	12,553	618,907

T00A00.08 Office of Administration and Technology

General Fund Appropriation	3,651,462	
Special Fund Appropriation	760,113	
Federal Fund Appropriation	198,563	4,610,138

SUMMARY

Total General Fund Appropriation	6,630,567	
Total Special Fund Appropriation	5,256,654	
Total Federal Fund Appropriation	278,218	

Total Appropriation	12,165,439	

DIVISION OF MARKETING AND COMMUNICATIONS

T00E00.01 Division of Marketing and Communications		
General Fund Appropriation	2,611,932	
Special Fund Appropriation	675,596	3,287,528

DIVISION OF BUSINESS AND ENTERPRISE DEVELOPMENT

T00F00.01 Assistant Secretary Business and Enterprise Development		
General Fund Appropriation	857,177	
Special Fund Appropriation	42,052	899,229
T00F00.02 Office of International Trade and Investment		
General Fund Appropriation	1,831,483	
Special Fund Appropriation	76,957	1,908,440
T00F00.03 Maryland Small Business Development Financing Authority		
Special Fund Appropriation		1,601,404
T00F00.04 Office of Business Development		
General Fund Appropriation		2,407,889
T00F00.05 Office of Business Services		
General Fund Appropriation	1,990,126	
Special Fund Appropriation	693,601	2,683,727
T00F00.07 Partnership for Workforce Quality		
Special Fund Appropriation		250,000
T00F00.08 Financing Programs Operations		
Special Fund Appropriation		3,773,908
T00F00.09 Maryland Small Business Development Financing Authority – Business Assistance		
General Fund Appropriation	~~2,882,222~~	
	<u>2,500,000</u>	
Special Fund Appropriation	14,523,528	~~17,405,750~~
		<u>17,023,528</u>

T00F00.12 Maryland Biotechnology Investment Tax Credit Reserve Fund General Fund Appropriation		6,000,000
T00F00.13 Office of Military Affairs and Base Realignment General Fund Appropriation	661,346	
Special Fund Appropriation	97,615	
Federal Fund Appropriation	858,435	1,617,396
T00F00.17 Maryland Enterprise Investment Fund and Challenge Programs Special Fund Appropriation		1,400,000
T00F00.18 Military Reservists and Service-Related No-Interest Loan Program General Fund Appropriation		300,000
T00F00.23 Maryland Economic Development Assistance Authority Fund Special Fund Appropriation		12,000,000
SUMMARY		
Total General Fund Appropriation		16,548,021
Total Special Fund Appropriation		34,459,065
Total Federal Fund Appropriation		858,435
Total Appropriation		51,865,521

DIVISION OF TOURISM, FILM AND THE ARTS

T00G00.01 Assistant Secretary and Administration General Fund Appropriation		960,160

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

T00G00.02 Office of Tourism Development

General Fund Appropriation

3,676,981

T00G00.03 Maryland Tourism Board

General Fund Appropriation, provided that~~\$300,000 \$420,000 \$250,000 \$300,000~~ ofthis appropriation made for the purpose ofstatewide marketing initiatives may notbe expended for that purpose but insteadmay be transferred by budget amendmentto T00G00.02 Office of TourismDevelopment to be used to prevent theclosure of the welcome centers located onUS-13, Crain Memorial Highway, andI-70 East and West; and to reopen theMason Dixon welcome center onUS-15 *and the Youghiogheny Overlook**welcome center on Interstate 68.**Further provided that these funds are**contingent on the execution of**Memoranda of Understanding (MOU)**between the Department of Business**and Economic Development and the**county governments which contain the**aforementioned welcome centers. The**MOUs shall provide for an equal cost**sharing arrangement between the**State and county of all welcome center**operating expenses. The State shall**only contribute \$50,000 towards the**costs of operation of each welcome**center, the Bay Country welcome center**on US-301, and the Youghiogheny**Overlook welcome center on Interstate 68.*Funds not expended for this restrictedpurpose may not be transferred by budgetamendment or otherwise for any otherpurpose and shall revert to the GeneralFund~~5,000,000~~~~4,000,000~~5,000,000

Special Fund Appropriation

300,000

~~5,300,000~~4,300,0005,300,000

T00G00.05 Maryland State Arts Council

General Fund Appropriation, provided that this appropriation shall be reduced by \$247,566 contingent upon the enactment of legislation reducing the mandated amount of funds for the Maryland State Arts Council			13,546,000	
Special Fund Appropriation			300,000	
Federal Fund Appropriation			800,411	14,646,411

T00G00.06 Film Production Rebate Program	
General Fund Appropriation	1,000,000

T00G00.08 Preservation of Cultural Arts Program	
Special Fund Appropriation, <u>provided that</u> <u>this appropriation shall be reduced by</u> <u>\$500,000 contingent on the enactment of</u> <u>SB 141 or HB 151 which creates a special</u> <u>fund to provide local impact grants to</u> <u>jurisdictions with electronic bingo and tip</u> <u>jar machines</u>	1,000,000

SUMMARY

Total General Fund Appropriation	24,183,141
Total Special Fund Appropriation	1,600,000
Total Federal Fund Appropriation	800,411
Total Appropriation	26,583,552

MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

T50T01.01 Technology Development, Transfer and Commercialization	
General Fund Appropriation, <u>provided that it</u> <u>is the intent of the General Assembly that</u> <u>eligibility for funds awarded under the</u> <u>Maryland Industrial Partnership Program</u> <u>be expanded to include all State public</u> <u>four-year institutions</u>	3,458,192

T50T01.03 Maryland Stem Cell Research Fund	
General Fund Appropriation, <u>provided that</u> <u>\$2,000,000 of this appropriation made</u> <u>for the purpose of providing grants</u>	

under the Maryland Stem Cell Research Fund may not be expended for that purpose but instead may only be transferred by budget amendment to T00F00.12 Maryland Biotechnology Investment Tax Credit Reserve Fund in the Department of Business and Economic Development to be used to fund tax credits. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise for any other purpose and shall revert to the General Fund

~~12,400,000~~
~~6,200,000~~
12,400,000

SUMMARY

Total General Fund Appropriation 15,858,192

DEPARTMENT OF THE ENVIRONMENT

OFFICE OF THE SECRETARY

U00A01.01 Office of the Secretary

General Fund Appropriation	1,136,127	
Special Fund Appropriation	683,289	
Federal Fund Appropriation	502,493	2,321,909

U00A01.03 Capital Appropriation – Water Quality

Revolving Loan Fund

Special Fund Appropriation	90,208,000	
Federal Fund Appropriation	16,500,000	106,708,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.04 Capital Appropriation – Hazardous Substance Clean-Up Program

General Fund Appropriation		800,000

U00A01.05 Capital Appropriation – Drinking Water Revolving Loan Fund

Special Fund Appropriation	6,075,000	
Federal Fund Appropriation	8,183,000	14,258,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.12 Capital Appropriation – Bay Restoration Fund – Septic Systems

Special Fund Appropriation		9,000,000

U00A01.13 Chesapeake – Coastal – Non-Point Source Fund

Special Fund Appropriation		~~1,880,000~~

SUMMARY

Total General Fund Appropriation	1,936,127
Total Special Fund Appropriation	105,966,289
Total Federal Fund Appropriation	25,185,493
Total Appropriation	133,087,909

ADMINISTRATIVE SERVICES ADMINISTRATION

U00A02.02 Administrative Services Administration		
General Fund Appropriation	4,990,147	
Special Fund Appropriation	1,848,269	
Federal Fund Appropriation	995,812	7,834,228

WATER MANAGEMENT ADMINISTRATION

U00A04.01 Water Management Administration		
General Fund Appropriation	~~13,422,755~~	
	<u>12,422,755</u>	
	<u>12,922,755</u>	
Special Fund Appropriation	8,699,827	
Federal Fund Appropriation	6,113,612	~~28,236,194~~
		<u>27,236,194</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SCIENCE SERVICES ADMINISTRATION

U00A05.01 Science Services Administration		
General Fund Appropriation	~~5,939,005~~	
	<u>5,439,005</u>	
Special Fund Appropriation	1,179,564	
Federal Fund Appropriation	5,748,230	~~12,866,799~~

12,366,799

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

LAND MANAGEMENT ADMINISTRATION

U00A06.01 Land Management Administration

General Fund Appropriation	3,217,130	
Special Fund Appropriation	17,909,628	
Federal Fund Appropriation	10,551,931	31,678,689

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

AIR AND RADIATION MANAGEMENT ADMINISTRATION

U00A07.01 Air and Radiation Management Administration

General Fund Appropriation	1,364,451	
Special Fund Appropriation	11,717,419	
Federal Fund Appropriation	4,021,027	17,102,897

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COORDINATING OFFICES

U00A10.01 Coordinating Offices

General Fund Appropriation	4,023,904	
Special Fund Appropriation	~~8,629,765~~	
	<u>7,279,765</u>	

Federal Fund Appropriation	2,980,763	~~15,634,432~~
		<u>14,284,432</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A10.02 Major Information Technology Development Projects	
Special Fund Appropriation	750,000

U00A10.03 Bay Restoration Fund Debt Service	
Special Fund Appropriation	19,616,000

SUMMARY

Total General Fund Appropriation	4,023,904
Total Special Fund Appropriation	27,645,765
Total Federal Fund Appropriation	2,980,763

Total Appropriation	34,650,432

DEPARTMENT OF JUVENILE SERVICES

Provided that \$250,000 of the General Fund appropriation made for the purpose of providing contractual support may not be expended for that purpose but instead may only be used to reduce regular position turnover (Comptroller subobject 0189). These restricted funds may not be transferred by budget amendment or otherwise for any other purpose and shall revert to the General Fund if not used for this restricted purpose.

OFFICE OF THE SECRETARY

V00D01.01 Office of the Secretary		
General Fund Appropriation	1,348,450	
Special Fund Appropriation	6,000	1,354,450

DEPARTMENTAL SUPPORT

V00D02.01 Departmental Support		
General Fund Appropriation	25,630,145	
Special Fund Appropriation	45,000	
Federal Fund Appropriation	152,669	25,827,814

RESIDENTIAL AND COMMUNITY OPERATIONS

V00E01.01 Residential and Community Operations		
General Fund Appropriation	3,818,848	
Federal Fund Appropriation	2,828,585	6,647,433

BALTIMORE CITY REGION

V00G01.01 Baltimore City Region Administrative		
General Fund Appropriation		~~3,060,891~~
		<u>2,994,633</u>

V00G01.02 Baltimore City Region Community Operations		
General Fund Appropriation	~~40,510,666~~	

	~~30,886,858~~	
	<u>40,186,858</u>	
Federal Fund Appropriation	3,193,008	~~43,712,674~~
		<u>43,079,866</u>
		<u>43,379,866</u>
V00G01.03 Baltimore City Region State Operated Residential		
General Fund Appropriation	~~22,095,647~~	
	<u>21,897,647</u>	
	<u>22,095,647</u>	
Special Fund Appropriation	20,000	
Federal Fund Appropriation	259,551	~~22,375,198~~
		<u>22,177,198</u>
		<u>22,375,198</u>
SUMMARY		
Total General Fund Appropriation		65,277,138
Total Special Fund Appropriation		20,000
Total Federal Fund Appropriation		3,452,559
Total Appropriation		68,749,697

CENTRAL REGION

V00H01.01 Central Region Administrative		
General Fund Appropriation		~~1,332,096~~
		<u>1,265,491</u>
V00H01.02 Central Region Community Operations		
General Fund Appropriation	19,917,167	
Federal Fund Appropriation	1,615,450	21,532,617
V00H01.03 Central Region State Operated Residential		
General Fund Appropriation	14,108,734	
Special Fund Appropriation	5,000	
Federal Fund Appropriation	85,000	14,198,734

SUMMARY

Total General Fund Appropriation		35,291,392
Total Special Fund Appropriation		5,000
Total Federal Fund Appropriation		1,700,450
Total Appropriation		36,996,842

WESTERN REGION

V00I01.01 Western Region Administrative			
General Fund Appropriation			2,183,230
V00I01.02 Western Region Community Operations			
General Fund Appropriation	9,400,233		
Federal Fund Appropriation	1,138,113		10,538,346
V00I01.03 Western Region State Operated Residential			
General Fund Appropriation	26,558,246		
Special Fund Appropriation	53,000		
Federal Fund Appropriation	1,457,080		28,068,326

SUMMARY

Total General Fund Appropriation		38,141,709
Total Special Fund Appropriation		53,000
Total Federal Fund Appropriation		2,595,193
Total Appropriation		40,789,902

EASTERN SHORE REGION

V00J01.01 Eastern Shore Region Administrative			
General Fund Appropriation			1,071,726
V00J01.02 Eastern Shore Region Community Operations			
General Fund Appropriation	11,668,709		
Federal Fund Appropriation	1,511,768		13,180,477

V00J01.03 Eastern Shore Region State Operated

Residential

General Fund Appropriation	6,246,015	
Special Fund Appropriation	9,000	
Federal Fund Appropriation	60,000	6,315,015

SUMMARY

Total General Fund Appropriation	18,986,450
Total Special Fund Appropriation	9,000
Total Federal Fund Appropriation	1,571,768

Total Appropriation	20,567,218

SOUTHERN REGION

V00K01.01 Southern Region Administrative

General Fund Appropriation	517,947

V00K01.02 Southern Region Community
Operations

General Fund Appropriation	15,428,405	
Federal Fund Appropriation	1,614,965	17,043,370

V00K01.03 Southern Region State Operated

Residential

General Fund Appropriation	7,185,365	
Special Fund Appropriation	15,000	
Federal Fund Appropriation	45,000	7,245,365

SUMMARY

Total General Fund Appropriation	23,131,717
Total Special Fund Appropriation	15,000
Total Federal Fund Appropriation	1,659,965

Total Appropriation	24,806,682

METRO REGION

V00L01.01 Metro Region Administrative		
General Fund Appropriation		1,017,659
V00L01.02 Metro Region Community Operations		
General Fund Appropriation	23,370,784	
Federal Fund Appropriation	1,492,230	24,863,014

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

V00L01.03 Metro Region State Operated Residential		
General Fund Appropriation	24,493,566	
Special Fund Appropriation	50,000	
Federal Fund Appropriation	517,303	25,060,869

SUMMARY

Total General Fund Appropriation		48,882,009
Total Special Fund Appropriation		50,000
Total Federal Fund Appropriation		2,009,533
Total Appropriation		50,941,542

DEPARTMENT OF STATE POLICE

MARYLAND STATE POLICE

~~Provided that a reduction of \$44,284 is made for cell phone expenditures (Comptroller subobject 0306). This reduction shall be allocated among the divisions according to the following fund types:~~

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$24,309</u>
<u>Special</u>	<u>\$19,975</u>

~~Further provided~~ **Provided** that a reduction of \$179,340 is made for printing and duplication expenses (Comptroller subobject 0804). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$148,201</u>
<u>Special</u>	<u>\$ 31,139</u>

W00A01.01 Office of the Superintendent

General Fund Appropriation, provided that \$1,000,000 of this appropriation made for the purpose of providing police protection grants may not be expended until the Department of State Police (DSP) submits the Crime in Maryland, 2009 Uniform Crime Report (UCR) to the budget committees. The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that if DSP encounters difficulty in obtaining the necessary crime data on a timely basis from local jurisdictions who provide this data for inclusion in the UCR, DSP shall request that the Governor's Office of Crime Control and Prevention withhold a portion, totaling no more than 50%, of that jurisdiction's State Aid for Police Protection grant for fiscal 2011 until such time that the jurisdiction submits its crime data to DSP

14,816,764

W00A01.02 Field Operations Bureau

Provided that it is the intent of the General Assembly that for any special funds earned in excess of \$5,000,000 for speed monitoring revenues, the Department of State Police shall revert an equivalent dollar amount in general funds at the end of fiscal 2011.

General Fund Appropriation	79,651,613	
Special Fund Appropriation	~~81,779,579~~	
	<u>79,423,952</u>	
Federal Fund Appropriation	19,859,909	~~181,291,101~~
		<u>178,935,474</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

W00A01.03 Criminal Investigation Bureau

General Fund Appropriation	31,434,734	
Special Fund Appropriation	~~360,000~~	~~31,794,734~~
	<u>337,710</u>	<u>31,772,444</u>

W00A01.04 Support Services Bureau

General Fund Appropriation	45,514,881	
Special Fund Appropriation	250,000	
Federal Fund Appropriation	3,145,434	48,910,315

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

W00A01.08 Vehicle Theft Prevention Council
Special Fund Appropriation

1,992,441

W00A01.12 Major Information Technology
Development Projects

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	171,417,992
Total Special Fund Appropriation	82,004,103
Total Federal Fund Appropriation	23,005,343

Total Appropriation	276,427,438

FIRE PREVENTION COMMISSION AND FIRE MARSHAL

W00A02.01 Fire Prevention Services
General Fund Appropriation

7,597,644

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

PUBLIC DEBT

X00A00.01 Redemption and Interest on State

Bonds

Special Fund Appropriation 833,427,441

Federal Fund Appropriation 1,737,890 835,165,331

REVENUE DEBT – PROGRAM OPEN SPACE

X10B00.01 Program Open Space Bond Payments

Special Fund Appropriation 6,800,000

15,000,000

DEPARTMENT OF AGING

2010 Deficiency Appropriation

D26A07.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for community services.

Federal Fund Appropriation 3,327,815

MARYLAND STADIUM AUTHORITY

2010 Deficiency Appropriation

D28A03.55 Baltimore Convention Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the State portion of the Baltimore Convention Center operating deficit.

General Fund Appropriation 562,685

D28A03.58 Ocean City Convention Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the State portion of the Ocean City Convention Center operating deficit.

General Fund Appropriation 373,889

STATE BOARD OF ELECTIONS

2010 Deficiency Appropriation

D38I01.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for support of the online campaign finance database.

General Fund Appropriation 100,000

D38I01.02 Help America Vote Act

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for early voting implementation, campaign finance reporting system changes, and for continued use of the touch screen voting system in the 2010 election.

General Fund Appropriation 276,059

DEPARTMENT OF PLANNING

2010 Deficiency Appropriation

D40W01.07 Management Planning and Educational Outreach

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to cover salary costs due to the reductions approved by the Board of Public Works for the Maryland Historical Trust.

Federal Fund Appropriation 66,000

D40W01.07 Management Planning and Educational Outreach

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to cover the costs associated with the Historic Structures Report for the Patterson Center at Jefferson Patterson Park and Museum.

Federal Fund Appropriation 150,000

D40W01.07 Management Planning and Educational Outreach

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the State Historic Preservation Office staff and the Certified Local Government Grant program.

Federal Fund Appropriation	33,283
D40W01.07 Management Planning and Educational Outreach	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for consultations with the Maryland Indian community in order to determine the appropriate place of repose for the remains of prehistoric Native Americans.	
Federal Fund Appropriation	14,839
D40W01.07 Management Planning and Educational Outreach	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for historical research and electronic remote-sensing surveys on four sites where naval engagements occurred during the Revolutionary War and the War of 1812.	
Federal Fund Appropriation	64,906
D40W01.08 Museum Services	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the production of an online disaster management template for use by museums, archives and other collecting institutions in the State of Maryland.	
Federal Fund Appropriation	16,180
D40W01.09 Research Survey and Registration	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for completion of the Maryland Historical Trust Digital Library.	
Special Fund Appropriation	50,000
Federal Fund Appropriation	36,700

Total Appropriation	86,700

D40W01.10 Preservation Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the administration of the Heritage Structure Rehabilitation Tax Credit Program.

General Fund Appropriation	131,502
Special Fund Appropriation	60,000

Total Appropriation	191,502

**MARYLAND INSTITUTE FOR EMERGENCY
MEDICAL SERVICES SYSTEMS****2010 Deficiency Appropriation****D53T00.01 General Administration**

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for revenue-generating activities.

Special Fund Appropriation	60,000
Federal Fund Appropriation	30,000

Total Appropriation	90,000

MARYLAND INSURANCE ADMINISTRATION**2010 Deficiency Appropriation****D80Z01.01 Administration and Operations**

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for six contractual employees to investigate fraud and misappropriation of funds by title insurers.

Special Fund Appropriation	294,596

STATE DEPARTMENT OF ASSESSMENTS AND
TAXATION

2010 Deficiency Appropriation

E50C00.02 Real Property Valuation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for personnel costs carried forward from fiscal year 2009.

General Fund Appropriation	500,000

E50C00.06 Tax Credit Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the Homeowners' and Urban Enterprise Zone Tax Credits. A portion of this deficiency (\$4,990,336) supports costs incurred in fiscal year 2009.

General Fund Appropriation	12,790,336

DEPARTMENT OF NATURAL RESOURCES

2010 Deficiency Appropriation

WILDLIFE AND HERITAGE SERVICE

K00A03.01 Wildlife and Heritage Service

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide federal funds for programs aimed at controlling the spread of invasive species and protecting endangered species within Maryland.

Federal Fund Appropriation	550,000

MARYLAND PARK SERVICE

K00A04.01 Statewide Operations

To become available immediately upon passage of this

budget to supplement the appropriation for fiscal year 2010 to provide funds for the Knocks Folly Visitor Center and to continue work on trail signage at Elk Neck State Park.

Federal Fund Appropriation	52,873

K00A04.01 Statewide Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to execute the Forest Brigade Program.

Special Fund Appropriation	254,831

RESOURCE ASSESSMENT SERVICE

K00A12.06 Monitoring and Ecosystem Assessment

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to cover first quarter costs of the Phytoplankton Assessment Project.

Special Fund Appropriation	87,984

WATERSHED SERVICES

K00A14.02 Watershed Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to supplement the appropriation for non-point source reduction projects through the Chesapeake Bay 2010 Trust Fund.

Special Fund Appropriation	810,000

DEPARTMENT OF AGRICULTURE

2010 Deficiency Appropriation

OFFICE OF THE SECRETARY

L00A11.03 Central Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for electricity through higher federal fund indirect cost attainment.

Federal Fund Appropriation 55,000

OFFICE OF MARKETING, ANIMAL INDUSTRIES,
AND CONSUMER SERVICES

L00A12.03 Food Quality Assurance

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to perform in-store reviews and audits for the US Department of Agriculture.

Federal Fund Appropriation 190,000

L00A12.08 Maryland Horse Industry Board

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to reflect legislation from 2009 that increases the Board's fee structure. The appropriation will be used for regulatory activities.

Special Fund Appropriation 110,000

OFFICE OF RESOURCE CONSERVATION

L00A15.02 Program Planning and Development

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for improving dairy herd nutrition using urea nitrogen.

Federal Fund Appropriation 210,000

L00A15.03 Resource Conservation Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for implementing new activities related to nutrient trading to maintain

delivery of field services for farmers at soil conservation district offices.

Federal Fund Appropriation 452,000

L00A15.04 Resource Conservation Grants

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for implementing the cover crops program in accordance with the Budget Reconciliation and Financing Act of 2009.

Special Fund Appropriation 5,000,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

2010 Deficiency Appropriation

MENTAL HYGIENE ADMINISTRATION

M00L01.02 Community Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to expand community services in Maryland's Eastern Shore region.

General Fund Appropriation 1,137,834

MEDICAL CARE PROGRAMS ADMINISTRATION

M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to replace General Fund and Special Fund reductions approved by the Legislature and the Board of Public Works, and to offset a Special Fund revenue shortfall.

General Fund Appropriation, *provided that this reduction is contingent upon the enactment of HB 151 or SB 141 authorizing the use of surplus funds from the Senior Prescription Drug Assistance Program for this purpose*

~~47,328,224~~

	~~44,628,224~~
	~~44,878,224~~
	<u>45,328,224</u>
Special Fund Appropriation, provided that ~~\$2,000,000~~ \$5,000,000 of this appropriation is contingent upon the enactment of legislation authorizing the use of surplus funds from the Senior Prescription Drug Assistance Program for this purpose	39,371,776
Total Appropriation	~~86,700,000~~
	~~84,000,000~~
	~~84,250,000~~
	<u>84,700,000</u>
M00Q01.03 Medical Care Provider Reimbursements	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the calendar year 2010 managed care organization rate increase and for higher-than-expected Medicaid enrollment.	
General Fund Appropriation	~~102,671,776~~
	~~62,671,776~~
	<u>102,671,776</u>
Special Fund Appropriation	31,763,224
Federal Fund Appropriation	175,000,000
Federal Fund Appropriation, American Recovery and Reinvestment Act	40,565,000
Total Appropriation	~~350,000,000~~
	~~311,000,000~~
	<u>350,000,000</u>
M00Q01.06 Kidney Disease Treatment Services	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide surplus funds from the Senior Prescription Drug Assistance Program to support the cost of Kidney Disease Program benefits.	
General Fund Appropriation, provided that this appropriation reduction is contingent upon the enactment of legislation authorizing the use of surplus funds from the Senior Prescription Drug Assistance Program	-10,258,053

Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of legislation authorizing the use of surplus funds from the Senior Prescription Drug Assistance Program	10,500,000
Total Appropriation	241,947

DEPARTMENT OF HUMAN RESOURCES

2010 Deficiency Appropriation

OPERATIONS OFFICE

N00E01.01 Division of Budget, Finance and Personnel

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to pay the outstanding fiscal year 2009 rent for the Department Headquarters at Saratoga State Center.

General Fund Appropriation	555,360
Federal Fund Appropriation	868,640
Total Appropriation	1,424,000

N00E01.01 Division of Budget, Finance and Personnel

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the Department Headquarters at Saratoga State Center.

General Fund Appropriation	386,093
Federal Fund Appropriation	603,890
Total Appropriation	989,983

OFFICE OF TECHNOLOGY FOR HUMAN
SERVICESN00F00.02 Major Information Technology Development
Projects

To become available immediately upon passage of this budget to supplement the appropriation for fiscal

year 2010 to provide funds for the Child Support Enforcement System.

Special Fund Appropriation	2,318,161
Federal Fund Appropriation, American Recovery and Reinvestment Act	4,499,959
Total Appropriation	<u>6,818,120</u>

N00F00.04 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to award a consulting contract to assist with the development of a document imaging management system, which will be used by the Local Family Investment Administration and the Local Child Support Enforcement Administration.

Special Fund Appropriation	46,750
Federal Fund Appropriation, American Recovery and Reinvestment Act	503,250
Total Appropriation	<u>550,000</u>

LOCAL DEPARTMENT OPERATIONS

N00G00.02 Local Family Investment Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the Local Family Investment Administration to support 99 grant funded positions authorized at the November 18, 2009 Board of Public Works meeting.

Federal Fund Appropriation, American Recovery and Reinvestment Act	3,712,153

N00G00.06 Local Child Support Enforcement Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the Local Child Support Enforcement Administration to be used to fund local child support programs and related child

support activities.

Special Fund Appropriation	~~248,027~~
	<u>172,019</u>
Federal Fund Appropriation, American Recovery and Reinvestment Act	257,908
Total Appropriation	<u>~~505,935~~</u>
	<u><u>429,927</u></u>

N00G00.08 Assistance Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the Temporary Disability Assistance Program.

General Fund Appropriation, <u>provided that \$250,000 of this appropriation made for the purpose of providing assistance through the Temporary Disability Assistance Program, may not be expended for that purpose but instead may be transferred by budget amendment to program N00G00.04 Adult Services to be used only for respite care services. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund</u>	~~18,778,808~~
	<u>17,328,808</u>

N00G00.08 Assistance Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds needed in the Assistance Payments program to comply with federally required maintenance of effort (MOE) related to the Temporary Assistance to Needy Families (TANF) annual grant.

General Fund Appropriation	43,700,000
Federal Fund Appropriation	-43,700,000
Total Appropriation	<u><u>0</u></u>

N00G00.10 Work Opportunities

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the Weatherization Paid Internship/Apprentice partnership under MD RISE (Maryland Reaching Independence and Stability through Employment).

Federal Fund Appropriation, American Recovery and Reinvestment Act

1,000,000

CHILD SUPPORT ENFORCEMENT ADMINISTRATION

N00H00.08 Support Enforcement – State

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the Child Support Enforcement Administration to carry-out child support enforcement activities under Title IV–D of the Social Security Act and realign funds to conduct information technology projects.

Special Fund Appropriation
Federal Fund Appropriation, American Recovery and Reinvestment Act

–2,364,911

3,613,366

Total Appropriation

1,248,455

FAMILY INVESTMENT ADMINISTRATION

N00I00.04 Director's Office

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the Family Investment Administration to fund one grant funded position authorized at the November 18, 2009 Board of Public Works meeting. This position will monitor and randomly sample the verification of customer eligibility that has been previously approved by local departments of social services.

Federal Fund Appropriation, American Recovery and Reinvestment Act

43,177

N00I00.06 Office of Home Energy Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the Office of Home Energy Programs for energy assistance by bringing in Strategic Energy Investment Funds from the Regional Greenhouse Gas Initiative to replace previously appropriated general funds and from the Low Income Home Energy Assistance Program.

Special Fund Appropriation	24,132,000
Federal Fund Appropriation	39,945,033
Total Appropriation	<u>64,077,033</u>

DEPARTMENT OF LABOR, LICENSING, AND
REGULATION

2010 Deficiency Appropriation

OFFICE OF THE SECRETARY

P00A01.09 Governor's Workforce Investment Board

This deficiency appropriation is necessary to supplement the appropriation for fiscal year 2010 to provide funds to the Maryland Center for Construction Education and Innovation to promote construction industry career opportunities and increase the supply of qualified construction workers.

General Fund Appropriation	<u>225,000</u>

DIVISION OF FINANCIAL REGULATION

P00C01.02 Financial Regulation

This deficiency appropriation is necessary to supplement the appropriation for fiscal year 2010 to provide funds for salaries and benefits for financial examiners in the Mortgage Originator Program due to lower than anticipated Special Fund revenues from the Mortgage Originator Fund.

General Fund Appropriation	300,000

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

2010 Deficiency Appropriation

DIVISION OF CORRECTION HEADQUARTERS

Q00B01.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funding for staffing by reducing turnover expectancy throughout the department.

General Fund Appropriation	2,714,202

HAGERSTOWN REGION

Q00B04.01 Maryland Correctional Institution – Hagerstown

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funding for inmate medical care throughout the department.

General Fund Appropriation	4,288,113

EASTERN SHORE REGION

Q00B07.01 Eastern Correctional Institution

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funding for materials and supplies, including raw food, maintenance supplies, dietary supplies, janitorial supplies and inmate related supplies, throughout the department.

General Fund Appropriation	5,317,000

DIVISION OF PAROLE AND PROBATION

Q00C02.02 Field Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funding for staffing by reducing turnover expectancy.

General Fund Appropriation	2,000,000

Q00C02.02 Field Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to transfer State Fiscal Stabilization Funds for the Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges to the Department of Public Safety and Correctional Services and replace this funding with general funds.

General Fund Appropriation	-3,969,128

Federal Fund Appropriation	3,969,128

Total Appropriation	0

PATUXENT INSTITUTION

Q00D00.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funding for (1) staffing by reducing turnover expectancy; (2) inmate medical care; and (3) materials and supplies, including raw food, maintenance supplies, dietary supplies, janitorial supplies and inmate related supplies.

General Fund Appropriation	740,000

CRIMINAL INJURIES COMPENSATION BOARD

Q00K00.01 Administration and Awards

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to utilize available funds from the American Recovery and Reinvestment Act of 2009

to enhance State victim compensation payments to eligible crime victims.

Federal Fund Appropriation, American Recovery and Reinvestment Act

570,638

DIVISION OF PRETRIAL DETENTION AND SERVICES

Q00P00.01 Baltimore City Detention Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funding for inmate medical care within the division.

General Fund Appropriation

914,634

STATE DEPARTMENT OF EDUCATION

2010 Deficiency Appropriation

HEADQUARTERS

R00A01.01 Office of the State Superintendent

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to procure a consulting firm to facilitate the State's completion of the federal Race to the Top application under the American Recovery and Reinvestment Act of 2009.

General Fund Appropriation

~~200,000~~

~~0~~

125,000

R00A01.02 Division of Business Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the general operations of the Division of Business Services.

Special Fund Appropriation

41,802

Federal Fund Appropriation

347,430

Federal Fund Appropriation, American Recovery and

Reinvestment Act	47,033
Total Appropriation	436,265
R00A01.04 Division of Accountability and Assessment	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the Maryland school assessment program.	
General Fund Appropriation	10,669,436
R00A01.06 Major Information Technology Development Projects	
To become available immediately upon passage of this budget to decrease the appropriation for fiscal year 2010 in order to cover a funding shortfall in the Child Care Subsidy program in the Aid to Education budget. The reduction delays the implementation of the Enhanced Child Care Tracking System.	
Federal Fund Appropriation, American Recovery and Reinvestment Act	–3,500,000
R00A01.11 Division of Instruction	
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for online learning, the Language Assistance program, education technology, and to cover personnel related expenses for programs in which general funds were reduced as part of cost containment.	
Special Fund Appropriation	731,690
Federal Fund Appropriation	84,188
Federal Fund Appropriation, American Recovery and Reinvestment Act	379,301
Total Appropriation	1,195,179
R00A01.12 Division of Student, Family, and School Support	
To become available immediately upon passage of this	

budget to supplement the appropriation for fiscal year 2010 to provide funds to improve educational opportunities for low-income children and children at risk, after school programs, and school improvement initiatives.

Federal Fund Appropriation	1,072,831

R00A01.13 Division of Special Education/Early Intervention Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for special education early intervention services and the development of modified assessments for special education students.

Federal Fund Appropriation	1,331,305

R00A01.14 Division of Career and College Readiness

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for career and technical education programs.

Federal Fund Appropriation	440,304

R00A01.15 Juvenile Services Education Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for instructional services and supplies in the Juvenile Services Education program.

Federal Fund Appropriation	137,509

R00A01.20 Division of Rehabilitation Services – Headquarters

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for rehabilitation services for individuals with disabilities to include assistive technology, medical support services,

transportation services, and independent living services.

Federal Fund Appropriation	25,873
Federal Fund Appropriation, American Recovery and Reinvestment Act	524,737
Total Appropriation	<u>550,610</u>

R00A01.21 Division of Rehabilitation Services – Client Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for rehabilitation services for individuals with disabilities to include assessments, counseling, vocational and other training, job placement, medical services, assistive technology, and transportation services.

Federal Fund Appropriation	4,763,126
Federal Fund Appropriation, American Recovery and Reinvestment Act	1,851,771
Total Appropriation	<u>6,614,897</u>

R00A01.22 Division of Rehabilitation Services – Workforce and Technology Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for rehabilitation services for individuals with disabilities to include assessments, counseling, vocational and other training, job placement, medical services, assistive technology, and transportation services.

Federal Fund Appropriation, American Recovery and Reinvestment Act	175,225

R00A01.24 Division of Rehabilitation Services – Blindness and Vision Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for independent living skills training for older visually impaired

individuals.

Federal Fund Appropriation, American Recovery and Reinvestment Act	570,308

AID TO EDUCATION

R00A02.04 Children at Risk

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for after school programs and the SEED School of Maryland.

Special Fund Appropriation	268,204
Federal Fund Appropriation	4,708,201
Total Appropriation	4,976,405

R00A02.08 Assistance to State for Educating Students with Disabilities

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for infant and toddler early intervention services, pre-school services, and for special education.

Federal Fund Appropriation	20,999,947
Federal Fund Appropriation, American Recovery and Reinvestment Act	103,581,963
Total Appropriation	124,581,910

R00A02.53 School Technology

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to the local education agencies for education technology initiatives.

Federal Fund Appropriation, American Recovery and Reinvestment Act	3,836,533

R00A02.59 Child Care Subsidy Program

To become available immediately upon passage of this

budget to supplement the appropriation for fiscal year 2010 to cover a funding shortfall in the Child Care Subsidy program. Funds are available through the American Recovery and Reinvestment Act of 2009.

Federal Fund Appropriation, American Recovery and Reinvestment Act

8,500,405

MORGAN STATE UNIVERSITY

2010 Deficiency Appropriation

R13M00.00 Morgan State University

To become available immediately upon passage of this budget to transfer remaining Office of Civil Rights (OCR) Enhancement Funds from the Maryland Higher Education Commission budget for fiscal year 2010 to the State's four Historically Black Institutions.

Current Unrestricted Appropriation

605,991

BOWIE STATE UNIVERSITY

2010 Deficiency Appropriation

R30B23.00 Bowie State University

To become available immediately upon passage of this budget to transfer remaining OCR Enhancement Funds from the Maryland Higher Education Commission budget for fiscal year 2010 to the State's four Historically Black Institutions.

Current Unrestricted Appropriation

569,513

UNIVERSITY OF MARYLAND EASTERN SHORE

2010 Deficiency Appropriation

R30B25.00 University of Maryland Eastern Shore

To become available immediately upon passage of this budget to transfer remaining OCR Enhancement Funds from the Maryland Higher Education

Commission budget for fiscal year 2010 to the
State's four Historically Black Institutions.

Current Unrestricted Appropriation	865,729

COPPIN STATE UNIVERSITY

2010 Deficiency Appropriation

R30B27.00 Coppin State University

To become available immediately upon passage of this
budget to transfer remaining OCR Enhancement
Funds from the Maryland Higher Education
Commission budget for fiscal year 2010 to the
State's four Historically Black Institutions.

Current Unrestricted Appropriation	408,767

MARYLAND HIGHER EDUCATION COMMISSION

2010 Deficiency Appropriation

R62I00.05 The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges

To become available immediately upon passage of this
budget to supplement the appropriation for fiscal
year 2010 to transfer State Fiscal Stabilization
Funds for the Senator John A. Cade Funding
Formula for the Distribution of Funds to
Community Colleges to the Department of Public
Safety and Correctional Services and replace this
funding with general funds.

General Fund Appropriation	3,969,128

Federal Fund Appropriation	-3,969,128

Total Appropriation	0

R62I00.07 Educational Grants

To become available immediately upon passage of this
budget to transfer remaining Office of Civil Rights
Enhancement Funds from the Maryland Higher
Education Commission budget for fiscal year 2010
to the State's four Historically Black Institutions.

General Fund Appropriation	–2,450,000

R62I00.10 Educational Excellence Awards

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 so that general funds may be transferred to the Public Assistance Payments program to comply with required maintenance of effort (MOE) related to the Temporary Assistance to Needy Families (TANF) contingency grant.

General Fund Appropriation	–43,700,000

Federal Fund Appropriation	43,700,000

Total Appropriation	0

HIGHER EDUCATION

2010 Deficiency Appropriation

R75T00.01 Support for State–Operated Institutions of Higher Education

To become available immediately upon passage of this budget to transfer remaining OCR Enhancement Funds from the Maryland Higher Education Commission budget for fiscal year 2010 to the State’s four Historically Black Institutions.

General Fund Appropriation	2,450,000

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

2010 Deficiency Appropriation

S00A24.01 Neighborhood Revitalization

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for housing counseling grants in Montgomery County.

Special Fund Appropriation	240,000

DEPARTMENT OF BUSINESS AND ECONOMIC
DEVELOPMENT

2010 Deficiency Appropriation

OFFICE OF THE SECRETARY

T00A00.01 Secretariat Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the performance of work funded by a federal grant from the Department of Defense's Office of Economic Adjustment for the purpose of planning for the changes necessitated by the Base Realignment and Closure process.

Federal Fund Appropriation	21,800

T00A00.08 Office of Administration and Technology

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the performance of work funded by a federal grant from the Department of Defense's Office of Economic Adjustment for the purpose of planning for the changes necessitated by the Base Realignment and Closure process.

Federal Fund Appropriation	64,957

DIVISION OF BUSINESS AND ENTERPRISE
DEVELOPMENT

T00F00.13 Office of Military and Base Realignment

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for the performance of work funded by a federal grant from the Department of Defense's Office of Economic Adjustment for the purpose of planning for the changes necessitated by the Base Realignment and Closure process.

Federal Fund Appropriation	251,180

DEPARTMENT OF JUVENILE SERVICES

2010 Deficiency Appropriation

DEPARTMENTAL SUPPORT

V00D02.01 Departmental Support

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for overtime expenses.

General Fund Appropriation	2,316

BALTIMORE CITY REGION

V00G01.01 Baltimore City Region Administrative

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for overtime expenses.

General Fund Appropriation	99,494

V00G01.02 Baltimore City Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for residential per diems.

General Fund Appropriation	1,847,193

V00G01.02 Baltimore City Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for overtime expenses.

General Fund Appropriation	146,567

V00G01.03 Baltimore City Region State–Operated
Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for overtime expenses.

General Fund Appropriation 173,045

CENTRAL REGION

V00H01.02 Central Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for overtime expenses.

General Fund Appropriation 24,162

V00H01.02 Central Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for residential per diems.

General Fund Appropriation 601,228

V00H01.03 Central Region State–Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for overtime expenses.

General Fund Appropriation 223,673

WESTERN REGION

V00I01.02 Western Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for residential per diems.

General Fund Appropriation	394,556

EASTERN SHORE REGION

V00J01.02 Eastern Shore Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for residential per diems.

General Fund Appropriation	568,595

SOUTHERN REGION

V00K01.01 Southern Region Administrative

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for overtime expenses.

General Fund Appropriation	3,379

V00K01.02 Southern Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for overtime expenses.

General Fund Appropriation	5,093

V00K01.02 Southern Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for residential per diems.

General Fund Appropriation	719,891

V00K01.03 Southern Region State–Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for

overtime expenses.

General Fund Appropriation	34,655

METRO REGION

V00L01.01 Metro Region Administrative

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for overtime expenses.

General Fund Appropriation	2,549

V00L01.02 Metro Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for residential per diems.

General Fund Appropriation	925,573

V00L01.03 Metro Region State-Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide additional funds for overtime expenses.

General Fund Appropriation	285,067

PUBLIC DEBT

2010 Deficiency Appropriation

X00A00.01 Redemption and Interest on State Bonds

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds for debt service payments on the State's general obligation bonds funded by the Federal subsidy for Build America Bonds.

Federal Fund Appropriation	857,078

SECTION 2. AND BE IT FURTHER ENACTED, That in order to carry out the provisions of these appropriations the Secretary of Budget and Management is authorized:

(a) To allot all or any portion of the funds herein appropriated to the various departments, boards, commissions, officers, schools and institutions by monthly, quarterly or seasonal periods and by objects of expense and may place any funds appropriated but not allotted in contingency reserve available for subsequent allotment. Upon the Secretary's own initiative or upon the request of the head of any State agency, the Secretary may authorize a change in the amount of funds so allotted.

The Secretary shall, before the beginning of the fiscal year, file with the Comptroller of the Treasury a schedule of allotments, if any. The Comptroller shall not authorize any expenditure or obligation in excess of the allotment made and any expenditure so made shall be illegal.

(b) To allot all or any portion of funds coming into the hands of any department, board, commission, officer, school and institution of the State, from sources not estimated or calculated upon in the budget.

(c) To fix the number and classes of positions, including temporary and permanent positions, or person years of authorized employment for each agency, unit, or program thereof, not inconsistent with the Public General Laws in regard to classification of positions. The Secretary shall make such determination before the beginning of the fiscal year and shall base them on the positions or person years of employment authorized in the budget as amended by approved budgetary position actions. No payment for salaries or wages nor any request for or certification of personnel shall be made except in accordance with the Secretary's determinations. At any time during the fiscal year the Secretary may amend the number and classes of positions or person years of employment previously fixed by the Secretary; the Secretary may delegate all or part of this authority. The governing boards of public institutions of higher education shall have the authority to transfer positions between programs and campuses under each institutional board's jurisdiction without the approval of the Secretary, as provided in Section 15-105 of the Education Article.

(d) To prescribe procedures and forms for carrying out the above provisions.

SECTION 3. AND BE IT FURTHER ENACTED, That in accordance with Section 7-109 of the State Finance and Procurement Article of the Annotated Code of Maryland, it is the intention of the General Assembly to include herein a listing of nonclassified flat rate or per diem positions by unit of State government, job classification, the number in each job classification and the amount proposed for each classification. The Chief Judge of the Court of Appeals may make adjustments to positions contained in the Judicial portion of this section (including judges) that are impacted by changes in salary plans or by salary actions in the executive agencies.

JUDICIARY

Chief Judge, Court of Appeals	1	181,352
Judge, Court of Appeals (@ 162,352)	6	974,112
Chief Judge, Court of Special Appeals	1	152,552
Judge, Court of Special Appeals (@ 149,552)	12	1,794,624
Judge, Circuit Court (@ 140,352)	157	22,035,264
Chief Judge, District Court of Maryland	1	149,552
Judge, District Court (@ 127,252)	111	14,124,972
Judiciary Clerk of Court A (@ 98,500)	5	492,500
Judiciary Clerk of Court B (@ 96,750)	6	580,500
Judiciary Clerk of Court C (@ 95,600)	6	573,600
Judiciary Clerk of Court D (@ 92,600)	7	648,200

OFFICE OF THE PUBLIC DEFENDER

Public Defender	1	140,352

OFFICE OF THE ATTORNEY GENERAL

Attorney General	1	125,000

OFFICE OF THE STATE PROSECUTOR

State Prosecutor	1	140,352

PUBLIC SERVICE COMMISSION

Commissioner (@ 130,050)	4	520,200

WORKERS' COMPENSATION COMMISSION

Chairman	1	128,952
Commissioner (@ 127,252)	9	1,145,268

EXECUTIVE DEPARTMENT – GOVERNOR

Governor	1	150,000
Lieutenant Governor	1	125,000

SECRETARY OF STATE

Secretary of State	1	87,500

MARYLAND STATE BOARD OF CONTRACT APPEALS

Chairman	1	116,469

Member	1	105,048
Member	1	105,048

MARYLAND INSTITUTE FOR EMERGENCY
MEDICAL SERVICES SYSTEMS

EMS Executive Director	1	238,168

MARYLAND INSURANCE ADMINISTRATION

Associate Deputy Commissioner	1	122,970

OFFICE OF THE COMPTROLLER

Comptroller	1	125,000

STATE TREASURER'S OFFICE

Treasurer	1	125,000

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

Chief Investment Officer	1	239,700
State Retirement Administrator	1	132,600

MARYLAND DEPARTMENT OF TRANSPORTATION

State Highway Administration

State Highway Administrator	1	159,858

Maryland Port Administration

Executive Director	1	257,040
Deputy Executive Director, Development and Administration	1	151,541
Director, Operations	1	135,869
Director, Marketing	1	127,422
CFO and Treasurer (MIT)	1	117,883
Director, Maritime Commercial Management	1	115,723
Director, Engineering	1	116,840
Deputy Director, Marketing	1	107,100
Director, Planning and Environment	1	99,454
Director, Security	1	90,000
Deputy Director, Harbor Development	1	98,845
Manager, South America and Latin America Trade Development	1	90,162

Maryland Transit Administration

Maryland Transit Administrator	1	183,090
Senior Deputy Administrator, Transit Operations	1	122,400
Executive Director of Safety and Risk Management	1	129,957

Maryland Aviation Administration

Executive Director	1	261,557
Deputy Executive Director, Facilities Development and Engineering	1	134,514
Director, Construction Management	1	133,458
Deputy Executive Director, Airport Technologies and Community Affairs	1	122,898
Deputy Executive Director, Business Management and Administration	1	134,514
Director, Planning and Environmental Services	1	121,843
Director, Commercial Management	1	121,839
Director, Airport Marketing and Air Service Development	1	121,843
Director, Regional Aviation Assistance	1	83,649
Deputy Executive Director, Operations and Maintenance	1	142,800
Director, Office of Airport Design	1	105,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Maryland Parole Commission

Chairman	1	99,337
Member (@ 87,916)	9	791,244

PUBLIC EDUCATION

State Department of Education – Headquarters

State Superintendent of Schools	1	195,000

SECTION 4. AND BE IT FURTHER ENACTED, That if any person holding an office of profit within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, is appointed to or otherwise becomes the holder of a second office within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, then no compensation or other emolument, except expenses incurred in connection with attendance at hearings, meetings, field trips, and working sessions, shall be paid from any funds appropriated by this bill to that person for any services in connection with the second office.

SECTION 5. AND BE IT FURTHER ENACTED, That amounts received pursuant to Sections 2–201 and 7–217 of the State Finance and Procurement Article may be expended by approved budget amendment.

SECTION 6. AND BE IT FURTHER ENACTED, That funds appropriated by this bill may be transferred among programs in accordance with the procedure provided in Sections 7–205 through 7–212, inclusive, of the State Finance and Procurement Article.

SECTION 7. AND BE IT FURTHER ENACTED, That, except as otherwise provided, amounts received from sources estimated or calculated upon in the budget in excess of the estimates for any special or federal fund appropriations listed in this bill may be made available by approved budget amendment.

SECTION 8. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts for the operations of State office buildings and facilities to the budgets of the various agencies and departments occupying the buildings.

SECTION 9. AND BE IT FURTHER ENACTED, That \$7,003,000 is appropriated in the various agency budgets for tort claims (including motor vehicles) under the provisions of the State Government Article, Title 12, Subtitle 1, the Maryland Tort Claims Act (MTCA). These funds are to be transferred to the State Insurance Trust Fund; these funds, together with funds appropriated in prior budgets for tort claims but unexpended, are the only funds available to make payments under the provisions of the MTCA.

(A) Tort claims for incidents or occurrences occurring after October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$200,000 to a single claimant for injuries arising from a single incident or occurrence.

(B) Tort claims for incidents or occurrences occurring after July 1, 1996, and before October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$100,000 to a single claimant for injuries arising from a single incident or occurrence.

(C) Tort claims for incidents or occurrences resulting in death on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$75,000 to a single claimant. All other tort claims occurring on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

(D) Tort claims for incidents or occurrences occurring prior to July 1, 1994, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

SECTION 10. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts, budgeted to the various State agency programs and subprograms which comprise the indirect cost pools under the Statewide Indirect Cost Plan, from the State agencies providing such services to the State agencies receiving the services. It is further authorized that receipts by the State agencies providing such services from charges for the indirect services may be used as special funds for operating expenses of the indirect cost pools.

SECTION 11. AND BE IT FURTHER ENACTED, That certain funds appropriated to the various State agency programs and subprograms in Comptroller object 0882 (In-State Services – Computer Usage – ADC Only) shall be utilized to pay for services provided by the Comptroller of the Treasury, Data Processing Division, Computer Center Operations (E00A10.01) consistent with the reimbursement schedule provided for in the supporting budget documents. The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management. Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller object 0882 between State departments and agencies by approved budget amendment in fiscal year 2011.

SECTION 12. AND BE IT FURTHER ENACTED, That, pursuant to Section 8–102 of the State Personnel and Pensions Article, the salary schedule for the executive pay plan during fiscal year 2011 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Sections 8–108 and 8–109 of the State Personnel and Pensions Article. Notwithstanding the inclusion of salaries for positions which are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority. The salaries presented may be off by \$1 due to rounding.

Fiscal 2011
Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	74,608	99,478
ES 5	9905	80,160	106,940
ES 6	9906	86,161	115,000
ES 7	9907	92,640	123,708
ES 8	9908	99,637	133,112
ES 9	9909	107,196	143,270
ES 10	9910	115,356	154,235

ES 11	9911	124,175	166,082
ES 91	9991	142,800	239,700

Classification Title	Scale	FY 2011 Allowance

OFFICE OF THE PUBLIC DEFENDER

Deputy Public Defender	9909	130,229
Executive VI	9906	105,624

OFFICE OF THE ATTORNEY GENERAL

Deputy Attorney General	9909	143,270
Deputy Attorney General	9909	143,270
Senior Executive Associate Attorney General	9908	133,112
Senior Executive Associate Attorney General	9908	133,112
Senior Executive Associate Attorney General	9908	129,193

PUBLIC SERVICE COMMISSION

Chair	9991	150,000

OFFICE OF THE PEOPLE'S COUNSEL

People's Counsel	9906	102,563

SUBSEQUENT INJURY FUND

Executive Director	9906	115,000

UNINSURED EMPLOYERS' FUND

Executive Director	9906	115,000

EXECUTIVE DEPARTMENT – GOVERNOR

Executive Chief of Staff	9991	156,060
Executive Aide XI	9911	156,060
Executive Aide XI	9911	137,700
Executive Aide X	9910	150,858
Executive Aide X	9910	150,858
Executive Aide X	9910	143,707
Executive Aide IX	9909	131,691
Executive Aide IX	9909	130,050
Executive Aide IX	9909	127,500

Executive Aide VIII	9908	119,646
Executive Aide VIII	9908	99,637

DEPARTMENT OF DISABILITIES

Secretary	9909	122,038
Deputy Secretary	9906	95,365

MARYLAND ENERGY ADMINISTRATION

Executive Aide VIII	9908	130,050

EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS AND OFFICES

Executive Aide IX	9909	130,050
Executive Aide VIII	9908	130,000
Executive Aide VIII	9908	121,021

GOVERNOR'S OFFICE FOR CHILDREN

Executive Aide VIII	9908	115,000

INTERAGENCY COMMITTEE FOR SCHOOL CONSTRUCTION

Executive VII	9907	119,594

DEPARTMENT OF AGING

Secretary	9909	124,848
Deputy Secretary	9906	93,636

COMMISSION ON HUMAN RELATIONS

Executive Director	9906	110,699
Deputy Director	9904	96,845

STATE BOARD OF ELECTIONS

State Administrator of Elections	9906	109,372

DEPARTMENT OF PLANNING

Secretary	9909	124,848
Deputy Director	9906	115,000
Executive V	9905	103,080

MILITARY DEPARTMENT

Military Department Operations and Maintenance

The Adjutant General	9909	130,560
Executive VIII	9908	127,500
Executive VII	9907	120,054
Executive VII	9907	120,054

DEPARTMENT OF VETERANS AFFAIRS

Secretary	9905	101,490

STATE ARCHIVES

State Archivist	9907	123,051

INSURANCE ADMINISTRATION

Maryland Insurance Commissioner	9911	156,060
Maryland Deputy Insurance Commissioner	9907	123,708

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge	9907	118,000

COMPTROLLER OF MARYLAND

Office of the Comptroller

Chief Deputy Comptroller	9910	154,235
Executive Aide X	9910	154,235
Assistant State Comptroller V	9905	106,940
Assistant State Comptroller IV	9904	94,656

General Accounting Division

Assistant State Comptroller VII	9907	110,000

Bureau of Revenue Estimates

Assistant State Comptroller VII	9907	116,396

Revenue Administration Division

Assistant State Comptroller VII	9907	120,026

Compliance Division

Assistant State Comptroller VII	9907	122,066

Field Enforcement Division

Assistant State Comptroller VI	9906	102,115

Central Payroll Bureau

Assistant State Comptroller V	9905	106,940

Information Technology Division

Assistant State Comptroller VII	9907	122,586

STATE TREASURER'S OFFICE

Chief Deputy Treasurer	9908	127,762
Executive VI	9906	102,232
Executive V	9905	106,940
Executive V	9905	106,704
Executive V	9905	103,284
Executive V	9905	106,940

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

Director	9908	120,827
Deputy Director	9906	86,161
Executive V	9905	106,442
Executive IV	9904	91,009

STATE LOTTERY AGENCY

Director	9909	143,270
Executive VII	9907	112,680

DEPARTMENT OF BUDGET AND MANAGEMENT

Office of the Secretary

Secretary	9911	166,082
Deputy Secretary	9909	128,990

Office of Personnel Services and Benefits

Executive VIII	9908	117,416

Office of Budget Analysis

Executive VIII	9908	133,112

Office of Capital Budgeting

Executive VII	9907	111,394

DEPARTMENT OF INFORMATION TECHNOLOGY

Secretary	9911	166,082

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

Executive Director	9909	143,270

TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

Executive VII	9907	105,310

DEPARTMENT OF GENERAL SERVICES

Office of the Secretary

Secretary	9909	138,374
Executive VII	9907	92,640

Office of Facilities Operation and
Maintenance

Executive V	9905	93,551
Executive V	9905	80,160

Office of Procurement and Logistics

Executive V	9904	74,608

Office of Real Estate

Executive V	9905	93,551

Office of Facilities Planning, Design
and Construction

Executive V	9905	80,160

DEPARTMENT OF NATURAL RESOURCES

Office of the Secretary

Secretary	9910	148,778
Deputy Secretary	9908	133,112
Executive VI	9906	115,000
Executive VI	9906	115,000

Critical Area Commission

Chairman	9906	100,581

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Secretary	9909	130,050
Deputy Secretary	9907	92,640
Program Executive	9904	99,478

Office of Marketing, Animal Industries and Consumer Services

Executive V	9905	89,004

Office of Plant Industries and Pest Management

Executive V	9905	93,558

Office of Resource Conservation

Executive V	9905	98,536

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Office of the Secretary

Secretary	9911	166,082
Deputy Secretary	9908	128,071
Executive VII	9907	116,108
Executive V	9905	96,446

Regulatory Services

Executive VI	9906	100,581

Deputy Secretary for Public Health Services

Executive IX	9909	143,270
Executive VI	9906	115,000

Family Health Administration

Executive VII	9907	123,708

Office of the Chief Medical Examiner

Chief Medical Examiner Post Mortem	9991	227,660

Laboratories Administration

Executive VI	9906	115,000

Behavioral Health and Disabilities

Deputy Secretary	9909	143,270
Executive V	9905	100,089

Developmental Disabilities Administration

Executive VII	9907	120,870

Medical Care Programs Administration

Deputy Secretary	9909	143,270
Executive VI	9906	115,000
Executive VI	9906	115,000
Executive VI	9906	107,100

Health Regulatory Commissions

Executive Director, Maryland Health Care Access and Cost Commission	9908	133,112
Executive Director, Health Services Cost Review Commission	9908	133,112
Executive VIII	9908	105,060

DEPARTMENT OF HUMAN RESOURCES

Office of the Secretary

Secretary	9910	159,000
Deputy Secretary	9908	133,112

Deputy Secretary	9908	125,738

Social Services Administration

~~Executive VI~~	~~9906~~	~~102,000~~
Executive VI	9906	86,161

Child Support Enforcement Administration

Executive Director	9906	109,140

Family Investment Administration

Executive VI	9906	115,000

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Office of the Secretary

Secretary	9909	143,270
Deputy Secretary	9907	117,300

Division of Labor and Industry

Executive VI	9906	115,000

Division of Occupational and Professional Licensing

Executive VI	9906	100,581

Division of Workforce Development

Executive VI	9906	115,000

Division of Unemployment Insurance

Executive VI	9906	115,000

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

Office of the Secretary

Secretary	9911	166,082
Deputy Secretary	9908	133,112
Deputy Secretary	9908	99,637
Executive VII	9907	123,708

Executive VII	9907	121,020

Division of Correction – Headquarters

Commissioner	9907	115,194

Division of Parole and Probation

Director	9907	107,082

Division of Pretrial and Detention Services

Commissioner	9907	92,640

PUBLIC EDUCATION

State Department of Education – Headquarters

Deputy State Superintendent of Schools	9908	133,112
Deputy State Superintendent of Schools	9908	99,637
Assistant State Superintendent	9906	115,000
Assistant State Superintendent	9906	115,000
Assistant State Superintendent	9906	115,000
Assistant State Superintendent	9906	115,000
Assistant State Superintendent	9906	115,000
Assistant State Superintendent	9906	114,442
Assistant State Superintendent	9906	113,148
Assistant State Superintendent	9906	110,322
Assistant State Superintendent	9906	107,546

Maryland Higher Education Commission

Secretary	9910	154,194
Assistant Secretary	9907	108,175
Assistant Secretary	9907	92,640

Maryland School for the Deaf – Frederick Campus

Superintendent	9907	123,708

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Office of the Secretary

Secretary	9910	148,778
Deputy Secretary	9908	133,122

Division of Credit Assurance

Executive VI	9906	114,883

Division of Neighborhood Revitalization

Executive VI	9906	106,620

Division of Development Finance

Executive VI	9906	111,792

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

Office of the Secretary

Secretary	9911	155,000
Deputy Secretary	9909	130,466

Division of Marketing and Communications

Executive VI	9906	114,284

Division of Business and Enterprise Development

Executive VIII	9908	133,112

Division of Tourism, Film and the Arts

Executive VII	9907	114,444

DEPARTMENT OF THE ENVIRONMENT

Office of the Secretary

Secretary	9910	135,252
Deputy Secretary	9907	123,708
Executive VI	9906	86,161

Water Management Administration

Executive VI	9906	110,376

Land Management Administration

Executive VI	9906	114,167

Air and Radiation Management Administration

Executive VI	9906	112,481

DEPARTMENT OF JUVENILE SERVICES

Office of the Secretary

Secretary	9911	156,060

Departmental Support

Deputy Secretary	9908	131,715
Assistant Secretary	9905	106,940

Residential and Community Operations

Deputy Secretary	9908	121,912
Assistant Secretary	9905	84,662

DEPARTMENT OF STATE POLICE

Maryland State Police

Superintendent	9911	166,082
Deputy Secretary	9907	92,640
Executive VIII	9908	133,112

SECTION 13. AND BE IT FURTHER ENACTED, That pursuant to Section 2–103.4(h) of the Transportation Article of the Annotated Code of Maryland the salary schedule for the Department of Transportation executive pay plan during fiscal year 2011 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Section 2–103.4(h) of the Transportation Article. Notwithstanding the inclusion of salaries for positions which are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority. The salaries presented may be off by \$1 due to rounding.

Fiscal 2011
Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	74,608	99,478
ES 5	9905	80,160	106,940
ES 6	9906	86,161	115,000
ES 7	9907	92,640	123,708

ES 8	9908	99,637	133,112
ES 9	9909	107,196	143,270
ES 10	9910	115,356	154,235
ES 11	9911	124,175	166,082
ES 91	9991	142,800	239,700

DEPARTMENT OF TRANSPORTATION

The Secretary's Office

Secretary	9911	166,082
Deputy Secretary	9909	143,270

Motor Vehicle Administration

Motor Vehicle Administrator	9909	136,650

SECTION 14. AND BE IT FURTHER ENACTED, That if a person is placed by the Departments of Health and Mental Hygiene, Human Resources, or Juvenile Services or the State Department of Education in a facility or program that becomes eligible for Medical Assistance Program (Medicaid) participation, and the Medical Assistance Program makes payment for such services, general funds equal to the general funds paid by the Medical Assistance Program to such a facility or program may be transferred from the previously mentioned departments to the Medical Assistance Program. Further, should the facility or program become eligible subsequent to payment to the facility or program by any of the previously mentioned departments, and the Medical Assistance Program makes subsequent additional payments to the facility or program for the same services, any recoveries of overpayment, whether paid in this or prior fiscal years, shall become available to the Medical Assistance Program for provider reimbursement purposes.

SECTION 15. AND BE IT FURTHER ENACTED, That all funds appropriated to the various State departments and agencies in Comptroller Object 0831 (Office of Administrative Hearings) to conduct administrative hearings by the Office of Administrative Hearings are to be transferred to the Office of Administrative Hearings (D99A11.01) on July 1, 2010 and may not be expended for any other purpose.

SECTION 16. AND BE IT FURTHER ENACTED, That funds budgeted in the State Department of Education and the Departments of Health and Mental Hygiene, Human Resources, and Juvenile Services may be transferred by budget amendment to the Children's Cabinet Interagency Fund (RA04). Funds transferred would represent costs associated with local partnership agreements approved by the Children's Cabinet Interagency Fund.

SECTION 17. AND BE IT FURTHER ENACTED, That funds appropriated to the various State agency programs and subprograms in Comptroller Objects 0152 (Health Insurance), 0154 (Retirees Health Insurance Premiums), 0175 (Workers' Compensation), 0305 (DBM Paid Telecommunications) and 0322 (Capital Lease Telecommunications) are to be utilized for their intended purposes only. The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management. Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller Objects 0152, 0154, 0305, and 0322 between State departments and agencies by approved budget amendment in fiscal year 2010 and fiscal year 2011. All funds budgeted in or transferred to Comptroller Objects 0152 and 0154, and any funds restricted in this budget for use in the employee and retiree health insurance program that are unspent shall be credited to the fund as established in accordance with Section 2-516 of the State Personnel and Pensions Article of the Annotated Code of Maryland.

Further provided that each agency that receives funding in this budget in any of the restricted Comptroller Objects herein listed within this section shall establish within the State's accounting system a structure of accounts to separately identify for each restricted Comptroller Object by fund source, the legislative appropriation, monthly transactions, and final expenditures. It is the intent of the General Assembly that an accounting detail be established so that the Office of Legislative Audits may review the disposition of funds appropriated for each restricted Comptroller Object as part of each closeout audit to ensure that funds are used only for the purposes for which they are restricted and that unspent funds are reverted or cancelled.

SECTION 18. AND BE IT FURTHER ENACTED, That the funding for regular and contractual salaries shall be reduced by ~~\$76,728,873~~ \$108,113,494 to reflect furlough ***and temporary salary reduction*** savings in fiscal 2011. Funding for this purpose (Comptroller Objects 0101 and 0220) shall be reduced from the following branches of State government in Executive Branch agencies in fiscal 2011 by the following amounts ~~in accordance with a schedule determined by the Governor:~~

Executive

Fund	Amount
General Funds	43,041,095
General Funds – R75T00.01	15,275,721
Special Funds	18,353,595
Current Unrestricted Funds	15,275,721
<u>Federal Funds</u>	<u>9,970,500</u>

<u>Reimbursable Funds</u>	<u>1,225,838</u>

Judiciary

<u>Fund</u>	<u>Amount</u>
<u>General Funds</u>	<u>3,629,000</u>
<u>Special Funds</u>	<u>200,080</u>
<u>Federal Funds</u>	<u>47,143</u>

Legislative

<u>Fund</u>	<u>Amount</u>
<u>General Funds</u>	<u>1,094,800</u>

Further provided that special funds of not less than \$5,995,218 from furlough savings shall be transferred to the General Fund contingent on the enactment of legislation authorizing the transfer of these funds to the General Fund.

SECTION 19. AND BE IT FURTHER ENACTED, That funding for health insurance (Comptroller Object 0152) shall be reduced in Executive Branch agencies in fiscal 2011 by the following amounts in accordance with a schedule determined by the Governor:

Fund	Amount
General Funds	8,935,669
General Funds – R75T00.01	3,561,204
Special Funds	3,383,730
Federal Funds	2,405,885
Reimbursable Funds	236,808
Current Unrestricted Funds	5,265,701

SECTION 20. AND BE IT FURTHER ENACTED, That the funding for salaries shall be reduced by general funds of \$10,000,000 related to attrition and continued evaluation of vacant positions as part of the hiring freeze. Funding for this purpose (Comptroller Object 0101) shall be reduced within Executive Branch agencies in fiscal 2011 in accordance with a schedule determined by the Governor.

SECTION 21. AND BE IT FURTHER ENACTED, That the funding for the State Workers' Compensation assessment shall be reduced by \$5,000,000 to reflect the savings from changes in the State's settlement policy. Funding for this purpose (Comptroller Object 0175) shall be reduced in Executive Branch agencies in fiscal 2011 by the following amounts in accordance with a schedule determined by the Governor:

Fund	Amount
General Funds	3,245,030
Special Funds	1,489,123
Federal Funds	243,918
Reimbursable Funds	21,929

SECTION 22. AND BE IT FURTHER ENACTED, That the funding for overtime shall be reduced by \$3,000,000 to reflect overtime savings from the improved management of State accident leave with the assistance of the Injured Workers' Insurance Fund. Funding for this purpose (Comptroller Object 0101) shall be reduced in Executive Branch agencies in fiscal 2011 by the following amounts in accordance with a schedule determined by the Governor:

Fund	Amount
General Funds	1,378,533
Special Funds	1,274,620
Federal Funds	336,909
Reimbursable Funds	9,938

SECTION 23. AND BE IT FURTHER ENACTED, That the funding for the State Workers' Compensation assessment shall be reduced by \$500,000 to reflect the savings from reducing administrative costs associated with the Injured Workers' Insurance Fund. Funding for this purpose (Comptroller Object 0175) shall be reduced within Executive Branch agencies in fiscal 2011 in accordance with a schedule determined by the Governor:

Fund	Amount
General Funds	324,503
Special Funds	148,912
Federal Funds	24,392

Reimbursable Funds

2,193

SECTION 24. AND BE IT FURTHER ENACTED, That for fiscal 2011, the appropriations in Section 1 of this Act for Executive Branch agencies shall be reduced through the consolidation of administrative functions. This reduction may be allocated to any subobject of expenditure related to the consolidation savings. Funding shall be reduced by \$2,000,000 in general funds in accordance with a schedule determined by the Governor.

Further provided that the Department of Human Resources shall develop a plan by June 1, 2010 to consolidate local department administrative functions including procurement, budget, human resources and training. The plan shall include a schedule detailing the abolition of at least 15 local department administrative positions no later than October 1, 2010.

SECTION 25. AND BE IT FURTHER ENACTED, That all across-the-board reductions applied to the Executive Branch, unless otherwise stated, shall apply to current unrestricted and general funds in the University System of Maryland, St. Mary's College of Maryland, Morgan State University, and Baltimore City Community College.

SECTION 26. AND BE IT FURTHER ENACTED, That the Comptroller's General Accounting Division shall establish a subsidiary ledger control account to debit all State agency funds budgeted under subobject 0175 (workers' compensation coverage) and to credit all payments disbursed to the Injured Workers' Insurance Fund (IWIF) via transmittal. The control account shall also record all funds withdrawn from IWIF and returned to the State and subsequently transferred to the General Fund. IWIF shall submit monthly reports to the Department of Legislative Services concerning the status of the account.

SECTION 27. AND BE IT FURTHER ENACTED, That the Governor's budget books shall include a summary statement of federal revenues by major federal program sources supporting the federal appropriations made therein along with the major assumptions underpinning the federal fund estimates. The Department of Budget and Management (DBM) shall exercise due diligence in reporting this data and ensure that they are updated as appropriate to reflect ongoing congressional action on the federal budget. In addition, DBM shall provide to the Department of Legislative Services (DLS) data for actual fiscal 2010 spending, the fiscal 2011 working appropriation, and the fiscal 2012 allowance listing the components of each federal fund appropriation by Catalog of Federal Domestic Assistance number or equivalent detail for programs not in the catalog. Data shall be provided in an electronic format subject to the concurrence of DLS.

SECTION 28. AND BE IT FURTHER ENACTED, That in the expenditure of federal funds appropriated in this budget or subsequent to the enactment of this budget by the budget amendment process:

(1) State agencies shall administer these federal funds in a manner that recognizes that federal funds are taxpayer dollars that require prudent fiscal management, careful application to the purposes for which they are directed, and strict attention to budgetary and accounting procedures established for the administration of all public funds.

(2) For fiscal 2011, except with respect to capital appropriations, to the extent consistent with federal requirements:

(a) when expenditures or encumbrances may be charged to either State or Federal Fund sources, federal funds shall be charged before State funds are charged; this policy does not apply to the Department of Human Resources with respect to federal funds to be carried forward into future years for child welfare or welfare reform activities, or to the Department of Health and Mental Hygiene with respect to funds to be carried forward into future years for the purpose of reducing the waiting list for community services for individuals with developmental disabilities or with respect to funds to be carried forward into future years for HIV/AIDS-related activities, or to the Maryland State Department of Education with respect to funds to be carried forward into future years for child care;

(b) when additional federal funds are sought or otherwise become available in the course of the fiscal year, agencies shall consider, in consultation with the Department of Budget and Management, whether opportunities exist to use these federal revenues to support existing operations rather than to expand programs or establish new ones; and

(c) the Department of Budget and Management shall take appropriate actions to effectively establish these as policies of the State with respect to the administration of federal funds by executive agencies.

SECTION 29. AND BE IT FURTHER ENACTED, That the Department of Budget and Management (DBM) shall provide an annual report on indirect costs to the General Assembly in January 2011 as an appendix in the Governor's fiscal 2012 budget books. The report shall detail by agency for the actual fiscal 2010 budget the amount of statewide indirect cost recovery received, the amount of statewide indirect cost recovery transferred to the General Fund, and the amount of indirect cost recovery retained for use by each agency. In addition, it shall list the most recently available federally approved statewide and internal agency cost recovery rates. As part of the normal fiscal/compliance audit performed for each agency once every three years, the Office of Legislative Audits shall assess available information on the timeliness, completeness, and deposit history of indirect cost recoveries by State agencies. Further provided that for fiscal 2011, excluding the Maryland Department of Transportation, the amount of revenue received by each agency from any federal source for statewide cost recovery may only be transferred to the General Fund and may not be retained in any clearing account or by any other means, nor may DBM or

any other agency or entity approve exemptions to permit any agency to retain any portion of federal statewide cost recoveries.

SECTION 30. AND BE IT FURTHER ENACTED, That the Governor's budget books shall include a forecast of the impact of the Executive budget proposal on the long-term fiscal condition of the General Fund, Transportation Trust Fund, and higher education current unrestricted fund accounts. This forecast shall estimate aggregate revenues, expenditures, and fund balances in each account for the fiscal year last completed, the current year, the budget year, and four years thereafter. Expenditures shall be reported at such agency, program or unit levels, or categories as may be determined appropriate after consultation with the Department of Legislative Services. A statement of major assumptions underlying the forecast shall also be provided, including but not limited to general salary increases, inflation, and growth of caseloads in significant program areas.

SECTION 31. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that all State departments, agencies, bureaus, commissions, boards, and other organizational units included in the State budget, including the Judiciary, shall prepare and submit items for the fiscal 2012 budget detailed by Comptroller subobject classification in accordance with instructions promulgated by the Comptroller of the Treasury. The presentation of budget data in the State budget books shall include object, fund, and personnel data in the manner provided for in fiscal 2011 except as indicated elsewhere in this Act; however, this shall not preclude the placement of additional information into the budget books. For actual fiscal 2010 spending, the fiscal 2011 working appropriation, and the fiscal 2012 allowance, the budget detail shall be available from the Department of Budget and Management's (DBM) automated data system at the subobject level by subobject codes and classifications for all agencies. To the extent possible, except for public higher education institutions, subobject expenditures shall be designated by fund for actual fiscal 2010 spending, the fiscal 2011 working appropriation, and the fiscal 2012 allowance. The agencies shall exercise due diligence in reporting this data and ensuring correspondence between reported position and expenditure data for the actual, current, and budget fiscal years. This data shall be made available upon request and in a format subject to the concurrence of the Department of Legislative Services (DLS). Further, the expenditure of appropriations shall be reported and accounted for by the subobject classification in accordance with the instructions promulgated by the Comptroller of the Treasury.

Further provided that due diligence shall be taken to accurately report full-time equivalent position counts of contractual positions in the budget books. For the purpose of this count, contractual positions are defined as those individuals having an employee-employer relationship with the State. This count shall include those individuals in higher education institutions who meet this definition but are paid with additional assistance funds.

Further provided that DBM shall provide to DLS with the allowance for each department, unit, agency, office, and institution, a one-page organizational chart in

Microsoft Word or Adobe PDF format that depicts the allocation of personnel across operational and administrative activities of the entity.

SECTION 32. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that on or before August 1, 2010, each State agency and each public institution of higher education shall report to the Department of Budget and Management (DBM) any agreements in place for any part of fiscal 2010 between State agencies and any public institution of higher education involving potential expenditures in excess of \$100,000 over the term of the agreement. Further provided that DBM shall provide direction and guidance to all State agencies and public institutions of higher education as to the procedures and specific elements of data to be reported with respect to these interagency agreements, to include at a minimum:

(1) a common code for each interagency agreement that specifically identifies each agreement and the fiscal year in which the agreement began;

(2) the starting date for each agreement;

(3) the ending date for each agreement;

(4) a total potential expenditure, or not-to-exceed dollar amount, for the services to be rendered over the term of the agreement by any public institution of higher education to any State agency;

(5) a description of the nature of the goods and services to be provided;

(6) the total number of personnel, both full-time and part-time, associated with the agreement; and

(7) contact information for the agency and the public institution of higher education for the person(s) having direct oversight or knowledge of the agreement.

Further provided that DBM shall submit a consolidated report to the budget committees and the Department of Legislative Services by December 1, 2010, that contains information on all agreements between State agencies and any public institution of higher education involving potential expenditures in excess of \$100,000, that were in effect at any time during fiscal 2010.

SECTION 33. AND BE IT FURTHER ENACTED, That any budget amendment to increase the total amount of special, federal, or higher education (current restricted and current unrestricted) fund appropriations, or to make reimbursable fund transfers from the Governor's Office of Crime Control and Prevention or the Maryland Emergency Management Agency, made in Section 1 of this Act shall be subject to the following restrictions:

(1) This section shall not apply to budget amendments for the sole purpose of:

(a) appropriating funds available as a result of the award of federal disaster assistance;

(b) transferring funds from the State Reserve Fund – Economic Development Opportunities Fund for projects approved by the Legislative Policy Committee; and

(c) appropriating funds for Major Information Technology Development Project Fund projects approved by the budget committees.

(2) Budget amendments increasing total appropriations in any fund account by \$100,000 or more may not be approved by the Governor until (i) that amendment has been submitted to the Department of Legislative Services (DLS); and (ii) the budget committees or the Legislative Policy Committee have considered the amendment or 45 days have elapsed from the date of submission of the amendment. Each amendment submitted to DLS shall include a statement of the amount, sources of funds and purposes of the amendment, and a summary of impact on budgeted or contractual position and payroll requirements.

(3) Unless permitted by the budget bill or the accompanying supporting documentation or by other authorizing legislation, and notwithstanding the provisions of Section 3–216 of the Transportation Article, a budget amendment may not:

(a) restore funds for items or purposes specifically denied by the General Assembly;

(b) fund a capital project not authorized by the General Assembly provided, however, that subject to provisions of the Transportation Article, projects of the Maryland Department of Transportation shall be restricted as provided in Section 1 of this Act;

(c) increase the scope of a capital project by an amount 7.5% or more over the approved estimate or 5.0% or more over the net square footage of the approved project until the amendment has been submitted to DLS and the budget committees have considered and offered comment to the Governor or 45 days have elapsed from the date of submission of the amendment. This provision does not apply to the Maryland Department of Transportation; and

(d) provide for the additional appropriation of special, federal, or higher education funds of more than \$100,000 for the reclassification of a position or positions.

(4) A budget may not be amended to increase a Federal Fund appropriation by \$100,000 or more unless documentation evidencing the increase in funds is provided with the amendment and fund availability is certified by the Secretary of Budget and Management.

(5) No expenditure or contractual obligation of funds authorized by a proposed budget amendment may be made prior to approval of that amendment by the Governor.

(6) Notwithstanding the provisions of this section, any federal, special, or higher education fund appropriation may be increased by budget amendment upon a declaration by the Board of Public Works that the amendment is essential to maintaining public safety, health, or welfare, including protecting the environment or the economic welfare of the State.

(7) Further provided that the fiscal 2011 appropriation detail as shown in the Governor's budget books submitted to the General Assembly in January 2011 and the supporting electronic detail shall not include appropriations for budget amendments that have not been signed by the Governor, exclusive of the Maryland Department of Transportation pay-as-you-go capital program.

(8) Further provided that it is the policy of the State to recognize and appropriate additional special, higher education, and federal revenues in the budget bill as approved by the General Assembly. Further provided that for the fiscal 2012 allowance the Department of Budget and Management shall continue policies and procedures to minimize reliance on budget amendments for appropriations that could be included in a deficiency appropriation.

SECTION 34. AND BE IT FURTHER ENACTED, That:

(1) The Secretary of Health and Mental Hygiene shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2010 in program M00Q01.03 Medical Care Provider Reimbursements have been disbursed for services provided in that fiscal year and shall prepare and submit the periodic reports required under this section for that program.

(2) The State Superintendent of Schools shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2010 to program R00A02.07 Students With Disabilities for Non-public Placements have been disbursed for services provided in that fiscal year and to prepare periodic reports as required under this section for that program.

(3) The Secretary of Human Resources shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2010 in program N00G00.01 Foster Care Maintenance Payments have been disbursed for services provided in that fiscal year and to prepare the periodic reports required under this section for that program.

(4) For the programs specified, reports shall indicate total appropriations for fiscal 2010 and total disbursements for services provided during that fiscal year up through the last day of the second month preceding the date on which the report is to be submitted and a comparison to data applicable to those periods in the preceding fiscal year.

(5) Reports shall be submitted to the budget committees, the Department of Legislative Services, the Department of Budget and Management, and the Comptroller on November 1, 2010, March 1, 2011, and June 1, 2011.

(6) It is the intent of the General Assembly that general funds appropriated for fiscal 2010 to the programs specified that have not been disbursed within a reasonable period, not to exceed 12 months from the end of the fiscal year, shall revert.

SECTION 35. AND BE IT FURTHER ENACTED, That no funds in this budget may be expended to pay the salary of a Secretary or Acting Secretary of any department whose nomination as Secretary has been rejected by the Senate or an Acting Secretary who was serving in that capacity prior to the 2010 session whose nomination for the Secretary position was not put forward and approved by the Senate during the 2010 session.

SECTION 36. AND BE IT FURTHER ENACTED, That the Board of Public Works (BPW), in exercising its authority to create additional positions pursuant to Section 7-236 of the State Finance and Procurement Article, may authorize during the fiscal year no more than 100 positions in excess of the total number of authorized State positions on July 1, 2010, as determined by the Secretary of Budget and Management. Provided, however, that if the imposition of this ceiling causes undue hardship in any department, agency, board, or commission, additional positions may be created for that affected unit to the extent that positions authorized by the General Assembly for the fiscal year are abolished in that unit or in other units of State government. It is further provided that the limit of 100 does not apply to any position that may be created in conformance with specific manpower statutes that may be enacted by the State or federal government nor to any positions created to implement block grant actions or to implement a program reflecting fundamental changes in federal/State relationships. Notwithstanding anything contained in this section, BPW may authorize additional positions to meet public emergencies resulting from an act of God and violent acts of men, which are necessary to protect the health and safety of the people of Maryland.

BPW may authorize the creation of additional positions within the Executive Branch provided that 1.25 full-time equivalent contractual positions are abolished for each regular position authorized and that there be no increase in agency funds in the current budget and the next two subsequent budgets as the result of this action. It is the intent of the General Assembly that priority is given to converting individuals that

have been in a contractual position for at least two years. Any position created by this method shall not be counted within the limitation of 100 under this section.

The numerical limitation on the creation of positions by BPW established in this section shall not apply to positions entirely supported by funds from federal or other non-State sources so long as both the appointing authority for the position and the Secretary of Budget and Management certify for each position created under this exception that:

(1) funds are available from non-State sources for each position established under this exception; and

(2) any positions created will be abolished in the event that non-State funds are no longer available.

The Secretary of Budget and Management shall certify and report to the General Assembly by June 30, 2011, the status of positions created with non-State funding sources during fiscal 2007, 2008, 2009, 2010, and 2011 under this provision as remaining authorized or abolished due to the discontinuation of funds.

SECTION 37. AND BE IT FURTHER ENACTED, That immediately following the close of fiscal 2010, the Secretary of Budget and Management shall determine the total number of full-time equivalent (FTE) positions that are authorized as of the last day of fiscal 2010 and on the first day of fiscal 2011. Authorized positions shall include all positions authorized by the General Assembly in the personnel detail of the budgets for fiscal 2010 and 2011 including nonbudgetary programs, the Maryland Transportation Authority, the University System of Maryland self supported activities, and the Maryland Correctional Enterprises.

The Department of Budget and Management shall also prepare during fiscal 2011 a report for the budget committees upon creation of regular FTE positions through Board of Public Works action and upon transfer or abolition of positions. This report shall also be provided as an appendix in the fiscal 2012 Governor's budget books. It shall note, at the program level:

- (1) where regular FTE positions have been abolished;
- (2) where regular FTE positions have been created;
- (3) from where and to where regular FTE positions have been transferred; and
- (4) where any other adjustments have been made.

Provision of contractual FTE position information in the same fashion as reported in the appendices of the fiscal 2011 Governor's budget books shall also be provided.

SECTION 38. AND BE IT FURTHER ENACTED, That the Department of Budget and Management and the Maryland Department of Transportation are required to submit to the Department of Legislative Services' (DLS) Office of Policy Analysis:

(1) a report in Excel format listing the grade, salary, title, and incumbent of each position in the Executive Pay Plan (EPP) as of July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011; and

(2) detail on any lump-sum increases given to employees paid on the EPP subsequent to the previous quarterly report.

Flat rate employees on the EPP shall be included in these reports. Each position in the report shall be assigned a unique identifier, which describes the program to which the position is assigned for budget purposes and corresponds to the manner of identification of positions within the budget data provided annually to DLS' Office of Policy Analysis.

SECTION 39. AND BE IT FURTHER ENACTED, That no position identification number assigned to a position abolished in this budget may be reassigned to a job or function different from that to which it was assigned when the budget was submitted to the General Assembly. Incumbents in positions abolished may continue State employment in another position.

SECTION 40. AND BE IT FURTHER ENACTED, That the Secretary of Budget and Management shall include as an appendix in the fiscal 2012 Governor's budget books an accounting of the fiscal 2010 actual, fiscal 2011 working appropriation, fiscal 2012, and fiscal 2013 estimated revenues and expenditures associated with the employees' and retirees' health plan. This accounting shall include:

(1) any health plan receipts received from State agencies, employees, and retirees, as well as prescription rebates or recoveries, or audit and other miscellaneous recoveries;

(2) any premium, capitated, or claims expenditures paid on behalf of State employees and retirees for any health, mental health, dental, or prescription plan, as well as any administrative costs not covered by these plans; and

(3) any balance remaining and held in reserve for future provider payments.

SECTION 41. AND BE IT FURTHER ENACTED, That \$500,000 of the General Fund appropriation for the Department of Budget and Management (DBM) and \$500,000 of the General Fund appropriation for the Department of Natural Resources (DNR) made for the purpose of general operating expenses may not be expended until DBM and DNR provide two reports on Chesapeake Bay restoration

spending. The reports shall be drafted subject to the concurrence of the Department of Legislative Services (DLS) in terms of both electronic format to be used and data to be included. The scope of the reports is as follows:

(1) Chesapeake Bay restoration expenditures by agency, fund type, and particular fund source based on programs that have over 50% of their activities directly related to Chesapeake Bay restoration for the fiscal 2010 actual, fiscal 2011 working appropriation, and fiscal 2012 allowance, which is to be included as an appendix in the fiscal 2012 budget volumes and submitted electronically in disaggregated form to DLS; and

(2) two-year milestone funding over the fiscal 2009 to 2012 time period by fund type and particular fund source for each best management practice along with the associated nitrogen, phosphorus, and sediment reductions as they relate to meeting the respective two-year milestone, which is to be submitted electronically to DLS at the time of the fiscal 2012 State budget submission.

The budget committees shall have 45 days to review and comment upon the receipt of each report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

SECTION 42. AND BE IT FURTHER ENACTED, That:

(1) the Department of Human Resources (DHR) shall submit to the Department of Budget and Management (DBM) a plan which allocates the reductions included in DHR programs and subprograms in Comptroller subobject 0193 (Health Savings) to the objects, programs, and subprograms in which the reductions will actually occur; and

(2) after reviewing and approving the plan submitted by DHR, DBM shall reflect the allocations of the reductions as contained in the plan in the appropriations listed in the fiscal 2011 Fiscal Digest.

Further provided that DHR shall submit the report to DBM on a schedule acceptable to DBM.

Further provided that DHR shall provide a copy of the plan as approved by DBM to the Department of Legislative Services no later than July 1, 2010.

~~SECTION 43. AND BE IT FURTHER ENACTED, That \$50,000 of the General Fund appropriation for the Interagency Committee on School Construction (IAC), program D25E03.01 General Administration, and \$50,000 of the General Fund appropriation for the Governor's Office of Crime Control and Prevention, program D15A05.16 representing a portion of Montgomery County's share of State Aid for Police Protection, may not be expended until the IAC and Montgomery County jointly prepare and submit a report to the budget committees concerning the results of~~

~~negotiations on funds owed by Montgomery County to the State resulting from the sale or lease of public school properties. The report shall include a payment plan that is agreed upon by the county and IAC. The budget committees shall have 45 days from the date of receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.~~

SECTION 44. 43. AND BE IT FURTHER ENACTED, That the Department of State Police (DSP) may not expend \$100,000 of the appropriation made for new positions associated with speed camera operations until DSP, the Department of Budget and Management, the Maryland State Highway Administration (SHA), and the Maryland Transportation Authority (MDTA) submit a joint report to the budget committees outlining the long-term plan for speed camera operations in the State of Maryland. At a minimum, the report shall include a formalized plan outlining:

(1) the duties and responsibilities of each agency participating in the program, including a draft copy of a signed memorandum of understanding between the parties;

(2) the number of law enforcement positions (DSP and MDTA) needed to successfully operate the program, including a spending plan that is not based on employee overtime;

(3) the estimated annual costs of the program, including personnel and vendor costs; and

(4) the number of mobile enforcement vehicles to be operated statewide.

The budget committees shall have 45 days from the receipt of the report to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

SECTION 45. 44. AND BE IT FURTHER ENACTED, That the Governor shall abolish 500 regular full-time equivalent positions from the Executive Branch during fiscal 2011, and the funding for salaries shall be reduced by ~~\$11,412,000~~ \$12,000,000 in general funds related to these abolitions. The abolitions shall occur on or before June 30, 2011, and an accounting of the abolished positions shall be noted in Appendix E of the fiscal 2012 budget submission. The Governor is authorized to promote these position abolitions through attrition by offering financial inducements that encourage voluntary separation, provided that any inducements are disbursed from within existing agency resources.

SECTION 46. 45. AND BE IT FURTHER ENACTED, That before January 10, 2011:

(1) No State funds, including any State funds appropriated to any local jurisdiction or municipality, may be expended for development, production, or distribution to the public of promotional or informational materials on behalf of State programs through billboard, magazine, newspaper, electronic, radio, or television media which bear the likeness or voice, or include the name, of a person who has filed a certificate of candidacy for statewide office with the State Board of Elections for an election to occur in calendar year 2010.

(2) Any contracts or agreements authorizing distribution of materials or content subject to subsection (1) of this section or materials or content scheduled to run after a candidate has filed a certificate of candidacy shall be terminated for convenience or otherwise as authorized under the provisions of the State Finance and Procurement Article or otherwise and the materials or content shall be returned to the contracting agency.

(3) This section does not apply to the use of locally derived revenues or to communications of any candidate for statewide office to the media that are directly connected to the performance of the duties of office essential to the protection of public welfare, health, or safety.

SECTION ~~47~~ 46. AND BE IT FURTHER ENACTED, That on or before October 1, 2010, the Governor's Office of Homeland Security shall submit a written report, subject to Section 2-1246 of the State Government Article, to the General Assembly. The report shall include the following information for fiscal 2009, fiscal 2010, and estimated for fiscal 2011:

(1) specific spending for purposes related to homeland security by agency and by funding source;

(2) information on pass-through funding made available to local jurisdictions by jurisdiction and funding sources;

(3) the uses to which these funds have been put at the State level;

(4) restrictions, contingencies, and any applicable expiration dates for funds made available through the federal government; and

(5) a breakdown of the Office of Homeland Security's share of the Governor's Office budget regardless of funding source.

SECTION ~~48~~ 47. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Energy Administration, in consultation with the Maryland Department of Agriculture, submit a report to the House Environmental Matters Committee; the Senate Education, Health, and Environmental Affairs Committee; the House Appropriations Committee; and the Senate Budget and Taxation Committee by December 1, 2010, on policy recommendations for allowing Maryland

Agricultural Land Preservation Foundation easement holders to implement solar or wind renewable energy generation projects that may assist in contributing to the State's renewable energy goal of 20% by 2022. The committees shall have 45 days to review and comment following receipt of the report.

SECTION ~~49~~ 48. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Department of Agriculture and Department of Natural Resources submit a report to the House Environmental Matters Committee; the Senate Education, Health, and Environmental Affairs Committee; the House Appropriations Committee; and the Senate Budget and Taxation Committee by December 1, 2010, on policy recommendations for allowing Maryland Agricultural Land Preservation Foundation and Rural Legacy Program easement holders to extract natural gas from the Marcellus Shale formation. The committees shall have 45 days to review and comment following receipt of the report.

SECTION ~~50~~ 49. AND BE IT FURTHER ENACTED, That \$250,000 of the General Fund appropriation for the Department of Budget and Management (DBM), \$250,000 of the General Fund appropriation for the Department of General Services (DGS), and \$250,000 of the Special Fund appropriation for the Maryland Department of Transportation (MDOT) may not be expended until DBM, DGS, and MDOT submit a joint report to the budget committees by November 1, 2010, outlining the feasibility of establishing a procurement preference program for veteran- and service-disabled veteran-owned businesses. At a minimum, the report shall include the following:

(1) a definition of the terms "veteran" and "service-disabled veteran" that may be utilized when determining eligibility for the procurement preference program;

(2) a recommendation as to how the program may be implemented, including the advantages and disadvantages of implementing a procurement preference program for veteran- and service-disabled veteran-owned businesses;

(3) the projected costs of implementing a procurement preference program, including training expenses, program outreach, and information technology expenses; and

(4) the fiscal impact on statewide procurement spending of implementing a program with a procurement preference goal of awarding 0.5% of total procurements to certified veteran- and service-disabled veteran-owned businesses.

The budget committees shall have 45 days from the receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund or be cancelled if the report is not submitted to the budget committees.

SECTION ~~51~~ 50. AND BE IT FURTHER ENACTED, That on or before July 1, 2010, the Governor shall develop a schedule to allocate a reduction of \$2,800,000 in

general funds for electricity (Comptroller subobject 0620) across all Executive Branch agencies.

SECTION ~~25~~ ~~46~~ ~~52~~ 51. AND BE IT FURTHER ENACTED, That numerals of this bill showing subtotals and totals are informative only and are not actual appropriations. The actual appropriations are in the numerals for individual items of appropriation. It is the legislative intent that in subsequent printings of the bill the numerals in subtotals and totals shall be administratively corrected or adjusted for continuing purposes of information, in order to be in arithmetic accord with the numerals in the individual items.

SECTION ~~26~~ ~~47~~ ~~52~~ 52. AND BE IT FURTHER ENACTED, That pursuant to the provisions of Article III, Section 52(5a) of the Constitution of Maryland, the following total of all proposed appropriations and the total of all estimated revenues available to pay the appropriations for the 2011 fiscal year is submitted:

BUDGET SUMMARY (\$)**Fiscal Year 2010**

General Fund Balance, June 30, 2009 available for 2010 Operations		87,172,364
2010 Estimated Revenues (all funds)		31,347,715,474
Reimbursement from reserve for Heritage Tax Credits		11,413,883
Reimbursement from reserve for Biotechnology Tax Credits		6,000,000
Transfer from the Revenue Stabilization Account		210,000,000
Transfer from other funds – 2009 Session		216,288,248
Transfer from other funds contingent upon legislation		370,952,087
Transfers from other capital related funds contingent upon legislation (see detail)		330,071,000
2010 Appropriations as amended (all funds)	31,634,616,607	
2010 Deficiencies (all funds)	750,289,683	
Estimated Agency General Fund Reversions	<u>(63,679,735)</u>	
Subtotal Appropriations (all funds)		<u>32,321,226,555</u>
2010 General Funds Reserved for 2011 Operations		258,386,501

Fiscal Year 2011

2010 General Funds Reserved for 2011 Operations		258,386,501
2011 Estimated Revenues (all funds)		31,456,171,970
Reimbursement from reserve for Biotechnology Tax Credits		6,000,000
Transfer from other funds – 2009 Session		101,919,000
Transfer from other funds contingent upon legislation		299,640,758
Transfers from other capital related funds contingent upon legislation (see detail)		111,672,405
2011 Appropriations (all funds)	32,674,016,004	

General Fund Reductions contingent upon legislation	(676,852,472)
Estimated Agency General Fund Reversions	<u>(37,058,000)</u>

Subtotal Appropriations (all funds)	<u>31,960,105,532</u>

2011 General Fund Unappropriated Balance	273,685,102

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2011

April 5, 2010

Mr. President, Mr. Speaker,
Ladies and Gentlemen of the General Assembly:

Pursuant to the authority conferred on me by Article III, Section 52, Subsection (5) of the Constitution of Maryland, and in accordance with the consent of the (State Senate) – (House of Delegates), duly granted, I hereby submit a supplement to Senate Bill 140 and/or House Bill 150 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2011.

Supplemental Budget No. 1 will affect previously estimated funds available for budget operations as shown on the following summary statement.

SUPPLEMENTAL BUDGET SUMMARY

Sources:

Estimated general fund unappropriated balance July 1, 2011 (per Original Budget)	273,685,102

Adjustment to revenue:

General Funds:

Fiscal Year 2010

Board of Revenue Estimates, March 10, 2010	(65,974,000)

Fiscal Year 2011

House Bill 1505 – State Lottery Prize Interception	2,099,400

BRFA – Special Fund Transfers to General Fund for Central Business Licensing System	479,196

DLLR – State Occupational and Professional Licensing Design Board Fund	300,000

(63,095,404)

Special Funds:

SWF322 Housing Counseling and Foreclosure Mediation Fund	43,300

SWF322 Housing Counseling and Foreclosure Mediation Fund	185,565

D38301 Local Election Reform Payments	2,841,506

SWF322 Housing Counseling and Foreclosure Mediation Fund	784,387
SWF321 Video Lottery Terminal Proceeds	(20,427,000)
G20301 Investment Income	364,925
K00342 Waterway Improvement Fund	(3,934,000)
SWF305 Cigarette Restitution Fund	(1,562,194)
SWF305 Cigarette Restitution Fund	1,562,194
SWF322 Housing Counseling and Foreclosure Mediation Fund	225,000
SWF321 Video Lottery Terminal Proceeds	8,666,000
SWF321 Video Lottery Terminal Proceeds	3,095,000
SWF321 Video Lottery Terminal Proceeds	6,809,000
SWF318 Maryland Education Trust Fund	(28,500,000)
SWF318 Maryland Education Trust Fund	28,500,000
SWF322 Housing Counseling and Foreclosure Mediation Fund	3,980,785
S00326 Partnership Loan Program	1,900,000
SWF321 Video Lottery Terminal Proceeds	1,857,000
X00301 Annuity Bond Fund	(5,883,415)

508,053

Federal Funds:

90.401 Help America Vote Act Requirements Payments	5,924,999
14.251 Economic Development Initiative	475,000
15.916 Outdoor Recreation	<u>2,691,312</u>
	3,166,312
15.605 Sport Fish Restoration Program	500,000
93.778 Medical Assistance Program	300,000
93.778 Medical Assistance Program	(300,000)
SWF503 State Fiscal Stabilization Funds – Discretionary	3,445,082

84.394 State Fiscal Stabilization Fund (SFSF) – Education State Grants, Recovery Act	2,731,143	
84.394 State Fiscal Stabilization Fund (SFSF) – Education State Grants, Recovery Act	531,330	
84.394 State Fiscal Stabilization Fund (SFSF) – Education State Grants, Recovery Act	(497,614)	
84.394 State Fiscal Stabilization Fund (SFSF) – Education State Grants, Recovery Act	3,622,342	
84.394 State Fiscal Stabilization Fund (SFSF) – Education State Grants, Recovery Act	(8,483)	
84.394 State Fiscal Stabilization Fund (SFSF) – Education State Grants, Recovery Act	(790,356)	
84.394 State Fiscal Stabilization Fund (SFSF) – Education State Grants, Recovery Act	(4,153,672)	
AA.X00 Federal Subsidy on Build America Bonds	5,901,728	20,372,811
Current Unrestricted Funds		
Baltimore City Community College		73,400
Adjustment to General Fund appropriations: Fiscal Year 2011		
Increase contingent reduction for State Aid for Police	19,500	
Contingent reduction for Maryland Tourism Board	1,000,000	1,019,500
Total Available		232,563,462
Uses:		
General Funds	(8,137,493)	
Special Funds	508,053	
Federal Funds	20,372,811	
Current Unrestricted Funds	<u>73,400</u>	<u>12,816,771</u>
Revised estimated general fund unappropriated balance July 1, 2011.		219,746,691

PAYMENTS TO CIVIL DIVISIONS OF THE STATE

1. A15O00.0 Disparity Grants

In addition to the appropriation shown on page 1 of the printed bill (first reading file bill), to restore funding for disparity grant to FY 2010 level contingent upon enactment of legislation changing the net taxable income implementation date.

Object .12 Grants, Subsidies and Contributions 24,354,177

General Fund Appropriation, provided that this appropriation is contingent upon the enactment of legislation changing the net taxable income implementation date for disparity grants

24,354,177

JUDICIARY

2. C00A00.07 Court Related Agencies

In addition to the appropriation shown on page 3 of the printed bill (first reading file bill), to provide funds for training related to foreclosure mediation.

Object .08 Contractual Services 42,500

Object .09 Supplies and Materials 800

43,300

Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 276 or House Bill 472 establishing real property procedures and mediation

43,300

3. C00A00.10 Clerks of the Circuit Court

In addition to the appropriation shown on page 4 of the printed bill (first reading file bill), to provide funds to hire six clerk staff in the circuit courts to review all documents associated with foreclosure mediation requests.

Object .02 Special and Technical Fees 185,565

Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 276 or House Bill 472 establishing real property procedures and mediation

185,565

BOARDS, COMMISSIONS AND OFFICES

4. D15A05.16 Governor's Office of Crime Control and Prevention

In addition to the appropriation shown on page 12 of the printed bill (first reading file bill), to provide funds to meet the mandated level of funding for the State Aid for Police Protection.

Object .12 Grants, Subsidies and Contributions ~~19,500~~
0

General Fund Appropriation ~~19,500~~
0

STATE BOARD OF ELECTIONS

5. D38I01.02 Help America Vote Act

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to be used for information technology project management support services for the voting system and implementation of Early Voting for the 2010 Election.

Object .08 Contractual Services 602,802

General Fund Appropriation 602,802

6. D38I01.02 Help America Vote Act

In addition to the appropriation shown on page 16 of the printed bill (first reading file bill), to

provide funds for supplies to be used by the local boards of elections in the 2010 Election, three back-up servers for the Election Management System, and information technology project management and support services for the voting system and the implementation of Early Voting for the 2010 Election.

Object .08 Contractual Services	8,793,428
Object .09 Supplies and Materials	909,003
Object .11 Equipment Additional	<u>18,000</u>
	9,720,431

General Fund Appropriation	953,926
Special Fund Appropriation	2,841,506
Federal Fund Appropriation	5,924,999

MARYLAND DEPARTMENT OF PLANNING

7. D40W01.12 Heritage Structure Rehabilitation Tax Credit

In addition to the appropriation shown on page 18 of the printed bill (first reading file bill), to provide funds for tax credits to offset the costs associated with the rehabilitation of a certified historic structure including residential and commercial buildings.

Object .12 Grants, Subsidies, and Contributions	5,000,000

General Fund Appropriation, <u><i>provided that this appropriation shall be reduced by \$5,000,000 contingent upon the failure of HB 475 and SB 285 reauthorizing the program as a budgeted tax credit</i></u>	5,000,000

OFFICE OF ADMINISTRATIVE HEARINGS

8. D99A11.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to be used for contractual Administrative Law Judge

positions to begin implementing the Housing Counseling and Foreclosure Mediation Program.

Object .02 Technical and Special Fees 44,455

General Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 276 or House Bill 472 establishing real property procedures and mediation

44,455

9. D99A11.01 General Administration

In addition to the appropriation shown on page 23 of the printed bill (first reading file bill), provide funds to be used for contractual positions and administrative expenses to implement the Housing Counseling and Foreclosure Mediation Program.

Object .02 Technical and Special Fees	662,687
Object .03 Communication	9,000
Object .04 Travel	20,700
Object .08 Contractual Services	42,500
Object .09 Supplies and Materials	4,500
Object .11 Equipment – Additional	<u>45,000</u>
	784,387

Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 276 or House Bill 472 establishing real property procedures and mediation

784,387

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

10. E50C00.01 Office of the Director

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to be used for unanticipated annual leave payout for employees retiring from State service.

Personnel Detail:
Salaries

250,000

Object .01 Salaries, Wages and Fringe Benefits	250,000

General Fund Appropriation	250,000

PROPERTY TAX ASSESSMENT APPEALS BOARDS

11. E80E00.01 Property Tax Assessment Appeals Boards

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to be used for board member salaries, made necessary by the high number of property tax assessment appeals.

Personnel Detail:

Salaries	<u>50,000</u>
Object .01 Salaries, Wages and Fringe Benefits	50,000

General Fund Appropriation	50,000

STATE LOTTERY AGENCY

12. E75D00.02 Video Lottery Terminal Operations

To reduce the appropriation shown on page 28 of the printed bill (first reading file bill) to redistribute grant funds to the Departments of Labor, Licensing and Regulation and Business and Economic Development.

Object .12 Grants, Subsidies and Contributions	-20,427,000

Special Fund Appropriation	-20,427,000

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

13. G20J01.01 State Retirement Agency

In addition to the appropriation shown on page 34 of the printed bill (first reading file bill), to provide funds for three new Investment Analyst positions for investment manager monitoring and portfolio operations ~~as well as one additional IT~~

~~Analyst position to support functions related to the Maryland Pension Administration System project.~~

Personnel Detail:

Administrator VII	3.00	235,752
~~IT Functional Analyst I~~	~~1.00~~	~~38,594~~
Fringe Benefits		~~103,671~~
		<u>89,385</u>
Turnover Expectancy		~~13,092~~
		<u>-11,548</u>
Object .01 Salaries, Wages and Fringe Benefits		~~364,925~~
		<u>313,589</u>

Special Fund Appropriation

~~364,925~~
313,589

DEPARTMENT OF NATURAL RESOURCES

14. K00A05.10 Outdoor Recreation Land Loan

In addition to the appropriation shown on page 47 of the printed bill (first reading file bill), to provide funds for the design and construction of the Harriet Tubman Underground Railroad State Park in accordance with the FY 2011 Capital Budget.

Object .08 Contractual Services	3,166,312

Federal Fund Appropriation

3,166,312

15. K00A11.02 Waterway Improvement Capital Program

In addition to the appropriation shown on page 49 of the printed bill (first reading file bill), to provide funds available through a Tier II Federal Boating Infrastructure grant for boating access in accordance with the FY 2011 Capital Budget.

Object .08 Contractual Services	500,000

Federal Fund Appropriation

500,000

16. K00A11.02 Waterway Improvement Capital

Program

To reduce the appropriation shown on page 49 of the printed bill (first reading file bill), to reflect the appropriate funding for the Waterway Improvement Program in accordance with the FY 2011 Capital Budget.

Object .08 Contractual Services -3,934,000

Special Fund Appropriation -3,934,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

17. M00A01.01 Executive Direction

In addition to the appropriation shown on page 59 of the printed bill (first reading file bill), to provide support for the Maryland Health Care Reform Coordinating Council.

Object .08 Contractual Services 250,000

General Fund Appropriation 250,000

18. M00F03.06 Prevention and Disease Control

To adjust the appropriations shown on pages 61 and 62 of the printed bill (first reading file bill) to remove the Office of Minority Health and Health Disparities from the Cigarette Restitution Fund Program and support with General Funds.

Object .01 Salaries and Wages	0
Object .03 Communications	0
Object .04 Travel	0
Object .08 Contractual Services	0
Object .09 Supplies and Materials	0
Object .13 Fixed Charges	<u>0</u>
	0

General Fund Appropriation, *provided that this appropriation made for the purpose of funding the Office of Minority Health and Health Disparities shall be reduced by \$58,497*

and one regular position shall be deleted

~~1,562,194~~

1,503,697

Special Fund Appropriation

-1,562,194

19. M00K02.01 Alcohol and Drug Abuse Administration

To adjust the appropriation shown on page 64 of the printed bill (first reading file bill) to use Special Funds no longer being used for Minority Health and Health Disparities in lieu of General Funds in the Alcohol and Drug Abuse Administration.

Object .08 Contractual Services

0

General Fund Appropriation

-1,562,194

Special Fund Appropriation

1,562,194

20. M00Q01.02 Office of Systems, Operations, and Pharmacy

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to use funds previously budgeted in M00Q01.03 for IT contractors in support of additional State personnel. Additional staffing is needed to determine the State and federal shares of Medicaid recoveries in a timely fashion and to credit the appropriate amounts to the General Fund, as anticipated by the State budget.

Personnel Detail:

Additional Assistance

400,000

Object .01 Salaries, Wages and Fringe Benefits

400,000

400,000

General Fund Appropriation

100,000

Federal Fund Appropriation

300,000

21. M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to redirect surplus funding to M00Q01.02. Funding previously budgeted for IT

contractors will be used in support of additional State personnel.

Object .08 Contractual Services	<u>-400,000</u>
	-400,000

General Fund Appropriation	-100,000
Federal Fund Appropriation	-300,000

22. M00Q01.03 Medical Care Provider
Reimbursements

To become available immediately upon passage of this budget to reduce the deficiency appropriations for fiscal year 2010 to reflect a revised estimate of Medicare "clawback" expenses for fiscal years 2009 and 2010.

Object .08 Contractual Services	-39,000,000

General Fund Appropriation	-39,000,000

23. M00Q01.03 Medical Care Provider
Reimbursements

To reduce the appropriation shown on page 71 of the printed bill (first reading file bill), to reflect a revised estimate of Medicare "clawback" expenses for fiscal year 2011.

Object .08 Contractual Services	-26,900,000

General Fund Appropriation	-26,900,000

DEPARTMENT OF HUMAN RESOURCES

24. N00A01.05 Office of Grants Management

In addition to the appropriation shown on page 74 of the printed bill (first reading file bill), to provide a grant to Child First Authority for after school services to youth living in Baltimore City.

Object .12 Grants, Subsidies and Contributions	59,594

General Fund Appropriation	59,594

25. N00A01.05 Office of Grants Management

In addition to the appropriation shown on page 74 of the printed bill (first reading file bill), to provide service linked housing: permanent housing along with on-site assistance to connect residents to services and supports in the community.

Object .08 Contractual Services 550,000

General Fund Appropriation 550,000

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

26. P00C01.02 Financial Regulation

In addition to the appropriation shown on page 80 of the printed bill (first reading file bill), to provide funds for operating costs associated with processing notices of intent for Mortgage Foreclosures.

Personnel Detail:

Salaries	<u>75,000</u>
Object .01 Salaries and Wages	75,000
Object .03 Communications	50,000
Object .08 Contractual Services	<u>100,000</u>
	225,000

Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 276 or House Bill 472 establishing real property procedures and mediation

225,000

27. P00E01.02 Maryland Racing Commission

In addition to the appropriation on page 82 of the printed bill (first reading file bill), to provide funds to increase the purses at the racetracks from revenues generated by Video Lottery Terminals pursuant to the provisions of Chapter 4 of the Acts of the 2007 Special Session.

Object .12 Grants, Subsidies, and Contributions 8,666,000

Special Fund Appropriation 8,666,000

28. P00E01.05 Maryland Facility Redevelopment Program

To add an appropriation on page 82 of the printed bill (first reading file bill), to provide funds for facility redevelopment of the racetracks from revenues generated by Video Lottery Terminals pursuant to the provisions of Chapter 4 of the Acts of the 2007 Special Session.

Object .12 Grants, Subsidies, and Contributions 3,095,000

Special Fund Appropriation 3,095,000

29. P00E01.06 Share of Video Lottery Terminal Revenue for Local Impact Grants

To add an appropriation on page 82 of the printed bill (first reading file bill), to provide funds for local impact grants from revenues generated by Video Lottery Terminals pursuant to the provisions of Chapter 4 of the Acts of the 2007 Special Session.

Object .12 Grants, Subsidies, and Contributions 6,809,000

Special Fund Appropriation 6,809,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

30. Q00B01.02 Classification, Education and Religious Services

In addition to the appropriation shown on page 87 of the printed bill (first reading file bill), to provide funds to pay local jurisdictions for inmates sentenced to local correctional facilities in accordance with Title 9-402 of the Correctional Services Article.

Object .12 Grants, Subsidies and Contributions 1,413,765

General Fund Appropriation	1,413,765

31. Q00C02.02 Field Operations

To adjust the appropriation shown on page 94 of the printed bill (first reading file bill), to replace general funds with State Fiscal Stabilization Funds.

Personnel Detail:

Salaries	<u>0</u>
Object .01 Salaries, Wages and Fringe Benefits	0

General Fund Appropriation	-3,445,082
Federal Fund Appropriation	3,445,082

MARYLAND STATE DEPARTMENT OF EDUCATION

32. R00A02.01 State Share of the Foundation Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to accurately reflect the statutorily required K–12 local aid allocation.

Object .12 Grants, Subsidies and Contributions	2,731,143

Federal Fund Appropriation	2,731,143

33. R00A02.01 State Share of the Foundation Program

To become available immediately upon passage of this budget to supplement the General Fund appropriation for fiscal year 2010 to reflect revised revenue projections from the Education Trust Fund generated by Video Lottery Terminals.

Object .12 Grants, Subsidies and Contributions	0

General Fund Appropriation	28,500,000
Special Fund Appropriation	-28,500,000

34. R00A02.01 State Share of the Foundation Program

In addition to the appropriation shown on page 100

of the printed bill (first reading file bill), to provide funds to account for updated K–12 enrollment data received since the Allowance.

Object .12 Grants, Subsidies and Contributions 6,951,379

General Fund Appropriation	6,420,049
Federal Fund Appropriation	531,330

35. R00A02.01 State Share of the Foundation Program

To adjust appropriation shown on page 100 of the printed bill (first reading file bill), to reflect revised revenue projections from the Education Trust Fund generated by Video Lottery Terminals.

Object .12 Grants, Subsidies and Contributions 0

General Fund Appropriation	–28,500,000
Special Fund Appropriation	28,500,000

36. R00A02.02 Compensatory Education

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2010 to accurately reflect the statutorily required K–12 local aid allocation.

Object .12 Grants, Subsidies and Contributions –497,614

Federal Fund Appropriation	–497,614

37. R00A02.02 Compensatory Education

To adjust the appropriation shown on page 100 of the printed bill (first reading file bill), to provide funds to account for updated K–12 enrollment data received since the Allowance.

Object .12 Grants, Subsidies and Contributions 1,230,970

General Fund Appropriation	–2,391,372
Federal Fund Appropriation	3,622,342

38. R00A02.07 Students with Disabilities

In addition to the appropriation shown on page 101 of the printed bill (first reading file bill), to provide funds to account for updated K–12 enrollment data received since the Allowance.

Object .12 Grants, Subsidies and Contributions	2,311,675	

General Fund Appropriation		2,311,675

39. R00A02.24 Limited English Proficient

To be reduced immediately upon passage of this budget to decrease the appropriation for fiscal year 2010 to accurately reflect the statutorily required K–12 local aid allocation.

Object .12 Grants, Subsidies and Contributions	–8,483	

Federal Fund Appropriation		–8,483

40. R00A02.24 Limited English Proficient

In addition to the appropriation shown on page 102 of the printed bill (first reading file bill), to provide funds to account for updated K–12 enrollment data received since the Allowance.

Object .12 Grants, Subsidies and Contributions	8,646,134	

General Fund Appropriation		8,646,134

41. R00A02.25 Guaranteed Tax Base

In addition to the appropriation shown on page 102 of the printed bill (first reading file bill), to provide funds to account for updated K–12 enrollment data received since the Allowance.

Object .12 Grants, Subsidies and Contributions	1,608,015	

General Fund Appropriation		1,608,015

42. R00A02.39 Transportation

To be reduced immediately upon passage of this budget to decrease the appropriation for fiscal year 2010 to accurately reflect the statutorily

required K–12 local aid allocation.

Object .12 Grants, Subsidies and Contributions	–790,356

Federal Fund Appropriation	–790,356

43. R00A02.39 Transportation

To adjust the appropriation shown on page 103 of the printed bill (first reading file bill), to provide funds to account for updated K–12 enrollment data received since the Allowance.

Object .12 Grants, Subsidies and Contributions	190,000

General Fund Appropriation	4,343,672

Federal Fund Appropriation	–4,153,672

SUPPORT FOR STATE OPERATED INSTITUTIONS OF HIGHER EDUCATION

44. R75T00.01 Support for State Operated Institutions of Higher Education

In addition to the appropriation shown on page 115 of the printed bill (first reading file bill), to provide funds to account for updated enrollment used in calculating the grant for English Speakers of Other Languages (ESOL).

Object .12 Grants, Subsidies and Contributions	73,400

General Fund Appropriation	73,400

BALTIMORE CITY COMMUNITY COLLEGE

45. R95C00.00 Baltimore City Community College

In addition to the appropriation shown on page 115 of the printed bill (first reading file bill), to provide funds to account for updated enrollment used in calculating the grant for English Speakers of Other Languages (ESOL).

Object .08 Contractual Services	73,400

Current Unrestricted Fund Appropriation

73,400

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

46. S00A24.01 Neighborhood Revitalization

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2010 to provide funds to be used for contractual positions and administrative expenses to begin implementing the Housing Counseling and Foreclosure Mediation Program.

Object .02 Technical and Special Fees	24,797
Object .04 Travel	3,000
Object .08 Contractual Services	40,000
Object .09 Supplies and Materials	<u>2,000</u>
	69,797

General Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 276 or House Bill 472 establishing real property procedures and mediation

69,797

47. S00A24.01 Neighborhood Revitalization

In addition to the appropriation shown on page 118 of the printed bill (first reading file bill), to provide funds to be used for contractual positions, administrative expenses and foreclosure counseling grants to implement the Housing Counseling and Foreclosure Mediation Program.

Object .02 Technical and Special Fees	148,785
Object .04 Travel	12,000
Object .08 Contractual Services	790,000
Object .09 Supplies and Materials	30,000
Object .12 Grants, Subsidies and Contributions	<u>3,000,000</u>
	3,980,785

Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 276 or House Bill 472 establishing real property procedures

and mediation

3,980,785

48. S00A25.10 Partnership Rental Housing

To add an appropriation on page 119 of the printed bill (first reading file bill), to provide special funds in place of general obligation bonds to support affordable housing development.

Object .14 Land and Structures

1,900,000

Special Fund Appropriation

1,900,000

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

49. T00A00.08 Office of Administration and Technology

In addition to the appropriation shown on page 121 of the printed bill (first reading file bill), to provide funds to conduct the first phase of the cooperative, multi-agency Central Business Licensing (CBL) Project.

Object .08 Contractual Services

578,000

General Fund Appropriation, *provided that this appropriation made for the purpose of conducting the first phase of the Central Business Licensing Project may not be expended until the Department of Business and Economic Development and the Department of Information Technology submit a report to the budget committees detailing specific plans for the project including the scope of the project, potential costs, expected benefits, and the expected timeline for implementation. If appropriate, the report shall include an information technology project request form. The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of the report*

may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

578,000

50. T00F00.14 Maryland Industrial Development Financing Authority

To add an appropriation on page 123 of the printed bill (first reading file bill), to provide funds for the Small Business Credit Recovery Program. This funding is needed to provide loan guarantees on small business investment transactions under the new program launched at the Governor's Small Business Summit in December 2009.

Object .14 Land and Structures 5,000,000

General Fund Appropriation 5,000,000

51. T00F00.15 Small, Minority, and Women-Owned Business Investment Account

To add an appropriation on page 123 of the printed bill (first reading file bill), to provide funds for loans and grants to Small, Minority, and Women-Owned businesses from revenues generated by Video Lottery Terminals pursuant to the provisions of Chapter 4 of the Acts of the 2007 Special Session.

Object .12 Grants, Subsidies, and Contributions 1,857,000

Special Fund Appropriation 1,857,000

52. T00G00.03 Maryland Tourism Board

In addition to the appropriation shown on page 124 of the printed bill (first reading file bill), to meet the mandated level of funding for the Maryland Tourism Board per the Economic Development Article, Section 4-216(c).

Object .08 Contractual Services 1,000,000

General Fund Appropriation, provided that
\$1,000,000 of this appropriation shall be
reduced upon the enactment of legislation
to reduce the mandated amount of funds
for the Maryland Tourism Board

1,000,000

PUBLIC DEBT

53. X00A00.01 Redemption and Interest on State
Bonds

To adjust the appropriation shown on page 136 of
the printed bill (first reading file bill), to provide
funds to be used for debt service payments on the
State's general obligation bonds funded by the
Federal subsidy for Build America Bonds.

Object .13 Fixed Charges

18,313

Special Fund Appropriation
Federal Fund Appropriation

-5,883,415
5,901,728

AMENDMENTS TO SENATE 140/ HOUSE BILL 150
(First Reading File Bill)

Amendment No. 1:

~~On page 12, line 35, strike “18,955,972” and replace with “18,975,472”.~~

~~Revises the amount of the contingent reduction for State Aid for Police Protection since funding has been increased for this purpose in this supplemental.~~

Amendment No. 2:

On page 39, lines 21–33, after the word “Appropriation,” strike “provided” through “revenues”.

Deletes language requiring a \$1,000,000 deduction from the Highway User Revenue distribution to Prince George’s County in order to avoid a negative distribution in the FY 2011 Highway User Revenue distribution to the county.

Amendment No. 3:

On page 70, line 34, after the word “False”, insert the word “Health”. On page 71, line 11, after the word “False”, insert the word “Health”.

Correction to the appropriate name for the Maryland False Health Claims Act of 2010 legislation.

Amendment No. 4:

On page 101, line 15, strike “261,689,888” and replace with “264,001,653”.

Revises the amount of the Formula funding allocated in the R00A02.07 Students With Disabilities program within Aid to Education to reflect additional funding provided for the program in this supplemental budget.

Amendment No. 5:

On page 115, line 8, strike “40,828,695” and replace with “40,902,095”.

Revises the amount of the funding for the Baltimore City Community College within R75T00.01 Support for State Operated Institutions of Higher Education Program to reflect the additional funding provided for the college in this supplemental budget.

Amendment No. 6:

On page 137, line 13, after the word "Hospital" insert "or the Prince George's County Health System, as appropriate".

Correction to the appropriate name for the grantee – Prince George's County Health System.

Amendment No. 7:

On page 146, line 11, after the word "Appropriation", insert ", provided that \$7,000,000 of this appropriation may be transferred to M00Q01.07"; and on line 13, after the word "Appropriation", insert ", provided that \$13,000,000 of this appropriation may be transferred to M00Q01.07".

Provides authorization for the Department of Health and Mental Hygiene to reallocate a portion of funding for the FY 2010 Medicaid deficiency to address a projected deficit in the Maryland Children's Health Program.

~~Amendment No. 8:~~

~~On page 185, line 17, strike "76,728,873" and replace with "76,670,411".~~

~~*Revises the total amount for the FY 2011 furloughs to match the detail by fund.*~~

Amendment No. 9:

On page 186, line 23, after the word "Object", strike "0101" and replace with "0104".

Adjustment to provide the appropriate Comptroller object (0104) for overtime.

SUMMARY

SUPPLEMENTAL APPROPRIATIONS

	General Funds	Special Funds	Federal Funds	Current Unrestricted Funds	Total Funds
Appropriation					
2010 Fiscal Year	29,617,054	- 0 -	3,031,143	- 0 -	32,648,197
2011 Fiscal Year	64,144,101	60,814,662	23,091,793	73,400	148,123,956
Subtotal	<u>93,761,155</u>	<u>60,814,662</u>	<u>26,122,936</u>	<u>73,400</u>	<u>180,772,153</u>
Reduction in Appropriation					
2010 Fiscal Year	-39,100,000	-28,500,000	-1,596,453	- 0 -	-69,196,453
2011 Fiscal Year	-62,798,648	-31,806,609	-4,153,672	- 0 -	-98,758,929
Subtotal	<u>-101,898,648</u>	<u>-60,306,609</u>	<u>-5,750,125</u>	<u>- 0 -</u>	<u>-167,955,382</u>
Net Change in Appropriation	<u><u>-8,137,493</u></u>	<u><u>508,053</u></u>	<u><u>20,372,811</u></u>	<u><u>73,400</u></u>	<u><u>12,816,771</u></u>

Sincerely

Martin O'Malley
Governor

Enacted under Article III, § 52(6) of the Maryland Constitution, April 10, 2010.

Chapter 483

(Senate Bill 142)

AN ACT concerning

**Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2010,
and the Maryland Consolidated Capital Bond Loans of 2003, 2004, 2005, 2006,
2007, 2008, and 2009**

FOR the purpose of authorizing the creation of a State Debt in the amount of ~~One Billion, Seventeen Million, Five Hundred Seventy Five Thousand Dollars (\$1,017,575,000)~~ One Billion, Thirty One Million, Seven Hundred and Ninety Four Thousand Dollars (\$1,031,794,000) ~~One Billion, Thirty-Three Million, Seven Hundred and Ninety-Four Thousand, and Four Hundred and Forty-One Dollars (\$1,033,794,441)~~, the proceeds to be used for certain necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of this State, for acquiring certain real estate in connection therewith, and for grants to certain subdivisions and other organizations for acquiring certain rights in land and certain development and improvement purposes, subject to the requirement that certain grantees provide and expend certain matching funds by certain dates; prohibiting the expenditure of certain funds until certain conditions have been met; requiring a certain agency to submit certain annual reports to the budget committees; providing generally for the issuance and sale of bonds evidencing the loan; authorizing the creation of State Debt to be issued in 2011, the proceeds to be used for certain purposes; authorizing the creation of State Debt to be issued in 2012, the proceeds to be used for certain purposes; imposing a certain tax on all assessable property in the State; requiring that certain grantees convey certain easements under certain circumstances to the Maryland Historical Trust; providing that the proceeds of certain loans must be expended or encumbered by a certain date; authorizing certain unexpended appropriations in certain prior capital budgets and bond loans to be expended for other public projects; altering certain requirements for certain programs in certain prior capital budgets and bond loans; providing that the authorizations of State Debt in certain prior capital budgets and bond loans be reduced by certain amounts; providing for certain additional information to be detailed about each project in the capital program; requiring that certain projects be constructed at certain locations; repealing certain requirements for certain appropriations; ~~authorizing premiums from the sale of State bonds in certain fiscal years to remain in or be transferred to a certain fund and to be used for certain capital projects under certain circumstances; requiring the Comptroller~~

~~to make certain transfers, adjustments, and reconciliations; prohibiting a State agency from entering into certain agreements during a certain fiscal year unless certain plans are submitted and after certain review and assessment; altering the number of days before seeking approval of certain bond issuances from the Board of Public Works that the Maryland Stadium Authority must provide certain plans to certain committees of the General Assembly; providing that grants under a certain library capital projects grant program may not exceed a certain amount; declaring the intent of the General Assembly; providing for a delayed effective date for certain provisions of this Act; and generally relating to the financing of certain capital projects.~~

BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003

Section 1(3) Item DA07(A), Item MA01(B), Item UB00(A), and Item ZA00(N)

BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004, Chapter 445 of the Acts of the General Assembly of 2005, Chapter 46 of the Acts of the General Assembly of 2006, Chapter 336 of the Acts of the General Assembly of 2008, and Chapter 485 of the Acts of the General Assembly of 2009

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by

Chapter 336 of the Acts of the General Assembly of 2008

Section 1(3) Item RD00(C)

BY repealing and reenacting, with amendments,

Chapter 432 of the Acts of the General Assembly of 2004

Section 1(3) Item QP00(B), Item UB00(A)(3), (5), and (6), and Item ZB02(C)

BY repealing and reenacting, with amendments,

Chapter 432 of the Acts of the General Assembly of 2004, as amended by Chapter 445 of the Acts of the General Assembly of 2005, Chapter 46 of the Acts of the General Assembly of 2006, Chapter 488 of the Acts of the General Assembly of 2007, Chapter 336 of the Acts of the General Assembly of 2008, and Chapter 485 of the Acts of the General Assembly of 2009

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 445 of the Acts of the General Assembly of 2005

Section 1(3) Item KA05(A)(6), Item QP00(A), Item UB00(A)(3), (5), and (6), and Item ZB02(C)

BY repealing and reenacting, with amendments,

Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 46 of the Acts of the General Assembly of 2006, Chapter 488 of the Acts of the General Assembly of 2007, and Chapter 485 of the Acts of the General Assembly of 2009

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 46 of the Acts of the General Assembly of 2006

Section 3(1)(b) and (c)

BY repealing and reenacting, with amendments,

Chapter 488 of the Acts of the General Assembly of 2007

Section 1(3) Item QP00(A)

BY repealing and reenacting, with amendments,

Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 336 of the Acts of the General Assembly of 2008

Section 12(1) Item ML10(A)

BY repealing and reenacting, with amendments,

Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 336 of the Acts of the General Assembly of 2008, and Chapter 485 of the Acts of the General Assembly of 2009

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 336 of the Acts of the General Assembly of 2008

Section 1(3) Item DW01.08(A), Item VE01(A) and (B), and Item ZB02(B)

BY repealing and reenacting, with amendments,

Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 485 of the Acts of the General Assembly of 2009

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 485 of the Acts of the General Assembly of 2009

Section 1(1) and (3) Item DH01(A), Item KA05(A)(6), Item QB08.02(A), Item RC00(A), Item RE01(B), Item VD01(B), Item VE01(A), Item ZA00(Y), and Item ZA01(A) and Section 12(1) and (3) Item DE02.01(A), Item RA01(B), Item RM00(E), Item RB23(B), Item RB24(A), Item RB29(A), Item RI00(A), Item WA01(A), and Item ZB02(C)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 10–640(b), 10–641(c), 10–642(b), 10–643(b), and 10–644(c)

Annotated Code of Maryland

(2008 Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Education~~

~~Section 23–510(d)(3)~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2009 Supplement)~~

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2010 in the total principal amount of ~~\$1,017,575,000~~ ~~\$1,031,794,000~~ \$1,033,794,441. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

EXECUTIVE DEPARTMENT – GOVERNOR

DA02.01

DEPARTMENT OF DISABILITIES

(Statewide)

(A)	Accessibility Modifications. Provide funds to design and construct handicapped accessibility modifications at State-owned facilities	1,600,000

DA03

MARYLAND STADIUM AUTHORITY

(A) Ocean City Convention Center Expansion. Provide funds to design and construct an expansion to the Ocean City Convention Center. Provided that the Town of Ocean City provide a matching fund in the amount of \$4,100,000 for this purpose. These funds shall be administered in accordance with §§ 10–643 and 10–655 of the Economic Development Article

(Worcester County)..... 4,300,000

DA07 DEPARTMENT OF AGING
(Statewide)

(A) Senior Citizens Activities Centers Grant Program. Provide grants to acquire property and to design, construct, renovate, and equip senior citizen activities centers. The funds appropriated for this purpose shall be administered in accordance with §§ 10-501 through 10-510 of the Human Services Article..... ~~500,000~~
250,000

DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – BALTIMORE
(Baltimore City)

(A) Saratoga State Center Garage. Provide funds to design repairs and upgrades to the concrete floor slab in the Saratoga State Center Parking Garage (Baltimore City) 350,000

GENERAL STATE FACILITIES

(B) Facilities Renewal Fund. Provide funds for the State Capital Facilities Renewal Program (Statewide)..... ~~3,436,000~~
10,000,000

DE02.02 PUBLIC SCHOOL CONSTRUCTION
(Statewide)

(A) Public School Construction Program. Provide funds to construct public school buildings and public school capital improvements in accordance with §§ 5-301 through 5-303 of the Education Article ~~196,703,000~~
250,000,000

(B) Aging Schools Program. Provide additional grants to be distributed to local boards of education in proportion to grants received under § 5-206 of the Education Article ~~6,109,000~~
5,109,000

DEPARTMENT OF PLANNING

DW01.10 DIVISION OF HISTORICAL AND CULTURAL PROGRAMS
(Statewide)

- (A) Maryland Historical Trust. Provide funds for the Maryland Historical Preservation Loan Program to assist in the protection of historic property. The funds appropriated for this purpose shall be administered in accordance with § 5A–327 of the State Finance and Procurement Article 200,000

FB04 DEPARTMENT OF INFORMATION TECHNOLOGY
(Statewide)

- (A) Public Safety Communications System. Provide funds to construct and equip a statewide public safety communications system to provide the State with a new, modern, unified radio communications system 14,200,000

DEPARTMENT OF NATURAL RESOURCES

KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION
(Statewide)

- (A) Community Parks and Playgrounds. Provide funds for grants to local governments to design and construct eligible projects . 2,500,000

- (B) Rural Legacy Program. Provide funds for the purchase of conservation easements and the acquisition of land. The funds appropriated for this purpose shall be administered in accordance with §§ 5–9A–01 through 5–9A–09 of the Natural Resources Article ~~28,272,000~~
~~10,635,000~~
~~23,272,000~~
16,953,500

- (C) Natural Resources Development Fund. Provide funds to design, construct, and equip capital development projects on Department of Natural Resources property in accordance with § 5–903(g) of the Natural Resources Article. Funds may only be spent on the projects listed below or on previously authorized projects: 10,126,000

- (1) Pocomoke River State Park – Shad Landing Sewer Upgrade (Worcester County) 3,729,000

- (2) Fort Frederick State Park – Officers Quarters (Washington County) 1,800,000

- (3) Dan’s Mountain Wildlife Management Area – Access Road and Storage Building (Allegany County) 1,561,000

(4)	Tuckahoe State Park – Upper Chesapeake Rail Trail Connector (Caroline County)	917,000
(5)	South Mountain Battlefield Natural Environmental Area – Museum Improvements (Washington County) .	575,000
(6)	Harriet Tubman Underground Railroad State Park – Visitor Center and Site Improvements (Dorchester County)	398,000
(7)	Myrtle Grove Wildlife Management Area – New Maintenance Shop (Charles County)	213,000
(8)	Madonna Ranger Station – Multipurpose Building (Harford County)	200,000
(9)	Cedarville Fish Hatchery – Pipe Replacement and Pond Relining (Charles County)	116,000
(10)	Sandy Point State Park – Relocation of Area 3 NRP and DNR Communication Center (Anne Arundel County)	100,000
(11)	Assateague State Park – Nature Center (Worcester County)	100,000
(12)	Sassafras Natural Resources Management Area – Day Use Improvements (Kent County)	71,000
(13)	Point Lookout State Park – Administration Building Renovations (St. Mary's County)	66,000
(14)	Western Maryland Rail Trail – Phase IV (Allegany County)	50,000
(15)	Black Walnut Point Natural Resources Management Area – Shore Erosion Control (Talbot County)	50,000
(16)	Deep Creek State Park – Replacement Boathouse (Garrett County)	45,000
(17)	Janes Island State Park – Nature Center Renovations and Improvements (Somerset County)	44,000
(18)	Seneca Creek State Park – Lead Remediation (Montgomery County)	34,000

	(19) Wye Oak State Park – Pavilion Improvements (Talbot County)	21,000
	(20) North Point State Park – Shore Erosion Control (Baltimore County).....	16,000
	(21) Susquehanna State Park – Bathhouse and Campground Renovations (Harford County)	10,000
	(22) Point Lookout State Park – Comfort Station (St. Mary's County)	10,000
(D)	Program Open Space. Provide funds for the purchase of conservation easements and acquisition of land, <u>and to make grants to local jurisdictions for the purchase of conservation easements and acquisition of land, and development of recreational facilities. Funds appropriated for local grants shall be administered in accordance with §§ 5-905 through 5-906 of the Natural Resources Article.</u>	~~70,190,000~~ ~~60,177,000~~ ~~70,190,000~~ <u>65,183,500</u>
	(1) Program Open Space – Stateside – FY 2011 Allocation.....	~~10,013,000~~ <u>0</u> ~~10,013,000~~ <u>5,006,500</u>
	(2) Program Open Space – Local – FY 2011 Allocation	12,352,000
	(3) Baltimore City Direct Grant – FY 2011 Allocation	1,400,000
	(4) Heritage Conservation Fund – FY 2011 Allocation.....	1,669,000
	(5) Program Open Space – Stateside – Prior Funds Replacement	2,967,000
	(6) Program Open Space – Local – Prior Funds Replacement	41,789,000
(E)	Critical Maintenance Program. Provide funds to construct capital improvements such as planned maintenance and repair projects at public use facilities on State-owned property.....	6,586,000
(F)	Dam Rehabilitation Program. Provide funds to construct	

	repairs to the Daniels Dam located in Patapsco Valley State Park. Any unexpended funds may be used for the design, construction, repair, or reconstruction of dams located on State-owned property	150,000
(G)	Ocean City Beach Replenishment Fund. Provide funds for the maintenance of the restoration of the beach at Ocean City (Worcester County).....	6,459,000
(H)	Waterway Improvement Fund. Provide funds to finance projects that expand and improve recreational boating throughout the State consistent with the State Boat Act. The funds appropriated for this purpose shall be administered in accordance with §§ 8-707 through 8-709 of the Natural Resources Article	10,192,000

DEPARTMENT OF AGRICULTURE

LA11

OFFICE OF THE SECRETARY
(Statewide)

(A)	Maryland Agricultural Land Preservation Program. Provide funds for the acquisition of conservation easements on agricultural land. The funds appropriated for this purpose shall be administered in accordance with §§ 2-501 through 2-519 of the Agriculture Article	~~21,814,000~~ ~~10,000,000~~ <u>17,814,000</u>

LA12

OFFICE OF MARKETING, ANIMAL INDUSTRIES AND
CONSUMER SERVICES
(Statewide)

(A)	Tobacco Transition Program. Provide funds for the purchase of agricultural easements for the Tobacco Transition Program	2,000,000

LA15

OFFICE OF RESOURCE CONSERVATION
(Statewide)

(A)	Maryland Agricultural Cost-Share Program (MACS). Provide funds for financial assistance for the implementation of best management practices that reduce soil and nutrient runoff from Maryland farms. The funds appropriated for this purpose shall be administered in accordance with §§ 8-701 through 8-705 of the Agriculture Article	~~12,500,000~~ <u>10,000,000</u>

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

MA01

OFFICE OF THE SECRETARY
(Statewide)

- (A) Community Health Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip community mental health, addiction treatment, and developmental disabilities facilities. The funds appropriated for this purpose shall be administered in accordance with §§ 24–601 through 24–607 of the Health – General Article..... ~~7,873,000~~
7,423,000

- (B) Federally Qualified Health Centers Grant Program. Provide grants to acquire, design, construct, renovate, convert, and equip buildings to be used as Federally Qualified Health Centers..... 3,218,000

MM06

DEVELOPMENTAL DISABILITIES ADMINISTRATION
(Howard County)

- (A) Secure Evaluation and Therapeutic Treatment Center. Provide funds for preliminary design of a new Secure Evaluation and Therapeutic Treatment Center 1,150,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QB08.01

WESTERN CORRECTIONAL INSTITUTION
(Allegany County)

- (A) Vocational Education Building. Provide funds to equip a new Vocational Education Building at the Western Correctional Institution 321,000

QB08.02

NORTH BRANCH CORRECTIONAL INSTITUTION
(Allegany County)

- (A) Maryland Correctional Enterprises Upholstery and Re-Upholstery Plant. Provide funds to equip a new Maryland Correctional Enterprises building at the North Branch Correctional Institution to house an Upholstery and Re-Upholstery Plant ~~245,000~~
0

QP00

DIVISION OF PRETRIAL DETENTION AND SERVICES
(Baltimore City)

(A)	New Youth Detention Facility. Provide funds to construct a New Youth Detention Facility, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project	17,520,000
RA01	STATE DEPARTMENT OF EDUCATION	
(A)	Public Library Capital Grant Program. Provide grants to acquire land, design, construct, and equip public library facilities. The funds appropriated for this purpose shall be administered in accordance with § 23–510 of the Education Article (Statewide).....	5,000,000
	UNIVERSITY SYSTEM OF MARYLAND	
RB21	UNIVERSITY OF MARYLAND, BALTIMORE (Baltimore City)	
(A)	School of Pharmacy Addition and Renovation. Provide funds to equip an addition and renovation of the School of Pharmacy Building	2,606,000
RB22	UNIVERSITY OF MARYLAND, COLLEGE PARK	
(A)	Physical Sciences Complex. Provide funds to complete design and construct Phase I of a new physical sciences complex to provide modern laboratory and office space for the Department of Physics, the Department of Astronomy, and the Institute for Physical Sciences and Technology, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project (Prince George's County)	41,100,000
(B)	Maryland Fire and Rescue Institute – North East Regional Training Center. Provide funds to equip the Maryland Fire and Rescue Institute – North East Regional Training Center located at the Aberdeen Proving Ground (Harford County).....	331,000
(C)	<u>Shipley Field Improvements. Provide funds to design, construct, and equip improvements to Shipley Field (Prince George's County).....</u>	<u>100,000</u>
(D)	<u>East Campus Redevelopment. Provide funds to design and</u>	

construct infrastructure and building improvements for the redevelopment of East Campus. Provided that no funds may be expended on this project until:

- (1) the University of Maryland, College Park and the City of College Park enter into a memorandum of understanding regarding the scope of the East Campus project and other issues related to the project; or
- (2) the City of College Park provides a letter to the General Assembly and the Board of Public Works that certifies that the city is satisfied with the intended use of the funds (Prince George's County).

Further provided that this authorization made for the purpose of funding East Campus infrastructure improvements may not be expended until a program required by § 3-602(d) of the State Finance and Procurement Article and preliminary plans and outline specifications required by § 6-602(f)(2)(i) of the State Finance and Procurement Article have been submitted to the Department of Budget and Management for approval ...

5,000,000

RB23

BOWIE STATE UNIVERSITY
(Prince George's County)

- (A) Campuswide Site Improvements. Provide funds to design campuswide site improvements..... 200,000
- (B) Turf Field. Provide funds to design and construct a new turf field
~~500,000~~
1,000,000

RB25

UNIVERSITY OF MARYLAND EASTERN SHORE
(Somerset County)

- (A) New Engineering and Aviation Science Building. Provide funds for preliminary design of a new engineering and aviation science building 3,000,000

RB26

FROSTBURG STATE UNIVERSITY
(Allegany County)

- (A) New Center for Communications and Information Technology. Provide funds to design a new Center for Communications

	and Information Technology	2,681,000
RB27	COPPIN STATE UNIVERSITY (Baltimore City)	
(A)	New Science and Technology Center. Provide funds for site acquisition and detailed design for the New Science and Technology Center.....	6,497,000
RB28	UNIVERSITY OF BALTIMORE (Baltimore City)	
(A)	New Law School Building. Provide funds to construct a new law school building, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project	37,300,000
RB31	UNIVERSITY OF MARYLAND BALTIMORE COUNTY (Baltimore County)	
(A)	New Performing Arts and Humanities Facility. Provide funds to complete design and construct a new performing arts and humanities facility, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project	37,400,000
RC00	BALTIMORE CITY COMMUNITY COLLEGE (Baltimore City)	
(A)	Main Building Renovation – Administration Wing – Liberty Campus. Provide funds to renovate the Administration Wing, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project.....	~~2,500,000~~ 0
RE01	MARYLAND SCHOOL FOR THE DEAF (Frederick County)	
(A)	Bus Loop and Parking Lot – Frederick Campus. Provide funds to construct a new bus loop and parking lot on the Frederick Campus	1,606,000
RI00	MARYLAND HIGHER EDUCATION COMMISSION (Statewide)	

(A)	Community College Facilities Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. Provided that the funds needed for the State's share of the cost of design, construction, and capital equipping for the Anne Arundel Community College's Library Renovation and Addition, Harford Community College's Susquehanna Center Renovation/Expansion, Howard Community College's New Allied Health Building, Prince George's Community College's Center for Health Studies and Circulation/Roadway Modifications, the College of Southern Maryland's Prince Frederick – Phase II Campus Development, and Hagerstown Community College's Arts and Science Complex be provided as split authorizations in fiscal 2011 and 2012 and that this Act include a pre-authorization for each project in the State's remaining fiscal 2012 cost share. The funds appropriated for this purpose shall be administered in accordance with § 11-105(j) of the Education Article.....	43,359,000

RM00

MORGAN STATE UNIVERSITY
(Baltimore City)

(A)	Banneker Hall Renovation and Hub Relocation. Provide supplemental construction funds to renovate Banneker Hall and to relocate the telecommunications hub. ~~Provided that this authorization may not be expended until the disposition of all outstanding claims by the contractor for unpaid change orders and audit findings concerning the overpayment to contractors have been fully investigated and settled to the satisfaction of the Office of the Attorney General (OAG). OAG shall provide the budget committees with a letter evidencing its findings and recommendations, and the budget committees shall have 45 days to review and comment following the receipt of the letter~~	~~3,265,000~~ ~~1,189,000~~ <u>3,265,000</u>
(B)	New School of Business Complex. Provide funds to complete design of a New School of Business Complex.....	250,000

RQ00

UNIVERSITY OF MARYLAND MEDICAL SYSTEM

(Baltimore City)

- (A) Trauma, Critical Care, and Emergency Medicine Services Expansion Project. Provide a grant to the University of Maryland Medical System to assist in the construction and equipping of the University of Maryland Medical Center – Trauma, Critical Care, and Emergency Medical Services Expansion project 10,000,000

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Provided that any financial assistance awarded under the ~~Community Legacy Program~~, Homeownership Programs, and Special Loan Programs is not subject to § 8–301 of the State Finance and Procurement Article.

SA24 DIVISION OF NEIGHBORHOOD REVITALIZATION
(Statewide)

- (A) Community Legacy Program. Provide funds to assist neighborhoods with revitalization efforts, provided that \$4,250,000 of this authorization may not be encumbered or expended until the Department of Housing and Community Development (DHCD) submits a report to the budget committees on projects that have been awarded Community Legacy funds in fiscal 2009 or prior fiscal years for which all or some funds are unexpended. The report shall include:

- (1) the dollar amount of all outstanding awards and unexpended funds by project;
- (2) identification of grant recipients and approved project scope for every grant award and approved scope modification; and
- (3) actions taken by the Community Legacy Board to re-evaluate projects for which the scope had changed.

Further provided that DHCD shall provide the budget committees with an annual report on Community Legacy projects for which some or all funds are unexpended. The budget committees shall have 45 days from the date of receipt of the report to review and comment. The funds shall be administered in accordance with §§ 6–201 through 6–213 of the Housing and Community Development Article and Code of Maryland Regulations (COMAR) 05.17.01

4,646,000

(B) Neighborhood Business Development Program. Provide funds for grants and loans to fund community-based economic development activities in revitalization areas designated by local governments, provided that ~~\$3,100,000~~ \$1,550,000 of this authorization may not be encumbered or expended until the Department of Housing and Community Development (DHCD) submits a report to the budget committees on delinquent loans in the Neighborhood Business Development Program (NBDP). The report shall include the status of all outstanding loans in the program's portfolio including:

- (1) an accounting of all delinquent or defaulted loans incurred during the period covering July 1, 2005 through June 30, 2010;
- (2) the final outcome or current disposition of delinquent or defaulted loans including the number of days and amount delinquent and any amount written or charged off as uncollectible;
- (3) specific actions taken by DHCD to collect payment or restructure loans identified as delinquent or in default in the report; and
- (4) a summary of DHCD's loan delinquent collection practices and procedures for the NBDP.

Further provided that DHCD shall provide the budget committees with an annual report on all NBDP loans that are delinquent or in default for the five most recent fiscal years. The budget committees shall have 45 days from the date of receipt of the report to review and comment. The funds shall be administered in accordance with §§ 6–301 through 6–311 of the Housing and Community Development Article

~~7,616,000~~
6,666,000

SA25

DIVISION OF DEVELOPMENT FINANCE
(Statewide)

(A) Partnership Rental Housing Program. Provide funds to be credited to the Partnership Rental Housing Fund to be administered in accordance with §§ 4–501, 4–503, and 4–1201 through 4–1209 of the Housing and Community Development Article.....

~~6,000,000~~
4,100,000

(B) Homeownership Programs. Provide funds for below-market

	interest rate mortgages with minimum down payments to low- and moderate-income families. These funds shall be administered in accordance with §§ 4-501, 4-502, 4-801 through 4-810, and 4-814 through 4-816 of the Housing and Community Development Article	8,500,000
(C)	Shelter and Transitional Housing Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip facilities for homeless individuals and families. The funds shall be administered in accordance with the Code of Maryland Regulations (COMAR) 05.05.09.....	2,000,000
(D)	Special Loan Programs. Provide funds to low- and moderate-income families, sponsors of rental properties occupied primarily by limited income families, and nonprofit sponsors of housing facilities, including group homes and shelters. These funds shall be administered in accordance with §§ 4-501, 4-505, 4-601 through 4-612, 4-701 through 4-712, 4-901, 4-923, 4-927, and 4-933 of the Housing and Community Development Article	9,520,000
(E)	<u>Maryland Affordable Housing Trust. Provide funds to the Maryland Affordable Housing Trust Fund to fund grants, loans, and other financial assistance in the acquisition, design, construction, rehabilitation, or preservation of affordable housing. These funds shall be administered in accordance with Title 10 of the Housing and Community Development Article..</u>	<u>2,000,000</u>

DEPARTMENT OF THE ENVIRONMENT

UA01

OFFICE OF THE SECRETARY (Statewide)

(A)	Enhanced Nutrient Removal. Provide funds to local governments to implement enhanced nutrient removal technology at the 67 largest wastewater treatment plants in Maryland	125,000,000
(B)	Maryland Water Quality Revolving Loan Fund. Provide funds to finance water quality improvement projects. These funds shall be administered in accordance with § 9-1605 of the Environment Article	3,292,000
(C)	Maryland Drinking Water Revolving Loan Fund. Provide funds to finance drinking water projects. These funds shall be administered in accordance with § 9-1605.1 of the Environment Article	2,242,000

UA04

WATER MANAGEMENT ADMINISTRATION
(Statewide)

- (A) Chesapeake Bay Water Quality Project Funds. Provide funds to be credited to the Water Pollution Control Fund to be used for projects to improve the water quality of the Chesapeake Bay and other waters of the State. These funds shall be administered for the purposes listed below in accordance with §§ 9–345 through 9–351 of the Environment Article..... 38,300,000
- (1) Biological Nutrient Removal Program. Provide not more than \$33,300,000 in grants for projects to remove nutrients at publicly owned sewage treatment works.
- (2) Supplemental Assistance Program. Provide not more than \$5,000,000 in grants to provide assistance to grant and loan recipients to meet the local share of construction costs.
- (B) Water Supply Financial Assistance Program. Provide funds for assistance to State and local government entities to acquire, design, construct, rehabilitate, equip, and improve water supply facilities. ~~The~~ Except as provided below, the funds shall be administered in accordance with §§ 9–420 through 9–426 of the Environment Article and in accordance with the Code of Maryland Regulations (COMAR) 26.03.09..... ~~2,500,000~~
3,500,000
- (1) Charles County Water Supply System. Notwithstanding §§ 9-420 through 9-426 of the Environment Article and any regulations issued in accordance with the specified Sections, \$1,000,000 of these funds shall be used to provide a grant to Charles County for the purpose of construction, development, and testing of a well or wells that currently relies on the Lower Patapsco Aquifer. The construction, development, and testing of the wells and use of the water shall conform to requirements and be subject to the approval of the Maryland Department of the Environment (MDE). The water shall be for users located in a Priority Funding Area approved by the Department of Planning and included in the Charles County water and sewer plan approved by MDE (Charles County)

DEPARTMENT OF JUVENILE SERVICES

VE01

RESIDENTIAL SERVICES

(A) Southern Maryland Regional Detention Center. Provide funds for *land* acquisition and preliminary design of a new detention center, provided that before the Departments of Juvenile Services and General Services acquire *land* for a new regional detention center in Southern Maryland, the departments, in cooperation with all four local jurisdictions to be served by the center, shall submit a report to the budget committees detailing the site selection process including:

- (1) site selection criteria;
- (2) written appraisals;
- (3) what other sites were considered and why they were rejected; ~~and~~
- (4) the extent to which the departments have already pursued the use of publicly owned property for the site;
- (5) the extent of consultation between the departments and the local governing bodies of the counties to be served by the facility; and
- (6) any independent comments on the site selected from any of the four local governing bodies of the counties to be served by the facility.

The budget committees shall have 45 days from the receipt of the report to review and comment (Regional).....

4,650,000

ZA00

MISCELLANEOUS GRANT PROGRAMS

(A) Baltimore Museum of Art. Provide a grant to the Board of Trustees of the Baltimore Museum of Art for the design, renovation, and reconfiguration of facilities at the Baltimore Museum of Art, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City).....

2,500,000

(B) East Baltimore Biotechnology Park. Provide a grant to the Mayor and City Council of the City of Baltimore for property acquisition, demolition, and site improvements in the East

	Baltimore Biotechnology Park area, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City)	5,000,000
(C)	Forbush School. Provide a grant to the Board of Trustees of the Sheppard Pratt Health System for the acquisition, design, construction, renovation, and improvement to facilities on a former school site acquired for use by the Forbush School, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County).....	2,500,000
(D)	Intercounty Connector. Provide funds to the Maryland Transportation Authority for the construction of an east–west controlled access, tolled highway linking the US 1/I–95 corridor in Prince George’s County with I–270/I–370 in Montgomery County (Montgomery and Prince George’s Counties).....	~~126,900,000~~ ~~111,993,441~~ ~~83,604,441~~ <u>89,278,441</u>
(E)	Johns Hopkins Medicine – Cardiovascular and Critical Care Tower. Provide a grant to the Board of Trustees of the Johns Hopkins Health System to prepare detailed plans, construct, and equip the Cardiovascular and Critical Care Tower on the Johns Hopkins East Baltimore Campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City).....	2,500,000
(F)	Johns Hopkins Medicine – Pediatric Trauma Center. Provide a grant to the Board of Trustees of the Johns Hopkins Health System to prepare detailed plans, construct, and equip the Pediatric Trauma Center at the Children’s Tower on the Johns Hopkins East Baltimore Campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City).....	5,000,000

- (G) Kennedy Krieger Institute – Inpatient Clinical Research Center. Provide a grant to the Board of Directors of the Kennedy Krieger Institute, Inc. to assist in the design, construction, renovation, and capital equipping of the Inpatient Clinical Research Center in Baltimore City, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)..... 2,000,000
- (H) Lyric Opera House – Stage House Expansion. Provide a grant to the Board of Trustees of the Lyric Foundation, Inc. to assist in the expansion of the stage house area of the Lyric Opera House and improvements to the back stage rigging system and support areas, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City)..... 1,500,000
- (I) Maryland Independent College and University Association – Goucher College. Provide a grant equal to the lesser of (i) ~~\$1,500,000~~ \$3,000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Goucher College to assist in the planning, design, construction, renovation, and capital equipping of the Julia Rogers Library on the Goucher College campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County) ~~1,500,000~~
3,000,000
- (J) Maryland Independent College and University Association – Hood College. Provide a grant equal to the lesser of (i) ~~\$1,000,000~~ \$2,000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Hood College to assist in the replacement of the heating plant equipment and associated infrastructure that serves spaces used for and in support of the academic program on the Hood College campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Frederick County) ~~1,000,000~~
2,000,000
- (K) Maryland Independent College and University Association –

	Stevenson University. Provide a grant equal to the lesser of (i) ~~\$1,500,000~~ <u>\$3,000,000</u> or (ii) the amount of the matching fund provided, to the Board of Trustees of Stevenson University to assist in the planning, design, construction, renovation, and capital equipping of the former gymnasium on Stevenson University's Greenspring Campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County).....	~~1,500,000~~ <u>3,000,000</u>
(L)	Maryland Zoo in Baltimore – Infrastructure Improvements. Provide a grant to the Board of Directors of the Maryland Zoological Society, Inc. for the design, construction, and equipping of various infrastructure improvements (Baltimore City)	5,000,000
(M)	National Aquarium in Baltimore – Capital Infrastructure Projects. Provide a grant to the Board of Governors of the National Aquarium in Baltimore, Inc. to assist in the design, construction, and equipping of capital infrastructure projects, subject to the requirement that the grantee provide an equal and matching fund for this purpose. <u>Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act</u> (Baltimore City).....	3,500,000
(N)	National Children's Museum. Provide a grant to the Board of Directors of the National Children's Museum, Inc. for the acquisition, design, construction, and capital equipping of the new National Children's Museum in Oxon Hill, Maryland, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George's County).....	5,000,000
(O)	St. Ann's Infant and Maternity Home. Provide a grant to the Board of Directors of St. Ann's Infant and Maternity Home, Inc. for the design, construction, renovation, and improvements to the St. Ann's Infant and Maternity Home in Hyattsville (Prince George's County)	750,000
(P)	<u>Devil's Backbone Dam. Provide a grant equal to the lesser of (i) \$550,000 or (ii) the amount of the matching fund, provided to the County Commissioners of Washington County to assist</u>	

	<u>in the design and construction of repairs to the Devil's Backbone Dam, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Washington County)</u>	<u>550,000</u>
<u>(Q)</u>	<u>Wicomico Youth and Civic Center. Provide a grant to the County Executive and County Council of Wicomico County for the construction, repair, renovation, and reconstruction of the Wicomico Youth and Civic Center (Wicomico County)</u>	<u>1,500,000</u>
<u>(R)</u>	<u>South River High School. Provide a \$200,000 grant to the Anne Arundel County Board of Education for the acquisition, design, and construction of athletic field lighting at South River High School (Anne Arundel County)</u>	<u>200,000</u>
<u>(S)</u>	<u>Bates Middle School. Provide a \$100,000 grant to the Anne Arundel County Board of Education for the design and construction of a new track at Bates Middle School (Anne Arundel County)</u>	<u>100,000</u>
<u>(T)</u>	<u>Old Mill High School Stadium Field Lights. Provide a \$200,000 grant to the Anne Arundel County Board of Education for the design, construction, renovation, and capital equipping of stadium field lights at Old Mill High School (Anne Arundel County)</u>	<u>200,000</u>

ZA01

MARYLAND HOSPITAL ASSOCIATION

(A)	Sinai Hospital of Baltimore, Inc. Provide a grant to the Board of Directors of the Sinai Hospital, Inc. to assist in the design, construction, expansion, and capital equipping of the operating room at Sinai Hospital, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City).....	425,000
(B)	University Specialty Hospital. Provide a grant to the Board of Directors of the University of Maryland Medical System to assist in the construction and renovation of an addition to the Oxygen Storage Facility at the University Specialty Hospital, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act	

	(Baltimore City).....	455,000
(C)	Carroll Hospital Center. Provide a grant to the Board of Directors of the Carroll Hospital Center to assist in the construction and renovation of the Carroll Hospital Center to create additional space for the Access Carroll program, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Carroll County).....	700,000
(D)	Union Hospital of Cecil County. Provide a grant to the Board of Directors of Union Hospital of Cecil County to assist in the renovation and reconstruction of the surgical suite, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Cecil County)	2,000,000
(E)	Civista Medical Center. Provide a grant to the Board of Directors of Civista Medical Center, Inc. to assist in the construction, renovation, and expansion of the Laboratory Services Area, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Charles County).....	165,000
(F)	Harford Memorial Hospital. Provide a grant to the Board of Directors of the Harford Memorial Hospital to assist in the design, construction, renovation, and expansion of vacant space to create additional medical surgical bed capacity and an improved family waiting area, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Harford County)	1,015,000
(G)	Peninsula Regional Medical Center. Provide a grant to the Board of Directors of Peninsula Regional Medical Center to assist in the construction, renovation, and capital equipping of a post-partum and nursery area, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to	

the effective date of this Act (Wicomico County) 240,000

~~ZA02~~~~LEGISLATIVE INITIATIVES~~~~(Statewide)~~~~(A)~~

~~Legislative Initiatives. Provide funds for projects of political subdivisions and nonprofit organizations 15,000,000~~

ZA02

LOCAL SENATE INITIATIVES

(A)

Little Sisters of the Poor. Provide a grant equal to the lesser of (i) \$500,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Little Sisters of the Poor of Baltimore, Inc. for the acquisition, repair, and capital equipping of an HVAC unit, located in Catonsville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Statewide) 500,000

(B)

Museum of Industry. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Baltimore Museum of Industry, Inc. for the planning, design, construction, repair, reconstruction, and capital equipping of the Baltimore Museum of Industry, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Statewide) 250,000

(C)

Museum of the Maryland Historical Society. Provide a grant of ~~\$250,000~~ \$150,000 to the Board of Trustees of the Maryland Historical Society, Inc. for the repair and renovation of the Museum and Library, located in Baltimore City (Statewide).... ~~250,000~~
150,000

(D)

Allegany Museum. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Western Maryland Station Center, Inc. for the planning, design, and construction of the Allegany Museum, located in Cumberland. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Allegany County) 75,000

(E)

Coordinating Center for Home and Community Care Building Facilities. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of

	<u>Directors of the Coordinating Center for Home and Community Care, Inc. for the acquisition, planning, design, capital equipping, and build-out of the building facilities of the Coordinating Center for Home and Community Care, located in Millersville (Anne Arundel County)</u>	<u>200,000</u>
(F)	<u>Reece Road Community Health Center. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the People's Community Health Center, Inc. for the construction and build-out of the Reece Road Community Health Center, located in Severn. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Anne Arundel County).....</u>	<u>250,000</u>
(G)	<u>2101 – 2111 Pennsylvania Avenue Development Project. Provide a grant equal to the lesser of (i) \$35,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Druid Heights Community Development Corporation for the planning, design, and renovation of the 2101 – 2111 Pennsylvania Avenue Development Project, located in Baltimore City (Baltimore City).....</u>	<u>35,000</u>
(H)	<u>Baltimore Leadership School for Young Women. Provide a grant equal to the lesser of (i) ~~\$35,000~~ \$135,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Foundation for the Baltimore Leadership School for Young Women, Inc. for the acquisition, planning, design, construction, repair, renovation, and capital equipping of the Baltimore Leadership School for Young Women, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>~~35,000~~</u> <u>135,000</u>
(I)	<u>Collington Square Community Kitchen. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Episcopal Community Services of Maryland, Inc. for the construction of the Collington Square Community Kitchen, located in Baltimore City (Baltimore City).....</u>	<u>100,000</u>
(J)	<u>Druid Hill Family Center Y Revitalization. Provide a grant equal to the lesser of (i) \$65,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Y of Central Maryland, Inc. for the construction, repair, and renovation of the Druid Hill Family Center Y, located in</u>	

	<u>Baltimore City (Baltimore City).....</u>	<u>65,000</u>
(K)	<u>Fine Arts Center for Archbishop Curley High School. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Archbishop Curley High School for the construction of a fine arts center for Archbishop Curley High School, located in Baltimore City (Baltimore City).....</u>	<u>100,000</u>
(L)	<u>Franklin Entrepreneurial and Apprenticeship Center. Provide a grant equal to the lesser of (i) \$45,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Druid Heights Community Development Corporation for the construction and renovation of the Franklin Entrepreneurial and Apprenticeship Center, located in Baltimore City (Baltimore City)</u>	<u>45,000</u>
(M)	<u>Maryland SPCA Adoption Center Expansion. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Maryland SPCA, Inc. for the design, construction, and renovation of the Maryland SPCA Adoption Center, located in Baltimore City (Baltimore City).....</u>	<u>50,000</u>
(N)	<u>Port Discovery. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Baltimore Children's Museum, Inc. for the planning, design, construction, renovation, and capital equipping of Port Discovery, to include replacing windows, construction of permanent exhibits, replacing the roof, and reconfiguring the stairways and doorways to improve the flow of traffic through the museum, located in Baltimore City (Baltimore City)</u>	<u>75,000</u>
(O)	<u>Sandi's Learning Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Sandi's Learning Center, Inc. for the construction and expansion of an early child care facility, located in Baltimore City (Baltimore City).....</u>	<u>100,000</u>
(P)	<u>Southeast Neighborhood Development Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Southeast Development, Inc. for the renovation of the Southeast Neighborhood Development Center, located in Baltimore City (Baltimore City)</u>	<u>150,000</u>

- (Q) Stadium Place. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Govans Ecumenical Development Corporation, Inc. for the design and construction of improvements to the Stadium Place water distribution system, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City) 200,000
- (R) The Women’s Veteran’s Center. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Board of Directors of A Step Forward, Inc. for the acquisition, renovation, and reconstruction of the Women’s Veteran’s Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City)..... 20,000
- (S) Augsburg Lutheran Home of Maryland. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Augsburg Lutheran Home of Maryland, Inc. for the construction and renovation of the Nursing Care Center at the Augsburg Lutheran Home of Maryland, located in Baltimore (Baltimore County)..... 150,000
- (T) Baltimore County Humane Society. Provide a grant of \$75,000 to the Board of Directors of the Humane Society of Baltimore County, Inc. for the renovation and capital equipping of the Baltimore County Humane Society, including installation of a new HVAC system, located in Reisterstown, subject to a requirement that the grantee provide and expend a matching fund of \$60,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County)..... 75,000
- (U) HopeWell Cancer Support Facility. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of HopeWell Cancer Support, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the HopeWell Cancer Support Facility, located in Brooklandville (Baltimore County) 75,000
- (V) Owings Mills High School Stadium. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund

	<u>provided, to the Board of Directors of the Owings Mills High School Sports Boosters, Inc. for the planning, design, and construction of the Owings Mills High School Stadium, located in Owings Mills. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County).....</u>	<u>50,000</u>
(W)	<u>Kellam's Field. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Town of Chesapeake Beach for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of Kellam's Field, located in Chesapeake Beach. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Calvert County).....</u>	<u>125,000</u>
(X)	<u>Carroll County Agriculture Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Carroll County Agriculture Center, Inc. for the repair, renovation, capital equipping, and utility upgrades of the Carroll County Agriculture Center, located in Westminster. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Carroll County).....</u>	<u>150,000</u>
(Y)	<u>Hospice House. Provide a grant equal to the lesser of (i) \$45,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Hospice of Charles County, Inc. for the acquisition, planning, design, construction, and capital equipping of a residential hospice house, located in Waldorf. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Charles County).....</u>	<u>45,000</u>
(Z)	<u>Kamp A-Kom-Plish Facility. Provide a grant equal to the lesser of (i) \$80,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Melwood Horticultural Training Center, Inc. for the repair, renovation, and capital equipping of buildings at the Melwood Recreation Center, located in Nanjemoy (Charles County).....</u>	<u>80,000</u>
(AA)	<u>Potomac Heights Housing Complex. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Potomac Heights</u>	

	<u>Mutual Home Owners' Association, Inc. for the planning, design, repair, renovation, reconstruction, and capital equipping of the Potomac Heights housing complex, including installation and improvement of a stormwater management system, located in Potomac Heights. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Charles County)</u>	<u>75,000</u>
(AB)	<u>Dorchester Center for the Arts Performance Hall. Provide a grant equal to the lesser of (i) \$10,000 or (ii) the amount of the matching fund provided, to the Board of Directors for the Dorchester Center for the Arts, Inc. for the design, construction, and capital equipping of the Dorchester Center for the Arts Performance Hall, located in Cambridge. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Dorchester County).....</u>	<u>10,000</u>
(AC)	<u>Dorchester County Family YMCA. Provide a grant equal to the lesser of (i) \$70,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Dorchester County Family YMCA, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Dorchester County Family YMCA, located in Cambridge. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Dorchester County).....</u>	<u>70,000</u>
(AD)	<u>Richardson Maritime Heritage Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the James B. Richardson Foundation, Inc. for the development or improvement purposes of the Richardson Maritime Heritage Center, located in Cambridge. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Dorchester County).....</u>	<u>50,000</u>
(AE)	<u>Way Station. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Way Station, Inc. for the acquisition and renovation of the Way Station Facility, located in Frederick. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Frederick County).....</u>	<u>200,000</u>
(AF)	<u>Oakland B&O Museum. Provide a grant equal to the lesser of</u>	

	<u>(i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Oakland for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Oakland B&O Museum, located in Oakland. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Garrett County)</u>	<u>100,000</u>
<u>(AG)</u>	<u>Carroll Baldwin Hall. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Carroll Baldwin Memorial Institute, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Carroll Baldwin Hall, located in Savage. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Howard County)</u>	<u>50,000</u>
<u>(AH)</u>	<u>Symphony Woods Park. Provide a grant equal to the lesser of (i) \$190,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Columbia Association, Inc. for the design and construction of the Symphony Woods Park, located in Columbia (Howard County).....</u>	<u>190,000</u>
<u>(AI)</u>	<u>Troy Regional Park. Provide a grant equal to the lesser of (i) \$225,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the design, construction, and capital equipping of the Troy Regional Park, located in Elkridge (Howard County).....</u>	<u>225,000</u>
<u>(AJ)</u>	<u>Watson Telescope Observatory. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Howard Astronomical League of Central Maryland, Inc. for the planning, design, construction, and capital equipping of the Watson Telescope Observatory, located in Marriottsville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Howard County).....</u>	<u>25,000</u>
<u>(AK)</u>	<u>Camp Brighton Woods. Provide a grant equal to the lesser of (i) \$40,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Girl Scout Council of the Nation's Capital, Inc. for the construction, repair, renovation, and capital equipping of Camp Brighton Woods, located in</u>	

	<u>Brookville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County).....</u>	<u>40,000</u>
(AL)	<u>Cinnamon Woods Environmental and Safety Lighting Upgrade. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Cinnamon Woods Homes Association, Inc. for the design, construction, repair, renovation, and capital equipping of lighting upgrades, located in Germantown (Montgomery County).....</u>	<u>100,000</u>
(AM)	<u>Garrett Park Community Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Garrett Park Nursery School, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Garrett Park Community Center, located in Garrett Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Montgomery County).....</u>	<u>100,000</u>
(AN)	<u>Identity House. Provide a grant equal to the lesser of (i) \$30,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Identity, Inc. for the planning, design, and renovation of the Identity House, located in Gaithersburg. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Montgomery County).....</u>	<u>30,000</u>
(AO)	<u>Ivymount School Annex Building. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Ivymount School, Inc. for the planning, design, construction, renovation, and capital equipping of the Ivymount School Annex Building, located in Rockville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County).....</u>	<u>125,000</u>
(AP)	<u>JFGH Activity Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Jewish Foundation for Group Homes, Inc. for the renovation and capital equipping of the JFGH Activity Center, located in Rockville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County).....</u>	<u>150,000</u>

<u>(AQ)</u>	<u>Lake Whetstone Hillside Stabilization. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the South Village Homes Corporation for the construction, repair, and renovation of the Lake Whetstone Hillside, located in Montgomery Village (Montgomery County)</u>	<u>20,000</u>
<u>(AR)</u>	<u>Maydale Nature Center. Provide a grant of \$20,000 to the Board of Directors of The Friends of Maydale Nature Center, Inc. for the reconstruction of the Maydale Nature Center, located in Colesville, subject to a requirement that the grantee provide and expend a matching fund of \$10,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County).....</u>	<u>20,000</u>
<u>(AS)</u>	<u>Miracle League Baseball Field. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Miracle League of Montgomery County Maryland, Inc. for the acquisition, planning, design, construction, and capital equipping of the Miracle League Baseball Field, located in Montgomery County (Montgomery County)</u>	<u>125,000</u>
<u>(AT)</u>	<u>Montgomery Village Martin Roy Park Pavilion. Provide a grant equal to the lesser of (i) \$30,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Montgomery Village Foundation, Inc. for the design and construction of the Montgomery Village Martin Roy Park Pavilion, located in Montgomery Village (Montgomery County).....</u>	<u>30,000</u>
<u>(AU)</u>	<u>National Labor College Academic Services Building. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the National Labor College, Inc. for the repair, renovation, and capital equipping of the Academic Services Building, located in Silver Spring. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>150,000</u>
<u>(AV)</u>	<u>RCI Group Home Renovations. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Residential Continuum, Inc. for the renovation, reconstruction, and capital equipping of group homes for autistic individuals, located in Montgomery Village (Montgomery County)</u>	<u>75,000</u>

<u>(AW)</u>	<u>Rockville Fitness Center and Exercise Room Expansion. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Rockville for the construction, repair, reconstruction, renovation, and capital equipping of the Rockville Fitness Center and Exercise Room, located in Rockville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County).....</u>	<u>20,000</u>
<u>(AX)</u>	<u>Sandy Spring Museum. Provide a grant equal to the lesser of (i) \$65,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Sandy Spring Museum, Inc. for the planning, repair, and capital equipping of the Sandy Spring Museum, located in Sandy Spring. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County).....</u>	<u>65,000</u>
<u>(AY)</u>	<u>Warner Manor. Provide a grant equal to the lesser of (i) \$275,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the design, construction, repair, renovation, and reconstruction of the Warner Manor, located in Kensington (Montgomery County).....</u>	<u>275,000</u>
<u>(AZ)</u>	<u>Allen Pond Park. Provide a grant equal to the lesser of (i) \$80,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Bowie for the design, construction, repair, and renovation of the Allen Pond Park, located in Bowie (Prince George’s County).....</u>	<u>80,000</u>
<u>(BA)</u>	<u>Bladensburg Market Square II. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Prince George’s Heritage, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the second phase of the Bladensburg Market Square Project, located in Bladensburg. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George’s County).....</u>	<u>100,000</u>
<u>(BB)</u>	<u>Community Forklift Facility. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund</u>	

	<u>provided, to the Board of Directors of the Sustainable Community Initiatives, Inc. for the acquisition, construction, and repair of the Community Forklift Facility, located in Edmonston (Prince George's County)</u>	<u>100,000</u>
(BC)	<u>Daughter for the Day. Provide a grant equal to the lesser of (i) \$65,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Daughter for the Day, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Daughter for a Day facility, located in Fort Washington. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George's County).....</u>	<u>65,000</u>
(BD)	<u>Evangel Assembly Family Life Center. Provide a grant equal to the lesser of (i) \$65,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Evangel Assembly Family Life Center, Inc. for the planning and reconstruction of the Evangel Assembly Family Life Center, located in Temple Hills. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George's County)</u>	<u>65,000</u>
(BE)	<u>Forestville Military Academy Track. Provide a grant equal to the lesser of (i) \$180,000 or (ii) the amount of the matching fund provided, to the Forestville High School PTA for the planning, design, construction, repair, renovation, and reconstruction of the Forestville Military Academy Track, located in Forestville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County)</u>	<u>180,000</u>
(BF)	<u>John E. Feggans Center Renovation. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Mayor and Common Council of the City of Seat Pleasant for the construction, repair, renovation, reconstruction, and capital equipping of the John E. Feggans Center, located in Seat Pleasant (Prince George's County)</u>	<u>150,000</u>
(BG)	<u>La Vida Sana (Healthy Living Farm). Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Engaged Community Offshoots, Inc. for the acquisition, design, and construction of the Healthy Living Farm, located in Edmonston. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds</u>	

	<u>expended prior to the effective date of this Act (Prince George's County).....</u>	<u>50,000</u>
(BH)	<u>Largo High School PTSA Track Renovation. Provide a grant equal to the lesser of (i) \$180,000 or (ii) the amount of the matching fund provided, to the Largo High School Parent Teacher Association for the planning, design, construction, repair, renovation, and reconstruction of the Largo High School Track, located in Largo. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County).....</u>	<u>180,000</u>
(BI)	<u>Laurel Police Department Facility – Community Space. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Laurel for the planning, design, renovation, and capital equipping, including hazardous material removal, of the Laurel Police Department Facility Community Space, located in Laurel. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George's County).....</u>	<u>150,000</u>
(BJ)	<u>Marlboro Meadows Senior Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Marlboro Meadows Community Development Corporation for the acquisition, planning, design, construction, repair, and renovation of the Marlboro Meadows Senior Center, located in Upper Marlboro. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Prince George's County).....</u>	<u>50,000</u>
(BK)	<u>Marleigh Community Safety and Surveillance System. Provide a grant of \$20,000 to the Board of Directors of the ~~Ivy Community Charities of Prince George's County MD, Inc.~~ <i>Olde Mill Foundation, Inc.</i> for the acquisition, construction, and capital equipping of the Marleigh Community Safety and Surveillance System, located in Bowie, subject to a requirement that the grantee provide and expend a matching fund of \$6,250 (Prince George's County).....</u>	<u>20,000</u>
(BL)	<u>South County Community Center. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the South County Outreach Ministries, Inc. for the construction and capital</u>	

	<u>equipping of the South County Community Center, located in Prince George's County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Prince George's County).....</u>	<u>125,000</u>
(BM)	<u>St. Mary's School Gymnasium and Multi-Purpose Room. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to St. Mary of the Assumption for the construction of the St. Mary's School Gymnasium and Multi-Purpose Room, located in Upper Marlboro (Prince George's County).....</u>	<u>25,000</u>
(BN)	<u>Thomas Johnson Middle School Sign Board. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Thomas Johnson Middle School PTA for the acquisition, construction, and capital equipping of Thomas Johnson Middle School with a new sign, located in Lanham. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George's County).....</u>	<u>25,000</u>
(BO)	<u>Youth Fitness Facility. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Fort Washington Area Recreation Council, Inc. for the acquisition and capital equipping of the Youth Fitness Facility, located in Fort Washington (Prince George's County).....</u>	<u>20,000</u>
(BP)	<u>Hospice of Queen Anne's. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Hospice of Queen Anne's, Inc. for the acquisition of land, located in Centreville (Queen Anne's County).....</u>	<u>25,000</u>
(BQ)	<u>Kennard High School Restoration. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kennard Alumni Association, Inc. for the repair, renovation, reconstruction, and capital equipping of the Kennard High School, located in Centreville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Queen Anne's County).....</u>	<u>75,000</u>
(BR)	<u>Queen Anne's County YMCA. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Queen</u>	

	<u>Anne's County for the design and construction of the Queen Anne's County YMCA, located in Centreville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Queen Anne's County).....</u>	<u>50,000</u>
(BS)	<u>Family Support Center. Provide a grant equal to the lesser of (i) \$10,000 or (ii) the amount of the matching fund provided, to the County Council of Talbot County for the acquisition, planning, design, and construction of the Family Support Center, located in Easton. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Talbot County)</u>	<u>10,000</u>
(BT)	<u>Deafnet Building. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Deafnet Association, Inc. for the design, construction, repair, renovation, reconstruction, and capital equipping of the Deafnet Building, located in Hagerstown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Washington County)</u>	<u>50,000</u>
(BU)	<u>Museum of Fine Arts. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Washington County Museum of Fine Arts, Inc. for the planning, design, construction, renovation, and capital equipping of a courtyard and building for the Museum of Fine Arts, located in Hagerstown (Washington County)</u>	<u>50,000</u>
(BV)	<u>Rural Heritage Transportation Museum. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Washington County Agricultural Education Center, Inc. for the construction and capital equipping of the Rural Heritage Transportation Museum, located in Boonsboro (Washington County)</u>	<u>75,000</u>
(BW)	<u>Parsonsborg Volunteer Fire Company Community Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Parsonsborg Volunteer Fire Company, Inc. for the acquisition, planning, design, and construction of the Parsonsborg Volunteer Fire Company Firehouse and Community Center, located in Parsonsborg. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the</u>	

	<u>effective date of this Act (Wicomico County)</u>	<u>100,000</u>
<u>(BX)</u>	<u>Salisbury Zoological Park Animal Health Clinic. Provide a grant equal to the lesser of (i) \$10,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Salisbury Zoo Commission, Inc. for the construction and capital equipping of the Salisbury Zoological Park Animal Health Clinic, located in Salisbury. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Wicomico County).....</u>	<u>10,000</u>
<u>(BY)</u>	<u>Pocomoke City Volunteer Fire Company Community Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Pocomoke City Volunteer Fire Company, Inc. for the acquisition, planning, design, and construction of the Pocomoke City Volunteer Fire Company Community Center, located in Pocomoke City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Worcester County)</u>	<u>100,000</u>
<u>ZA03</u>	<u>LOCAL HOUSE OF DELEGATES INITIATIVES</u>	
<u>(A)</u>	<u>~~Legislative Initiatives. Provide funds for projects of political subdivisions and nonprofit organizations in the House of Delegates~~</u>	<u>~~7,500,000~~</u>
<u>(A)</u>	<u>Capital Area Food Bank. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Capital Area Food Bank, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Capital Area Food Bank, located in Washington, D.C. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Statewide).....</u>	<u>125,000</u>
<u>(B)</u>	<u>Linwood Center. Provide a grant equal to the lesser of (i) \$500,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Linwood Center, Inc. for the planning and design of a new school building at the Linwood Center, located in Ellicott City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Statewide)</u>	<u>500,000</u>
<u>(C)</u>	<u>Maryland Food Bank. Provide a grant of \$125,000 to the</u>	

	<u>Board of Directors of the Maryland Food Bank, Inc. for the planning, design, construction, reconstruction, and capital equipping of the Maryland Food Bank facilities, located in Maryland (Statewide).....</u>	<u>125,000</u>
<u>(D)</u>	<u>National Center for Children and Families Youth Activities Center. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Center for Children and Families, Inc. for the construction and capital equipping of the National Center for Children and Families, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Statewide)</u>	<u>250,000</u>
<u>(E)</u>	<u>Allegany Museum. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Western Maryland Station Center, Inc. for the planning, design, and construction of the Allegany Museum, located in Cumberland. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Allegany County)</u>	<u>75,000</u>
<u>(F)</u>	<u>Annapolis High School Booster Club Concession Stand. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Annapolis High School Sports Booster Club, Inc. for the design and construction of the Annapolis High School Booster Club Concession Stand, located in Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Anne Arundel County)</u>	<u>75,000</u>
<u>(G)</u>	<u>Reece Road Community Health Center. Provide a grant equal to the lesser of (i) ~~\$60,000~~ \$0 or (ii) the amount of the matching fund provided, to the Board of Trustees of the People's Community Health Center, Inc. for the construction and build-out of the Reece Road Community Health Center, located in Severn. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Anne Arundel County).....</u>	<u>~~60,000~~</u> <u>0</u>
<u>(H)</u>	<u>Southern and Broadneck High School Field Lights. Provide a grant equal to the lesser of (i) \$375,000 or (ii) the amount of the matching fund provided, to the Anne Arundel County</u>	

	<u>Public Schools for the acquisition, construction, renovation, reconstruction, and capital equipping of field lights at Southern and Broadneck High Schools, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County).....</u>	<u>375,000</u>
<u>(I)</u>	<u>William Paca House. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Historic Annapolis, Inc. for the repair, renovation, and reconstruction of the William Paca House, located in Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County).....</u>	<u>200,000</u>
<u>(J)</u>	<u>Academy of Success Community Empowerment Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Academy of Success, Inc. for the acquisition, design, repair, renovation, and capital equipping of the Academy of Success Community Empowerment Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City).....</u>	<u>100,000</u>
<u>(J-1)</u>	<u>Creative Alliance Building. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Fells Point Creative Alliance, Inc. for the acquisition, planning, design, construction, repair, renovation, and capital equipping of the Creative Alliance Building, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions.....</u>	<u>50,000</u>
<u>(K)</u>	<u>Dayspring Square. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Dayspring Programs, Inc. for the construction and renovation of Dayspring Square, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>200,000</u>
<u>(L)</u>	<u>Franklin Entrepreneurial and Apprenticeship Center. Provide a grant equal to the lesser of (i) ~~\$100,000~~ \$75,000 or (ii) the amount of the matching fund provided, to the Board of</u>	

	<u>Directors of the Druid Heights Community Development Corporation for the construction and renovation of the Franklin Entrepreneurial and Apprenticeship Center, located in Baltimore City (Baltimore City).....</u>	<u>~~100,000~~</u> <u>75,000</u>
(M)	<u>Glen Avenue Firehouse. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Baltimore City Fire Department for the repair, renovation, and capital equipping of the Glen Avenue Firehouse, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City).....</u>	<u>75,000</u>
(N)	<u>Greenmount West Community Resource Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The “New” Greenmount West Community Association for the acquisition, design, construction, repair, and renovation of the Greenmount West Community Resource Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City)</u>	<u>100,000</u>
(O)	<u>Maryland SPCA Adoption Center Expansion. Provide a grant equal to the lesser of (i) ~~\$25,000~~ \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Maryland SPCA, Inc. for the design, construction, and renovation of the Maryland SPCA Adoption Center, located in Baltimore City (Baltimore City).....</u>	<u>~~25,000~~</u> <u>50,000</u>
(P)	<u>Port Discovery. Provide a grant equal to the lesser of (i) ~~\$100,000~~ \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Baltimore Children’s Museum, Inc. for the planning, design, construction, renovation, and capital equipping of Port Discovery, to include replacing windows, construction of permanent exhibits, replacing the roof, and reconfiguring the stairways and doorways to improve the flow of traffic through the museum, located in Baltimore City (Baltimore City).....</u>	<u>~~100,000~~</u> <u>25,000</u>
(Q)	<u>Southeast Neighborhood Development Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Southeast</u>	

	<u>Development, Inc. for the renovation of the Southeast Neighborhood Development Center, located in Baltimore City (Baltimore City).....</u>	<u>150,000</u>
<u>(R)</u>	<u>Stadium Place. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Govans Ecumenical Development Corporation, Inc. for the design and construction of improvements to the Stadium Place water distribution system, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City).....</u>	<u>100,000</u>
<u>(S)</u>	<u>Swann Avenue Firehouse. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Baltimore City Fire Department for the repair, renovation, and capital equipping of the Swann Avenue Firehouse, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>75,000</u>
<u>(S-1)</u>	<u>The Women's Veteran's Center. Provide a grant equal to the lesser of (i) \$30,000 or (ii) the amount of the matching fund provided, to the Board of Directors of A Step Forward, Inc. for the acquisition, renovation, and reconstruction of the Women's Veteran's Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City).....</u>	<u>30,000</u>
<u>(S-2)</u>	<u>Arbutus VFD Hall. Provide a grant of \$100,000 to the Board of Directors of the Arbutus Volunteer Fire Department, Inc. for the repair and renovation of the Arbutus Volunteer Fire Department Hall (Baltimore County)</u>	<u>100,000</u>
<u>(T)</u>	<u>Augsburg Lutheran Home of Maryland. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Augsburg Lutheran Home of Maryland, Inc. for the construction and renovation of the Nursing Care Center at the Augsburg Lutheran Home of Maryland, located in Baltimore (Baltimore County).....</u>	<u>150,000</u>
<u>(U)</u>	<u>Automotive Vocational Training Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Center</u>	

	<u>on Institutions and Alternatives, Inc. for the planning, design, construction, and capital equipping of the Automotive Vocational Training Center, located in Baltimore. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore County).....</u>	<u>100,000</u>
<u>(V)</u>	<u>Baltimore County Humane Society. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Humane Society of Baltimore County, Inc. for the renovation and capital equipping of the Baltimore County Humane Society, including installation of a new HVAC system, located in Reisterstown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore County).....</u>	<u>75,000</u>
<u>(W)</u>	<u>Cherry Hill African American Historical Research Center. Provide a grant of ~~\$50,000~~ \$0 to the Board of Directors of The Friends of Cherry Hill AUMP, Inc. for the acquisition, construction, renovation, and capital equipping of the Cherry Hill African American Historical Research Center, located in Randallstown (Baltimore County)</u>	<u>~~50,000~~</u> <u>0</u>
<u>(X)</u>	<u>HopeWell Cancer Support Facility. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of HopeWell Cancer Support, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the HopeWell Cancer Support Facility, located in Brooklandville (Baltimore County)</u>	<u>100,000</u>
<u>(Y)</u>	<u>Milford Mill Academy Sign. Provide a grant of \$40,000 to the Baltimore County Public Schools for the Milford Mill Academy, located in Baltimore County (Baltimore County)</u>	<u>40,000</u>
<u>(Z)</u>	<u>North County Park. Provide a grant of \$100,000 to the Baltimore County Parks and Recreation for the planning, design, acquisition, construction, and capital equipping of the North County Park, located in Baltimore County (Baltimore County)</u>	<u>100,000</u>
<u>(AA)</u>	<u>Owings Mills High School Stadium. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Owings Mills High</u>	

	<u>School Sports Boosters, Inc. for the planning, design, and construction of the Owings Mills High School Stadium, located in Owings Mills. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County)</u>	<u>50,000</u>
(AB)	<u>Randallstown High School. Provide a grant of \$40,000 to the Baltimore County Public Schools for the construction, renovation, and capital equipping of the dark room, located in Baltimore County (Baltimore County)</u>	<u>40,000</u>
(AC)	<u>Woodlawn High School. Provide a grant of \$40,000 to the Baltimore County Public Schools for the construction, restoration, and capital equipping of the Woodlawn High School, located in Baltimore County (Baltimore County)</u>	<u>40,000</u>
(AD)	<u>Kellam's Field. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Town of Chesapeake Beach for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of Kellam's Field, located in Chesapeake Beach. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Calvert County)</u>	<u>125,000</u>
(AE)	<u>Lower Susquehanna Heritage Greenway. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Lower Susquehanna Heritage Greenway, Inc. for the construction, repair, renovation, reconstruction, and capital equipping of the Lower Susquehanna Heritage Greenway, located in Perryville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Cecil County).....</u>	<u>150,000</u>
(AF)	<u>Hospice House. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Hospice of Charles County, Inc. for the acquisition, planning, design, construction, and capital equipping of a residential hospice house, located in Waldorf. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Charles County).....</u>	<u>150,000</u>
(AG)	<u>Way Station. Provide a grant equal to the lesser of (i) \$100,000</u>	

	<u>or (ii) the amount of the matching fund provided, to the Board of Directors of Way Station, Inc. for the acquisition and renovation of the Way Station Facility, located in Frederick. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Frederick County)</u>	<u>100,000</u>
<u>(AH)</u>	<u>Oakland B&O Museum. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Oakland for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Oakland B&O Museum, located in Oakland. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Garrett County).....</u>	<u>100,000</u>
<u>(AI)</u>	<u>Nuttall Avenue Park. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Harford County for the construction of Nuttall Avenue Park, located in Edgewood (Harford County)</u>	<u>100,000</u>
<u>(AJ)</u>	<u>The Citizens Care and Rehabilitation Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Citizens Care and Rehabilitation Center Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Citizens Care and Rehabilitation Center, located in Havre de Grace (Harford County).....</u>	<u>100,000</u>
<u>(AK)</u>	<u>Alpha Ridge Park. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the design, construction, and capital equipping of Alpha Ridge Park, located in Marriottsville (Howard County).....</u>	<u>75,000</u>
<u>(AL)</u>	<u>Living Farm Heritage Museum. Provide a grant equal to the lesser of (i) \$35,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Howard County Antique Farm Machinery Club, Inc. for the planning, design, construction, repair, renovation, and reconstruction of the Living Farm Heritage Museum, located in West Friendship. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Howard County).....</u>	<u>35,000</u>

<u>(AM)</u>	<u>Symphony Woods Park. Provide a grant equal to the lesser of (i) \$60,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Columbia Association, Inc. for the design and construction of the Symphony Woods Park, located in Columbia (Howard County).....</u>	<u>60,000</u>
<u>(AN)</u>	<u>Troy Regional Park. Provide a grant equal to the lesser of (i) \$230,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the design, construction, and capital equipping of the Troy Regional Park, located in Elkridge (Howard County)</u>	<u>230,000</u>
<u>(AO)</u>	<u>Cabin John Park Tai Chi Court. Provide a grant equal to the lesser of (i) \$40,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the construction of the Cabin John Park Tai Chi Court, located in Rockville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County).....</u>	<u>40,000</u>
<u>(AP)</u>	<u>Camp Brighton Woods. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Girl Scout Council of the Nation’s Capital, Inc. for the construction, repair, renovation, and capital equipping of Camp Brighton Woods, located in Brookville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County).....</u>	<u>100,000</u>
<u>(AQ)</u>	<u>Identity House. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Identity, Inc. for the planning, design, and renovation of the Identity House, located in Gaithersburg. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Montgomery County)</u>	<u>100,000</u>
<u>(AR)</u>	<u>Ivymount School Annex Building. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Ivymount School, Inc. for the planning, design, construction, renovation, and capital equipping of the Ivymount School Annex Building, located in Rockville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County).....</u>	<u>50,000</u>

- (AS) Maydale Nature Center. Provide a grant of \$35,000 to the Board of Directors of The Friends of Maydale Nature Center, Inc. for the reconstruction of the Maydale Nature Center, located in Colesville (Montgomery County) 35,000
- (AT) Miracle League Baseball Field. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Miracle League of Montgomery County Maryland, Inc. for the acquisition, planning, design, construction, and capital equipping of the Miracle League Baseball Field, located in Montgomery County (Montgomery County) 125,000
- (AU) RCI Group Home Renovations. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Residential Continuum, Inc. for the renovation, reconstruction, and capital equipping of group homes for autistic individuals, located in Montgomery Village (Montgomery County) 25,000
- (AV) Rockville Fitness Center and Exercise Room Expansion. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Rockville for the construction, repair, reconstruction, renovation, and capital equipping of the Rockville Fitness Center and Exercise Room, located in Rockville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)..... 100,000
- (AW) Sandy Spring Museum. Provide a grant equal to the lesser of (i) \$35,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Sandy Spring Museum, Inc. for the planning, repair, and capital equipping of the Sandy Spring Museum, located in Sandy Spring. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County)..... 35,000
- (AX) Threshold Services Group Home Renovations. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Threshold Services, Inc. for the repair, renovation, reconstruction, and capital equipping of various group homes, located in Montgomery County. Notwithstanding Section 1(5)

	<u>of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County).....</u>	<u>50,000</u>
<u>(AY)</u>	<u>CASA Multi-Cultural Service Center. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of CASA of Maryland, Inc. for the capital equipping of the CASA Multi-Cultural Service Center, located in Langley Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George's County)</u>	<u>200,000</u>
<u>(AZ)</u>	<u>Community Forklift Facility. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Sustainable Community Initiatives, Inc. for the acquisition, construction, and repair of the Community Forklift Facility, located in Edmonston (Prince George's County).....</u>	<u>100,000</u>
<u>(BA)</u>	<u>Glenarden Senior Center. Provide a grant of \$50,000 to the Mayor and City Council of the City of Glenarden for the construction, repair, and renovation of the Glenarden Senior Center, located in Glenarden (Prince George's County)</u>	<u>50,000</u>
<u>(BB)</u>	<u>Henson Valley Montessori School. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Henson Valley Montessori School, Inc. for the planning, design, construction, and capital equipping of the Henson Valley Montessori School, located in Upper Marlboro (Prince George's County)</u>	<u>100,000</u>
<u>(BB-1)</u>	<u>John E. Feggans Center Renovation. Provide a grant equal to the lesser of (i) \$55,000 or (ii) the amount of the matching fund provided, to the Mayor and Common Council of the City of Seat Pleasant for the construction, repair, renovation, reconstruction, and capital equipping of the John E. Feggans Center, located in Seat Pleasant (Prince George's County)</u>	<u>55,000</u>
<u>(BC)</u>	<u>LARS Facility Renovation. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Laurel Advocacy and Referral Services, Inc. for the planning, design, construction, repair, and renovation of the LARS facility, located in Laurel (Prince George's County)</u>	<u>100,000</u>
<u>(BD)</u>	<u>La Vida Sana (Healthy Living Farm). Provide a grant equal to</u>	

	<u>the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Engaged Community Offshoots, Inc. for the acquisition, design, and construction of the Healthy Living Farm, located in Edmonston. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County).....</u>	<u>25,000</u>
<u>(BE)</u>	<u>Prince George's VFD. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Prince George's County VFD for the repair and renovation of the Prince George's County VFD, located in Prince George's County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County)</u>	<u>250,000</u>
<u>(BF)</u>	<u>SEED Recreation Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Sowing Empowerment and Economic Development, Inc. for the planning and design of the SEED Recreation Center, located in Riverdale (Prince George's County).....</u>	<u>50,000</u>
<u>(BG)</u>	<u>Sheriff Road Village Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Love Affection and Compassion for Neighborhood Development, Inc. for the planning and design of the Sheriff Road Village Center, located in Chapel Oaks. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County).....</u>	<u>100,000</u>
<u>(BH)</u>	<u>South County Community Center. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the South County Outreach Ministries, Inc. for the construction and capital equipping of the South County Community Center, located in Prince George's County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Prince George's County).....</u>	<u>175,000</u>
<u>(BI)</u>	<u>Walker Mill Daycare and Training Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the</u>	

	<u>matching fund provided, to the Board of Directors of Walker Mill Development, Inc. for the construction and capital equipping of the Walker Mill Daycare and Training Center, located in Capitol Heights. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George's County).....</u>	<u>100,000</u>
<u>(BJ)</u>	<u>St. Mary's County Fairgrounds. Provide a grant equal to the lesser of (i) \$60,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the St. Mary's County Fair Association, Inc. for the construction, repair, renovation, reconstruction, and capital equipping of a building on the St. Mary's County Fairgrounds, located in Leonardtown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (St. Mary's County).....</u>	<u>60,000</u>
<u>(BK)</u>	<u>United States Colored Troops Memorial Monument. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Unified Committee for Afro-American Contributions, Inc. for the acquisition, planning, design, construction, and capital equipping of the United States Colored Troops Memorial Monument, located in Lexington Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (St. Mary's County)</u>	<u>150,000</u>
<u>(BL)</u>	<u>Deafnet Building. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Deafnet Association, Inc. for the design, construction, repair, renovation, reconstruction, and capital equipping of the Deafnet Building, located in Hagerstown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Washington County)</u>	<u>50,000</u>
<u>(BM)</u>	<u>Museum of Fine Arts. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Washington County Museum of Fine Arts, Inc. for the planning, design, construction, renovation, and capital equipping of a courtyard and building, located in Hagerstown (Washington County)</u>	<u>50,000</u>
<u>(BN)</u>	<u>Parsonsborg Volunteer Fire Company Community Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the</u>	

amount of the matching fund provided, to the Board of Directors of the Parsonsburg Volunteer Fire Company, Inc. for the acquisition, planning, design, and construction of the Parsonsburg Volunteer Fire Company Community Center, located in Parsonsburg. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Wicomico County)

150,000

(BO) Salisbury Zoological Park Animal Health Clinic. Provide a grant equal to the lesser of (i) ~~\$200,000~~ \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Salisbury Zoo Commission, Inc. for the construction and capital equipping of the Salisbury Zoological Park Animal Health Clinic, located in Salisbury. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Wicomico County).....

~~200,000~~

150,000

(BP) Pocomoke City Volunteer Fire Company Community Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Pocomoke City Volunteer Fire Company, Inc. for the acquisition, planning, design, and construction of the Pocomoke City Volunteer Fire Company Community Center, located in Pocomoke City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Worcester County)

150,000

(4) An annual tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issue of the bonds.

(5) (a) Prior to the payment of any matching grant funds under the provisions of Section 1(3), Items ZA00 through ZA02 above, grantees shall provide and expend matching funds as specified. No part of a grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. Except as otherwise provided, no part of the fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act. In case of any dispute as to what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter, and the Board's decision is final. Grantees have until June 1, 2012, to present evidence satisfactory to the Board of Public Works that the matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact to the State Treasurer and the proceeds of

the loan shall be expended for the purposes provided in this Act. If this evidence is not presented by June 1, 2012, the proceeds of the loan shall be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article.

(b) It is further provided that when an equal and matching fund is specified in Section 1(3), Items ZA00 through ZA02 above, grantees shall provide a matching fund equal to the lesser of (i) the authorized amount of the State grant or (ii) the amount of the matching fund certified by the Board of Public Works. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. If this evidence is not presented by June 1, 2012, the proceeds of the loan shall be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article. The proceeds of any amount of the loan in excess of the matching fund certified by the Board of Public Works shall also be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article.

(6) (a) Prior to the issuance of the bonds, unless the Maryland Historical Trust determines that the property to be assisted by a grant under Section 1(3) Items ZA00 through ZA02 of this Act is not significant, is significant only as a contributing property to a historic district listed in the Maryland register of historic properties, is a type that is already adequately represented among the Trust's existing easement properties, or is already subject to a perpetual historic preservation easement acceptable to the Trust, the grantee shall grant and convey to the Maryland Historical Trust a perpetual preservation easement to the extent of its interest:

(i) On the land or such portion of the land acceptable to the Trust; and

(ii) On the exterior and interior, where appropriate, of the historic structures.

(b) If the grantee or beneficiary of the grant holds a lease on the land and structures, the Trust may accept an easement on the leasehold interest.

(c) The easement must be in form and substance acceptable to the Trust, and the extent of the interest to be encumbered must be acceptable to the Trust, and any liens or encumbrances against the land or the structures must be acceptable to the Trust.

(7) (a) ~~The~~ Except as provided in subparagraph (b) of this paragraph, the proceeds of the loan must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2017. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2017, the amount of the unexpended or unencumbered authorization shall be canceled and be of no further force and effect. If bonds have been issued for the loan, the amount of

unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.

(b) The proceeds of a loan authorized under Section 1(3) Items ZA02 through ZA03 of this Act must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2012. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2012, the amount of the unexpended or unencumbered authorization shall be canceled and be of no further force and effect. If bonds have been issued for the loan, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.

(8) Multiple grants provided to the same organization in this Section are in addition to one another. Unless otherwise provided, any matching fund requirements apply to each individual grant.

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

Chapter 204 of the Acts of 2003

Section 1(3)

DA07

DEPARTMENT OF AGING

- (A) Senior Citizens Activities Centers. Provide grants to acquire property and to design, construct, renovate, and equip senior citizens activities centers. The funds appropriated for this purpose shall be administered in accordance with Article 70B, Sections 26 through 32 (Statewide)..... [1,327,000]
1,089,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

MA01

OFFICE OF THE SECRETARY

- (B) Adult Day Care Facilities. Provide grants to acquire, design, construct, renovate, and equip adult day care facilities. The funds appropriated for this purpose shall be administered in accordance with Sections 24–701 through 24–707 of the Health – General Article (Statewide)..... [2,194,000]
1,225,000

UB00

MARYLAND ENVIRONMENTAL SERVICE

- (A) Infrastructure Improvement Fund. Provide funds to design, construct and equip capital improvements for State

institutions. Expenditures for any of the following projects may not exceed the amount listed below by more than 7.5% without notification to the General Assembly. Funds may only be spent on the projects listed below or on previously authorized projects. Expenditure of any part of this appropriation for a previously authorized project shall also require notification to the General Assembly.
NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THIS AUTHORIZATION SHALL NOT TERMINATE PRIOR TO JUNE 1, 2011.....

3,637,000

ZA00

MISCELLANEOUS GRANT PROGRAMS

(N)

Reginald F. Lewis Museum of Maryland African American History and Culture. Provide a grant to the Board of Directors of the Maryland African American Museum Corporation for capital equipping of the Reginald F. Lewis Museum of Maryland African American History and Culture (Baltimore City)

[1,665,000]

1,084,000

Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of 2004, Chapter 445 of the Acts of 2005, Chapter 46 of the Acts of 2006, Chapter 336 of the Acts of 2008, and Chapter 485 of the Acts of 2009

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2003 in the total principal amount of **[\$733,963,684] \$731,962,684**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

Chapter 204 of the Acts of 2003, as amended by Chapter 336 of the Acts of 2008

Section 1(3)

RD00

ST. MARY'S COLLEGE OF MARYLAND
 (St. Mary's County)

(C)

New Academic Building/Telecommunications Infrastructure.

Provide funds to construct and equip a new duct bank to serve the north campus of the College	[2,299,000]
	2,086,000

Chapter 432 of the Acts of 2004

Section 1(3)

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QP00 DIVISION OF PRE–TRIAL DETENTION AND SERVICES (Baltimore City)

(B)	Women’s Detention Center – Air System. Provide funds to complete design and install a chiller and ventilation system upgrade at the Women’s Detention Center	[3,335,000]
		3,203,000

UB00 MARYLAND ENVIRONMENTAL SERVICE

(A)	Infrastructure Improvement Fund. Provide funds to design, construct, and equip capital improvements for State institutions. Expenditures for any of the following projects may not exceed the amount listed below by more than 7.5% without notification to the General Assembly. Funds may only be spent on the projects listed below or on previously authorized projects. Expenditure of any part of this appropriation for a previously authorized project shall also require notification to the General Assembly	[3,257,000]
		2,957,000

(3)	Western Maryland State Parks. Design and construct improvements to the water and wastewater systems (Washington County and Frederick County)	[475,000]
		301,000

(5)	Sandy Point State Park. Construct improvements to the water tower (Anne Arundel County)	[434,000]
		324,000

(6)	Jessup Correctional Complex. Construct improvements to the water tower (Anne Arundel County)	[425,000]
		409,000

ZB02

LOCAL JAILS AND DETENTION CENTERS

- (C) Montgomery County Detention Center. Provide a grant to the County Executive and County Council of Montgomery County to assist in the design, renovation, and capital equipping of the Montgomery County Detention Center in Rockville, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may include funds expended prior to the effective date of this Act..... [3,048,000]
0

Chapter 432 of the Acts of 2004, as amended by Chapter 445 of the Acts of 2005, Chapter 46 of the Acts of 2006, Chapter 488 of the Acts of 2007, Chapter 336 of the Acts of 2008, and Chapter 485 of the Acts of 2009

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2004 in the total principal amount of **[\$612,023,592] \$608,543,592**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

Chapter 445 of the Acts of 2005

Section 1(3)

DEPARTMENT OF NATURAL RESOURCES

KA05

CAPITAL GRANTS AND LOANS ADMINISTRATION

- (A) Community Parks and Playgrounds. Provide funds for grants to local governments to design and construct eligible projects (Statewide). Further provided that [\$4,000,000] \$3,900,000 of this appropriation may only be used to provide grants for the following projects: [4,000,000]
3,900,000
- (6) North County Park, provide a [\$100,000] \$0 grant for planning and design of a park to be located in the northern section of Baltimore County (Baltimore

County)

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QP00 DIVISION OF PRE-TRIAL DETENTION AND SERVICES
(Baltimore City)

- (A) Property Acquisition/Demolition. Provide funds for design and demolition of acquired properties to expand the Baltimore City Detention Center, provided that no funds may be expended on this project until a program plan has been submitted and approved. The budget committees shall have 45 days to review and comment upon the plan.....
- [2,640,000]
~~1,541,000~~
1,545,000

UB00 MARYLAND ENVIRONMENTAL SERVICE

- (A) Infrastructure Improvement Fund. Provide funds to design, construct and equip capital improvements for State institutions. Expenditures for any of the following projects may not exceed the amount listed below by more than 7.5% without notification to the General Assembly. Funds may only be spent on the projects listed below or on previously authorized projects. Expenditure of any part of this appropriation for a previously authorized project shall also require notification to the General Assembly
- [3,147,000]
~~2,816,000~~
2,832,000
- (3) Rocky Gap State Park. Design and construct improvements to the wastewater system (Allegany County)
- [560,000]
368,000
- (5) Eastern Correctional Institution. Construct improvements to the water tower (Somerset County)
- [300,000]
~~233,000~~
249,000
- (6) Cunningham Falls State Park. Construct improvements to the water towers (Frederick County)
- [274,000]
202,000

ZB02

LOCAL JAILS AND DETENTION CENTERS

- (C) Montgomery County Detention Center Renovation. Provide a grant to the County Executive and County Council of Montgomery County to assist in the design, renovation, and equipping of the Montgomery County Detention Center in Rockville, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may include funds expended prior to the effective date of this Act [5,189,000]
0

**Chapter 445 of the Acts of 2005, as amended by Chapter 46 of the Acts of 2006,
Chapter 488 of the Acts of 2007, and Chapter 485 of the Acts of 2009**

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2005 in the total principal amount of ~~[\$649,715,700] \$643,096,700~~ **\$643,016,700**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

Chapter 46 of the Acts of 2006

SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) Notwithstanding § 8–125(e) of the State Finance and Procurement Article, ~~[\$49,017,000] \$46,829,000~~ **\$35,829,000** in premiums from the sale of State bonds in fiscal 2006 may remain in the State and Local Facilities Loan Fund ~~or be transferred from the Annuity Bond Fund~~ **AS ADDITIONAL BOND PROCEEDS** to the State and Local Facilities Loan Fund and, on approval by the Board of Public Works, may be expended by the Comptroller ~~only~~ **FOR AUTHORIZED CAPITAL PROJECTS, INCLUDING** for the following ~~purposes~~ **AUTHORIZED CAPITAL PROJECTS:**

- (a) Maryland Correctional Training Center – Housing Unit Windows/Heating System Replacement. Provide funds to prepare preliminary plans to replace windows and heating systems (Washington County) 1,300,000
- (b) North Branch Correctional Institution – 1024–Cell Housing

Complex and Support Space. Provide funds to construct and equip the fourth housing unit at the North Branch Correctional Institution (Allegany County)		[30,272,000]
		~~28,272,000~~
		<u>25,672,000</u>
(c)	<u>Patuxent Institution – Electrical Service Upgrade. Provide funds to upgrade the primary electric power supply and distribution system at the Patuxent Institution (Howard County)</u>	<u>6,545,000</u>
(d)	<u>Patuxent Institution – Fire Safety Improvements. Provide funds to construct and equip fire safety improvements to the DC Building at the Patuxent Institution (Howard County)</u>	<u>[7,900,000]</u>
		<u>0</u>
(e)	Division of Pre-Trial Detention and Services – Property Acquisition/Demolition. Provide funds for the demolition of structures on property acquired for the expansion of the Baltimore City Detention Center (Baltimore City).....	[3,000,000]
		~~2,812,000~~
		<u>2,312,000</u>

Chapter 488 of the Acts of 2007

Section 1(3)

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QP00 DIVISION OF PRE-TRIAL DETENTION AND SERVICES (Baltimore City)

(A)	Property Acquisition/Demolition. Provide funds for the acquisition of property and the demolition of structures on property acquired for the expansion of the Baltimore City Correctional Complex.....	[1,100,000]
		<u>672,000</u>

Chapter 488 of the Acts of 2007, as amended by Chapter 336 of the Acts of 2008

SECTION 12. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Coppin State University New Physical Education Complex Loan of 2008 in the total principal amount of \$30,000,000, on behalf of the State of Maryland through a State loan to be known as the Department of Public Safety and Correctional Services Maryland Correctional Training Center 192–Cell Medium Security Housing Unit and Support Space Loan of 2008 in the total principal amount of \$7,637,000, on behalf of the State of Maryland through a State loan to be known as the Department of Health and Mental Hygiene Laboratories Administration New Public Health Laboratory Loan of 2008 in the total principal amount of \$0, and on behalf of the State of Maryland through a State loan to be known as the Department of Health and Mental Hygiene Clifton T. Perkins Hospital Center New Maximum Security Wing Loan of 2008 in the total principal amount of ~~[\$3,137,000]~~ **\$2,337,000**. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

ML10

CLIFTON T. PERKINS HOSPITAL CENTER
(Howard County)

(A)	New Maximum Security Wing. Provide funds to design, construct, and equip a new Maximum Security Wing including the replacement of an existing chiller and security system	[3,137,000] 2,337,000

Chapter 488 of the Acts of 2007, as amended by Chapter 336 of the Acts of 2008, and Chapter 485 of the Acts of 2009

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2007 in the total principal amount of ~~[\$819,018,000]~~ **\$818,590,000**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

Chapter 336 of the Acts of 2008

Section 1(3)

DEPARTMENT OF PLANNING

DW01.08 JEFFERSON PATTERSON PARK AND MUSEUM

- (A) Jefferson Patterson Park and Museum. Provide funds to design renovations to the Patterson Center (Calvert) [554,000]
150,000

DEPARTMENT OF JUVENILE SERVICES

VE01 CHELTENHAM YOUTH FACILITY
(Prince George's County)

- (A) New Treatment Center. Provide funds to design a new treatment center, provided that no funds may be expended until:
- (1) the Department of Budget and Management has approved the gap analysis and facilities master plan submitted to it by the Department of Juvenile Services in January 2008; and
 - (2) an approved gap analysis and facilities master plan have been submitted to the budget committees for review and comment. The budget committees shall have 45 days to review and comment..... [4,074,000]
0
- (B) New Youth Detention Center. Provide funds for preliminary design of a new 72-BED detention center[, provided that no funds may be expended until:
- (1) the Department of Budget and Management has approved the gap analysis and facilities master plan submitted to it by the Department of Juvenile Services in January 2008; and
 - (2) an approved gap analysis and facilities master plan have been submitted to the budget committees for review and comment. The budget committees shall have 45 days to review and comment]..... 1,661,000

ZB02 LOCAL JAILS AND DETENTION CENTERS

- (B) Frederick County Detention Center. Provide a grant to the

County Commissioners of Frederick County to assist in the Phase IV expansion and renovation of the Frederick County Detention Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may include funds expended prior to the effective date of this Act

[7,401,000]

701,000

Chapter 336 of the Acts of 2008, as amended by Chapter 485 of the Acts of 2009

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2008 in the total principal amount of **[\$883,870,000] \$872,692,000**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

Chapter 485 of the Acts of 2009

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2009 in the total principal amount of **[\$1,107,793,101] ~~\$1,105,293,101~~ ~~\$1,094,653,660~~ \$1,092,653,660**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(3)

DH01

MILITARY DEPARTMENT
(Wicomico County)

(A) Salisbury Armory Renovation and Addition. Provide funds to design and construct renovations and additions to the Salisbury Armory

RESIDENTIAL SERVICES

(A) New Youth Detention Center. Provide funds for a detailed design of a new 72-BED detention center (Prince George's County) 2,547,000

~~[VD01]~~
~~VE01~~

~~[OFFICE OF THE SECRETARY]~~
~~RESIDENTIAL SERVICES~~

(B) Baltimore [City Juvenile] **REGIONAL** Treatment Center. Provide funds to acquire land for a new treatment center, provided that before the Departments of Juvenile Services and General Services acquire or lease land for a new treatment center [in Baltimore City], the departments shall submit a report to the budget committees detailing the site selection process including:

- (1) site selection criteria;
- (2) written appraisals;
- (3) what other sites were considered and why they were rejected; and
- (4) the extent to which the departments pursued already publicly owned property.

The budget committees shall have 45 days from the receipt of the report to review and comment. ([Baltimore City] **REGIONAL**)

[4,000,000]
~~2,500,000~~
0

ZA00

MISCELLANEOUS GRANT PROGRAMS

(Y) East Campus Redevelopment. Provide a grant equal to the lesser of (i) \$5,000,000 or (ii) the amount of the matching fund provided, to the University of Maryland Enterprise Corporation for the design and construction of facilities to relocate University of Maryland, College Park operations currently housed at the East Campus development site. These operations will be relocated to other areas of the campus. NOTWITHSTANDING THE PROVISIONS OF SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, OR FUNDS EXPENDED PRIOR TO THE

EFFECTIVE DATE OF THIS ACT. Provided that no funds may be expended on this project until:

- (1) the University of Maryland, College Park and the City of College Park enter a memorandum of understanding regarding the scope of the East Campus project and other issues related to the project; or
- (2) the City of College Park provides a letter to the General Assembly and the Board of Public Works that certifies that the City is satisfied with the intended use of the funds (Prince George's County).

FURTHER PROVIDED THAT THIS AUTHORIZATION MADE FOR THE PURPOSE OF FUNDING EAST CAMPUS INFRASTRUCTURE IMPROVEMENTS MAY NOT BE EXPENDED UNTIL A PROGRAM REQUIRED BY § 3-602(D) OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND PRELIMINARY PLANS AND OUTLINE SPECIFICATION REQUIRED BY § 6-602(F)(2)(I) OF THE STATE FINANCE AND PROCUREMENT ARTICLE HAVE BEEN SUBMITTED TO THE DEPARTMENT OF BUDGET AND MANAGEMENT FOR APPROVAL

5,000,000

ZA01

MARYLAND HOSPITAL ASSOCIATION

- (A) Kennedy Krieger Institute. Provide a grant to the Board of Directors of the Kennedy Krieger Institute, Inc. to assist in the design, construction, renovation, and capital equipping of a Kennedy Krieger Institute facility at [1750 East Fairmount Avenue] **707 NORTH BROADWAY** to accommodate pediatric inpatient programs at 707 North Broadway, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)

600,000

SECTION 12. AND BE IT FURTHER ENACTED, That:

- (1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan **PREAUTHORIZATION ACT** of 2010 in the total principal amount of [\$172,103,500] ~~\$146,931,000~~ **\$143,431,000**. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds

authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

Section 12(3)

DE02.01

BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A)	Legislative Facilities. Provide funds to construct and equip alterations and renovations to the Lowe House Office Building.....	[3,462,000] 0

RA01

STATE DEPARTMENT OF EDUCATION
(Statewide)

(B)	Western Maryland Regional Library. Provide funds to design, construct, and equip renovations and an addition to the Western Maryland Regional Library, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project.....	[5,000,000] 2,500,000

RM00

MORGAN STATE UNIVERSITY
(Baltimore City)

(E)	New Center for the Built Environment and Infrastructure Studies. Provide funds to construct AND EQUIP a new Center for the Built Environment and Infrastructure Studies.	~~[26,935,000]~~ 30,435,000

RB23

BOWIE STATE UNIVERSITY
(Prince George's County)

(B)	New Fine and Performing Arts Building. Provide funds to construct AND EQUIP a new Fine and Performing Arts Building.....	[34,050,000] 32,053,000

RB24

TOWSON UNIVERSITY
(Baltimore County)

(A)	New College of Liberal Arts Complex. Provide funds to construct AND EQUIP Phase II of the new College of Liberal Arts Complex	[35,750,000] 28,650,000
RB29	SALISBURY UNIVERSITY (Wicomico County)	
(A)	New Perdue School of Business. Provide funds to construct AND EQUIP a New Perdue School of Business	[14,298,000] 9,869,000
RI00	MARYLAND HIGHER EDUCATION COMMISSION (Statewide)	
(A)	Community College Facilities Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article.....	[39,594,500] 35,386,000
	(1) WOR–WIC COMMUNITY COLLEGE – Allied Health Building.....	[8,308,000] 8,614,000
	(2) HAGERSTOWN COMMUNITY COLLEGE – Arts and Science Complex.....	[8,934,000] 5,849,000
	(3) PRINCE GEORGE’S COMMUNITY COLLEGE – Center for Health Studies.....	[6,271,000] 4,841,000
	(4) MONTGOMERY COLLEGE – Germantown Bioscience Education Center	[16,081,500] 16,082,000
WA01	DEPARTMENT OF STATE POLICE (Washington County)	
(A)	New Hagerstown Barrack and Garage. Provide funds to DESIGN , construct and equip a new Hagerstown Barrack and Garage.....	[5,000,000]

2,525,000

ZB02

LOCAL JAILS AND DETENTION CENTERS

- (C) St. Mary's County Detention Center. Provide a grant to the Board of Commissioners of St. Mary's County to assist in the construction and equipping of the Phase I addition to the St. Mary's County Detention Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may include funds expended prior to the effective date of this Act (St. Mary's County)..... [5,514,000]
5,513,000

SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly declares that it is the public policy of this State to manage State general obligation bond debt in a manner that will maintain Maryland's AAA bond rating. The General Assembly further declares that legislative oversight, control, and review of all forms of State obligations are essential to maintenance of the State's existing bond rating and protection of the fiscal integrity of the State.

SECTION 4. AND BE IT FURTHER ENACTED, That, before work may commence pursuant to any supplement to any appropriation contained in this Act, satisfactory evidence must be given to the Board of Public Works that the project can be completed with the aggregate of the funds in this Act and previously appropriated for the stated purpose.

SECTION 5. AND BE IT FURTHER ENACTED, That, with the approval of the Department of Budget and Management, any appropriation for construction provided in this Act may be used to purchase capital equipment if the amount of the appropriation exceeds the amount required for construction expenses, including allowances for contingencies.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, before a State agency or institution named in this Act as responsible for an individual item may begin work with funds appropriated by this Act, the agency or institution shall provide satisfactory evidence to the Board of Public Works that the work described in the individual item can be completed with the funds specified for that item.

SECTION 7. AND BE IT FURTHER ENACTED, That, with the approval of the Department of Budget and Management, any appropriation under the provisions of this Act that is in excess of the amount needed for a project may be credited to the Construction Contingency Fund under § 3-609 of the State Finance and Procurement Article.

SECTION 8. AND BE IT FURTHER ENACTED, That, if federal funds are available to help accomplish any project identified in this Act, the State agency or institution responsible for the project shall make efforts through proper administrative procedures to obtain these federal funds. Before spending any funds appropriated by this Act, the agency or institution shall certify its efforts to the Board of Public Works and state the reason for any failure to obtain federal funds. If federal funds are obtained, they shall be used to defray the costs of the project described in this Act and not to expand its scope.

SECTION 9. AND BE IT FURTHER ENACTED, That:

(1) for any appropriation for the planning of a State-owned project provided in this Act, if a program required by § 3–602(d) of the State Finance and Procurement Article has not been submitted, the State agency or institution responsible for the project shall submit a program to the Department of Budget and Management for approval before funds may be expended from the appropriation; and

(2) for any appropriation for the construction of a State-owned project provided in this Act, if preliminary plans and outline specifications required by § 3–602(f)(2)(i) of the State Finance and Procurement Article have not been prepared, the State agency or institution responsible for the project shall submit preliminary plans and outline specifications to the Department of Budget and Management for approval before funds may be expended from the appropriation.

SECTION 10. AND BE IT FURTHER ENACTED, That no portion of the proceeds of a loan or any of the matching funds provided for a project funded under this Act may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, construction, or equipping of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, a recipient of the proceeds of a loan under this Act shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds has been or is being used for a purpose prohibited by this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That the Comptroller may advance funds to any loan funds account established pursuant to a general obligation bond loan enabling Act, for any expenditure authorized by that Act, provided that if general obligation bonds have not been issued under the authority of that Act, the next ensuing sale of general obligation bonds shall include the issuance of bonds under the authority of that Act in an amount at least equivalent to the amount of the funds so advanced.

SECTION 12. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland

Consolidated Capital Bond Loan Preauthorization Act of 2011 in total principal amount of ~~\$197,033,000~~ ~~\$200,033,000~~ ~~\$249,074,000~~ \$260,399,300. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

DE02.01

BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS

(Anne Arundel County)

(A)	Legislative Facilities. Provide funds to construct and equip alterations and renovations to the Lowe House Office Building.....	4,250,000

DEPARTMENT OF NATURAL RESOURCES

KA05	CAPITAL GRANTS AND LOANS ADMINISTRATION (Statewide)

(A)	Natural Resources Development Fund. Provide funds to design and construct development projects on property owned by the Department of Natural Resources.....	1,650,000

(1)	Harriet Tubman Underground Railroad State Park – Visitor Center and Site Improvements (Dorchester County)	1,650,000

(B) Program Open Space. Provide funds for the purchase of conservation easements and acquisition of land, and to make grants to local jurisdictions for the purchase of conservation easements and acquisition of land, and development of recreational facilities. Funds appropriated for local grants shall be administered in accordance with §§ 5–905 through

<u>5-906 of the Natural Resources Article</u>	<u>~~29,041,000~~</u> <u>34,047,500</u>
<u>(1) Program Open Space – Local – Prior Funds Replacement</u>	<u>29,041,000</u>
<u>(2) Program Open Space – Stateside – Prior Funds Replacement.....</u>	<u>5,006,500</u>
<u>(C) Rural Legacy Program. Provide funds for the purchase of conservation easements and acquisition of land. The funds appropriated for this purpose shall be administered in accordance with §§ 5-9A-01 through 5-9A-09 of the Natural Resources Article</u>	<u>6,318,500</u>

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QP00 DIVISION OF PRETRIAL DETENTION AND SERVICES
(Baltimore City)

(A) New Youth Detention Facility. Provide funds to construct a New Youth Detention Facility	38,000,000

RA01 STATE DEPARTMENT OF EDUCATION

(A) Western Maryland Regional Library. Provide funds to design, construct, and equip renovations and an addition to the Western Maryland Regional Library, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project (Washington County)	2,500,000

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK

(A) Physical Sciences Complex. Provide funds to construct Phase I of a new physical sciences complex to provide modern laboratory and office space for the Department of Physics, the Department of Astronomy, and the Institute for Physical Sciences and Technology (Prince George's County)	44,100,000

RB28 UNIVERSITY OF BALTIMORE
(Baltimore City)

(A) New Law School Building. Provide funds to construct a new law school.....	38,500,000

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY
(Baltimore County)

(A) New Performing Arts and Humanities Facility. Provide funds to construct a new performing arts and humanities facility ~~27,400,000~~
37,400,000

~~RC00 BALTIMORE CITY COMMUNITY COLLEGE~~
~~(Baltimore City)~~

~~(A) Main Building Renovation – Administration Wing – Liberty Campus. Provide funds to renovate the Administration Wing.....~~ 7,000,000

RI00 MARYLAND HIGHER EDUCATION COMMISSION
(Statewide)

(A) Community College Facilities Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11-105(j) of the Education Article..... 33,633,000

(1) Howard Community College – Allied Health Building 9,466,000

(2) Hagerstown Community College – Arts and Science Complex 6,064,000

(3) Prince George's Community College – Center for Health Studies..... 868,000

(4) Prince George's Community College – Circulation/Roadway Modifications 2,586,000

(5) Anne Arundel Community College – Library Renovation and Addition 3,500,000

(6) College of Southern Maryland – Phase II Campus Development..... 3,245,000

(7) Harford Community College – Susquehanna Center Renovation/Expansion 7,904,000

(A) Helicopter Replacement. Provide funds to acquire new helicopters to upgrade the quality of the State helicopter fleet (Statewide)..... 20,000,000

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2018. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2018, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further effect. If bonds have been issued for these loans, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2012 in total principal amount of ~~\$40,200,000~~ \$72,483,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

DE02.01

BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) Legislative Facilities. Provide funds to construct and equip alterations and renovations to the Lowe House Office

~~SECTION 14. AND BE IT FURTHER ENACTED, That:~~

~~(1) Notwithstanding § 8-125(c) of the State Finance and Procurement Article, up to \$53,297,000 in premiums from the sale of State general obligation bonds in 2010 shall remain in the State and Local Facilities Loan Fund and, on approval by the Board of Public Works, may be expended only by the Comptroller to provide fiscal year 2011 grants for public school construction projects approved by the Interagency Committee for School Construction.~~

~~(2) The Comptroller shall make any transfers or accounting adjustments to implement the provisions of this Section.~~

~~SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law and contingent upon the failure of HB 1370/SB 979, establishing public-private partnerships oversight requirements, for fiscal year 2011 only, no State agency may enter into a public-private partnership agreement for a capital project except subject to the following provisions:~~

~~(1) not less than 30 days before issuance of the solicitation for a public-private partnership for a capital project, the agency shall submit a preliminary project plan to the budget committees that describes and justifies the capital project; any buildings and land involved; the involvement and role of any units of State government or local governments; an analysis of the justification for pursuing a public-private partnership rather than traditional State construction and financing; and, to the extent known, the sources and uses of State funds for predevelopment costs and private sector predevelopment costs;~~

~~(2) not less than 45 days before entering into a master development agreement, the agency shall submit to the budget committees for review and comment a pro forma analysis outlining the capital project financing plan, including any cash or in-kind contributions, general obligation or other debt to be issued by any private, State, and nonbudgeted agency (including interest rate and maturity assumptions); two independent appraisals of any land or buildings involved; proposed use of tax credits; grants or other funding from the Department of Business and Economic Development or any other State agency; tax increment financing; investor equity from any source; and assumptions of the impact on the State operating budget; and~~

~~(3) an assessment by the State Treasurer, after consultation with bond counsel and the Comptroller, as to whether the capital project and any lease, whether represented as an operating or capital lease by the proposing State agencies, represents a capital lease and is subject to State debt affordability limits.~~

~~Provided that public-private partnerships agreements entered into by the University System of Maryland, where no State funds are used to fund or finance any portion of a capital project, are exempt from the provisions of paragraphs (1) through (3) of this Section.~~

SECTION ~~15~~ 14. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Economic Development

10-640.

(b) The Authority shall provide to the fiscal committees of the General Assembly, at least [30] 90 days before seeking approval of the Board of Public Works for each bond issue or other borrowing, a comprehensive financing plan for the relevant segment of the facility, including the effect of the financing plan on financing options for other segments of the facility.

10-641.

(c) The Authority shall provide to the fiscal committees of the General Assembly, at least [30] 90 days before seeking approval of the Board of Public Works for each bond issue or other borrowing, a comprehensive financing plan for the relevant segment of the facility, including the effect of the financing plan on financing options for other segments of the facility and anticipated revenues from private investment.

10-642.

(b) The Authority shall provide to the fiscal committees of the General Assembly, at least [30] 90 days before seeking approval of the Board of Public Works for each bond issue or other borrowing, a comprehensive financing plan for the relevant segment of the facility including the effect of the financing plan on financing options for other segments of the facility.

10-643.

(b) The Authority shall provide to the fiscal committees of the General Assembly, at least [30] 90 days before seeking approval of the Board of Public Works for each bond issue or other borrowing, a comprehensive financing plan for the relevant segment of the facility, including the effect of the financing plan on financing options for other segments of the facility.

10-644.

(c) The Authority shall provide to the fiscal committees of the General Assembly, at least [30] 90 days before seeking approval of the Board of Public Works for each bond issue or other borrowing, a comprehensive financing plan for the relevant segment of the facility, including the effect of the financing plan on financing

options for other segments of the facility and anticipated revenues from private investment.

~~SECTION 16. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~**Article — Education**~~

~~23 510.~~

~~(d) (3) Grants under the program:~~

~~(i) Require a matching fund from any combination of county, municipal, or private sources;~~

~~(ii) May not exceed THE LESSER OF:~~

~~1. 50% of the total cost of a capital project; OR~~

~~2. \$800,000; and~~

~~(iii) May not be for an amount less than \$20,000.~~

~~SECTION 17. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor not include funds for legislative initiatives in the Capital Budget for fiscal year 2012 and fiscal year 2013 and that the funds instead be allocated to public school construction funding.~~

SECTION ~~15.~~ ~~17.~~ ~~18.~~ ~~16.~~ 15. AND BE IT FURTHER ENACTED, That the net new debt to be authorized by legislation in fiscal year 2011 may not exceed \$1,140,000,000, as evidenced by the following:

FY 2010 debt to be authorized by this Act	~~1,017,575,000~~
	~~1,031,794,000~~
	<u>1,033,794,441</u>

FY 2011 debt authorized by separate legislation, as amended by this Act, for the Western Maryland Regional Library	2,500,000

FY 2011 debt authorized by separate legislation, as amended by this Act, for the New Fine and Performing Arts Building at Bowie State University	32,053,000

FY 2011 debt authorized by separate legislation, as amended by this Act, for the New College of Liberal Arts Complex at Towson University	28,650,000

FY 2011 debt authorized by separate legislation, as amended by this Act, for the New Perdue School of Business at Salisbury University	9,869,000
FY 2011 debt authorized by separate legislation, as amended by this Act, for the Community College Grant Program	35,386,000
FY 2011 debt authorized by separate legislation, as amended by this Act, for the New Center for the Built Environment and Infrastructure Studies	~~30,435,000~~ <u>26,935,000</u>
FY 2011 debt authorized by separate legislation, as amended by this Act, for the New Hagerstown Barrack and Garage in Hagerstown	2,525,000
FY 2011 debt authorized by separate legislation for the Sinai Hospital – Samuelson Children’s Hospital at Sinai Hospital in Baltimore City	2,500,000
FY 2011 debt authorized by separate legislation, as amended by this Act, for the St. Mary’s County Detention Center in St. Mary’s County	5,513,000
Subtotal.....	~~1,167,006,000~~ <u>1,177,725,000</u> <u>1,179,725,441</u>
Reductions in Previously Authorized State Debt Made in This Bill.....	~~(27,006,000)~~ ~~(37,725,000)~~ <u>(39,725,441)</u>
Net new debt to be authorized in FY 2010	1,140,000,000

SECTION ~~16~~ ~~18~~ ~~19~~ ~~17~~ 16. AND BE IT FURTHER ENACTED, That Section 12 of this Act shall take effect June 1, 2011.

SECTION ~~17~~ ~~19~~ ~~20~~ ~~18~~ 17. AND BE IT FURTHER ENACTED, That Section 13 of this Act shall take effect June 1, 2012.

SECTION ~~18~~ ~~20~~ ~~21~~ ~~19~~ 18. AND BE IT FURTHER ENACTED, That, except as provided in Section ~~16~~ ~~18~~ ~~19~~ ~~17~~ 16 and Section ~~17~~ ~~19~~ ~~20~~ ~~18~~ 17 of this Act, this Act shall take effect June 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 484

(Senate Bill 141)

AN ACT concerning

Budget Reconciliation and Financing Act of 2010

FOR the purpose of altering the calculation of certain distributions required to be made to certain counties and Baltimore City based on per capita yield of county income taxes; altering or repealing certain required appropriations; altering the distribution of certain revenues; altering or repealing certain funding requirements; ~~altering or repealing certain grant programs; authorizing certain units of government to charge a certain fee for certain purposes; repealing certain requirements for a certain notice relating to abandoned property to be published in certain newspapers; requiring the Comptroller to maintain, or cause to be maintained, an abandoned property database containing the names and last known addresses, if any, of persons listed in certain reports; requiring the Comptroller to maintain, or cause to be maintained, a certain Internet website relating to the abandoned property database; requiring the Comptroller to publish certain notices of a certain Internet website; repealing~~ altering certain inflation adjustments for the calculation of certain State education funding; altering a certain requirement for reimbursement of certain volunteer firefighters and ambulance or rescue squad members under a certain tuition reimbursement program; requiring certain funds to be used for certain purposes for a certain fiscal year; altering the schedule for the Judicial Compensation Commission to meet to review judicial salaries and pensions and make written recommendations to the Governor and the General Assembly; requiring the budget bill to specify how certain savings will be achieved and to include a certain schedule for certain proposed reductions under certain circumstances; altering a requirement that certain balances in a certain fund revert to the General Fund at the end of certain fiscal years; authorizing the use of certain funds for certain purposes; repealing certain grants to certain institutions; specifying the allocation of certain grants between certain institutions; authorizing the use of a certain grant for certain purposes; altering the maximum aggregate amount of a certain assessment; altering certain restrictions on the use of certain funds; altering certain requirements governing expenditures from a certain fund; altering for a certain fiscal year certain provisions relating to certain requirements that certain nonprofit health service plans use certain funds for certain purposes under certain circumstances; requiring that an application for a certain death benefit payable to the surviving spouse, child, or estate of certain individuals under certain

~~circumstances be submitted within a certain time period; requiring the Department of Public Safety and Correctional Services under certain circumstances to take certain steps to notify potential recipients of the availability of a certain death benefit; altering the allocation of certain funds; requiring certain local employers to pay a certain portion of certain employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; requiring the Board of Trustees for the State Retirement and Pension System to establish a certain local contribution rate in a certain manner for certain fiscal years; providing for the manner of payment by certain local employers for certain employer contributions; altering the calculation of certain State payments for certain library employees excluded from membership in the Teachers' Retirement System or the Teachers' Pension System; requiring certain counties and Baltimore City to pay certain employer contributions for certain members of certain systems of the State Retirement and Pension System; requiring certain counties to make certain payments in certain fiscal years; requiring the Comptroller to exercise the right of setoff against any money due or becoming due to certain local employers or counties under certain circumstances; requiring the Comptroller to pay certain grants to certain local jurisdictions for a certain fiscal year; requiring the Comptroller to make a certain distribution *from a certain account* to the Education Trust Fund; requiring the Comptroller to make a certain distribution *from a certain account* to the General Fund; altering the distribution of certain motor fuel tax revenue; altering the distribution of certain sales and use tax revenues from short-term rental vehicles; ~~altering the distribution of certain sales and use tax revenue for certain fiscal years;~~ altering certain provisions relating to the funding of a certain highway; ~~repealing a certain grant program; repealing certain credits allowed against certain taxes for the purchase of Maryland mined coal;~~ authorizing the Governor to transfer to the General Fund certain amounts from certain special funds for certain fiscal years; ~~authorizing the Governor to transfer to the General Fund certain amounts from certain special funds, subject to a certain contingency;~~ providing that certain grants to county boards of education may be funded from the ~~Maryland Consolidated Capital Bond Loan of 2010~~ proceeds of certain bonds; ~~repealing a requirement that the Governor provide a plan for repayment of certain monies to a certain fund;~~ requiring that certain units of local government receive a certain amount of funding for certain fiscal years for certain purposes; prohibiting the expenditure of funds in a certain fiscal year for certain rate increases; authorizing the transfer by budget amendment of certain funds for certain purposes; providing that certain proceeds from the corporate income tax for a certain fiscal year be credited to the General Fund; ~~altering certain reporting requirements; prohibiting any new awards from being made under a certain scholarship program for a certain academic year; limiting the size of the incoming class at a certain residential education boarding program for at risk students receiving certain funding;~~ *requiring a certain residential boarding program and the State Department of Education to negotiate a certain modification to a certain contract and to submit a certain report to the budget committees of the General Assembly by a certain date;* authorizing the transfer of certain savings and interest from certain funds~~

into the General Fund; altering the distribution of certain highway user revenues ~~for certain fiscal years~~; stating the intent of the General Assembly that a certain workgroup review and provide recommendations regarding distribution of local highway user revenues; prohibiting the payment of certain bonuses, merit increases, or cost-of-living adjustments for certain State employees for a certain fiscal year; providing that the State is not required to make certain employer contributions for employees participating in a certain supplemental retirement plan ~~for a certain fiscal year~~; clarifying and altering the authority of the Governor to implement certain employee furloughs and salary reduction days during certain years; clarifying the base rate for calculating overtime for certain employees under certain circumstances; requiring the State to repay certain amounts to a certain account in certain fiscal years; providing that the Governor is not required to include certain appropriations in the budget for a certain fiscal year under certain circumstances; *repealing a requirement that the Comptroller include a certain tax add-on system that allows contributions to the Fair Campaign Financing Fund; authorizing the transfer of certain funds in the Fair Campaign Finance Fund for certain purposes; requiring that certain funds transferred from the Fair Campaign Finance Fund not used for certain purposes shall revert to the Fund; providing for a study and report by a certain date by an independent consultant regarding certain issues relating to certain voting systems*; altering the amounts of certain funds required to be charged back to certain agencies for a certain purpose; ~~reducing a certain appropriation for a certain fiscal year~~; authorizing the Governor to transfer certain funds for use in a certain program for a certain fiscal year; making certain provisions of this Act subject to a certain contingency; *authorizing the transfer of certain amounts from certain special funds to the General Fund to support a certain business licensing project; establishing a certain commission to study and make recommendations relating to State funded benefits and pensions provided to State and public education employees and retirees; requiring the commission to submit certain reports to a certain commission and certain committees on or before certain dates; stating certain intent of the General Assembly*; making the provisions of this Act severable; providing for the effective dates and application of this Act; and generally relating to the financing of State government.

BY repealing and reenacting, with amendments,

Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 9–1101(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Agriculture~~

~~Section 8–405(e)~~

~~Annotated Code of Maryland~~

~~(2007 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 15–607 and 17–311
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–304(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–708(c), 7–301(f), and 13–603(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–214, 4–216(b) and 10–523(a)(3)(i), and 4–801(g)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
~~Section 5–205(e)(3), 16–305(c)(1)(i), and 17–104(a)~~
Section 5–202(a)(13), 5–205(c)(3), 5–206(f), 16–305(c)(1), 16–512(a), 17–104(a),
18–603, 23–205(c) and (d), and 23–503(b)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 15–103
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–411(f) and (g)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General

Section 2–302, 13–1015, 13–1116(a)(1), ~~13–1117(a)(1), 13–1118(a)(1),~~
19–310.1(b), (c), and (d), and 19–14B–01(c)(1)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing

Article – Health – General
Section 18–108(c)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 8–504
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Insurance~~
~~Section 14–106(d)(1) and (2)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–202(b)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–306 and 7–325(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 7–114.2
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–20B–05(g–1)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section ~~21-304(a) and (b)~~, 21-307(b) and (o), ~~21-308(a)(1) and (d)(1)~~, and
32-205(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

~~BY adding to~~

~~Article – State Personnel and Pensions~~

~~Section 21-309.1~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 2-202, 2-1104, and ~~and~~ 2-1302.1, and ~~2-1302.2~~

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

BY adding to

Article – Tax – General

Section 2-606(e) and (f)

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

BY repealing

Article – Transportation

Section 8-403

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 4-321(e), 8-402(c), 8-404, 8-405, and 8-407

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY adding to

Article – Transportation

Section 8-401(c-1) and 8-403

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

~~BY repealing~~

~~Article – Education~~

~~Section 18-1201 through 18-1207 and the subtitle “Subtitle 12. Private Career~~
~~School Student Grant Program”~~

~~Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)~~

BY repealing

Article – Correctional Services
Section 11–308, 11–309, and 11–310(a), (b), and (c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing

Article – Education
Section 7–117
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing

Article – Health – General
Section 13–1117 and 13–1118
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing

Article – Natural Resources
Section 10–301(m)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

~~BY repealing~~

~~Article – Tax – General~~
~~Section 8–406(b) and 10–704.1~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2009 Supplement)~~

BY repealing

Chapter 451 of the Acts of the General Assembly of 2003
Section 5

BY repealing and reenacting, with amendments,

Chapter 62 of the Acts of the General Assembly of 1992
Section 4

BY repealing and reenacting, with amendments,

Chapter 503 of the Acts of the General Assembly of 2007, as amended by
Chapter 200 of the Acts of the General Assembly of 2008
Section 5(c)

BY repealing and reenacting, with amendments,

Chapter 487 of the Acts of the General Assembly of 2009
Section 19, 35, ~~38~~, 39, and 44

BY repealing

Chapter 487 of the Acts of the General Assembly of 2009
Section ~~25~~ 12, 25, 29, and 34

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1101.

(a) (1) Subject to subsection (d) of this section, for each fiscal year, the Comptroller shall distribute to a county the amount determined for each county under this section.

(2) The amount a county shall receive under this section in any fiscal year shall be based on the county income tax collected from individuals for the taxable year that ended in the second prior fiscal year, from returns filed through [August 15] NOVEMBER 1 immediately preceding the applicable fiscal year, as determined by the Comptroller.

~~(b) (1) For each fiscal year, the Comptroller shall determine as rounded to the nearest cent:~~

~~(i) The per capita yield of the county income tax for each county, based on:~~

~~1. Unless a county income tax rate of other than 2.54% was in effect, the receipts described in subsection (a)(2) of this section;~~

~~2. The population of the county as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and~~

~~3. If the county income tax rate is other than 2.54% in the applicable taxable year, the receipts described in subsection (a)(2) of this section that would have been received if a county income tax rate of 2.54% had been in effect; and~~

~~(ii) The per capita statewide yield of the county income tax, based on:~~

~~1. The total receipts for county income tax described in subsection (a)(2) of this section for counties with an income tax rate of 2.54% in effect;~~

~~2. The State population as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and~~

~~3. For counties with an income tax rate of other than 2.54% in effect, the total receipts for county income tax described in subsection (a)(2) of this section that would have been received if a county income tax rate of 2.54% had been in effect.~~

~~(2) If the per capita yield of the county income tax for a county determined under paragraph (1)(i) of this subsection is less than 75% of the per capita statewide yield of the county income tax determined under paragraph (1)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.~~

~~(3) A county may not receive a distribution under this subsection if the county tax rate in that county was less than 2.4%.~~

~~(i) For the taxable year that ended in the second prior fiscal year; or~~

~~(ii) For any subsequent taxable year through the taxable year that ends in the current fiscal year.~~

~~(e) The Comptroller shall make payments of the additional amounts provided under this section quarterly during the fiscal year for which the payment is made.~~

~~(d) For fiscal year 2011 and each subsequent fiscal year, [the distribution provided to any county or Baltimore City] IF THE SUM OF THE AMOUNTS DETERMINED FOR ALL COUNTIES under SUBSECTION (B) OF this section [may not exceed the amount distributed to the county or Baltimore City for fiscal year 2010] EXCEEDS \$120,000,000, THE COMPTROLLER SHALL DISTRIBUTE TO EACH COUNTY AN AMOUNT EQUAL TO THE AMOUNT OTHERWISE DETERMINED FOR THE COUNTY UNDER SUBSECTION (B) OF THIS SECTION MULTIPLIED BY A FRACTION:~~

~~(1) THE NUMERATOR OF WHICH IS \$120,000,000; AND~~

~~(2) THE DENOMINATOR OF WHICH IS THE SUM OF THE AMOUNTS DETERMINED FOR ALL COUNTIES FOR THE APPLICABLE FISCAL YEAR UNDER SUBSECTION (B) OF THIS SECTION WITHOUT REGARD TO THIS SUBSECTION.~~

~~8-405.~~

~~(e) [(1) The Governor shall include in the annual budget bill an amount sufficient to employ not less than 110 field personnel in the soil conservation districts under this title.~~

~~(2)] The appropriation for the 24 soil conservation districts shall be as follows:~~

~~[(i) For fiscal year 2008, \$8,800,000;~~

~~(ii) For fiscal year 2009, \$9,200,000;~~

~~(iii)] (1) For fiscal year 2010, \$9,600,000; [and]~~

~~(2) FOR EACH OF FISCAL YEARS 2011 AND 2012, \$9,200,000;~~

~~(3) FOR FISCAL YEAR 2013, \$9,600,000; AND~~

~~[(iv)] (4) For fiscal year [2011] 2014, and each fiscal year thereafter, \$10,000,000.~~

~~Article—Commercial Law~~

~~15-607.~~

~~(A) Wages, due from or payable by the State, or a county, municipal corporation, or other political subdivision, and the public officers of the State or a county, municipal corporation, or other political subdivision to an individual, are subject to attachment process brought for the enforcement of the private legal obligations of the individual in the same manner and to the same extent as if the State, county, municipal corporation, or other political subdivision, and their respective public officers, were a private person.~~

~~(B) THE STATE, OR A COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION, AND THEIR RESPECTIVE PUBLIC OFFICERS, MAY DEDUCT AND RETAIN FROM THE INDIVIDUAL'S WAGES AN ADDITIONAL FEE OF \$2 FOR EACH DEDUCTION MADE UNDER THE ATTACHMENT PROCESS OF THIS SUBTITLE OR UNDER TITLE 31, § 3720D OF THE UNITED STATES CODE.~~

~~17-311.~~

~~[(a) (1) Within 365 days from the filing of the report required by § 17-310 of this subtitle, the Administrator shall cause notice to be published in a newspaper of~~

~~general circulation in the county in the State within which is located the last known address of any person to be named in the notice.~~

~~(2) If an address is not listed or if the address is outside the State, the notice shall be published in the county within which the person who held the abandoned property has the principal place of business in this State.~~

~~(b) The published notice shall be entitled “Notice of Names of Persons Appearing to Be Owners of Abandoned Property” and shall contain:~~

~~(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice in the county specified in this section;~~

~~(2) A statement that information concerning the amount or description of the property and the name and address of the person who held the property may be obtained by any person who possesses an interest in the property, by addressing an inquiry to the Administrator; and~~

~~(3) A statement that a proof of claim may be presented by the owner to the Administrator.~~

~~(c) The Administrator is not required to publish in the notice any item valued at less than \$100 unless the Administrator considers the publication to be in the public interest.]~~

~~(A) IN THIS SECTION, “ABANDONED PROPERTY DATABASE” MEANS AN ELECTRONIC DATABASE CONTAINING THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED PROPERTY.~~

~~(B) (1) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE MAINTAINED, AN ABANDONED PROPERTY DATABASE.~~

~~(2) WITHIN 365 DAYS AFTER THE FILING OF THE REPORT REQUIRED BY § 17-310 OF THIS SUBTITLE, THE ADMINISTRATOR SHALL ADD TO THE ABANDONED PROPERTY DATABASE THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS LISTED IN THE REPORT.~~

~~(3) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE MAINTAINED, AN INTERNET WEBSITE THAT:~~

~~(i) PROVIDES REASONABLE MEANS BY WHICH A PERSON MAY SEARCH THE ABANDONED PROPERTY DATABASE REQUIRED BY THIS SUBSECTION;~~

~~(II) CONTAINS A STATEMENT THAT INFORMATION CONCERNING THE AMOUNT OR DESCRIPTION OF THE PROPERTY AND THE NAME AND ADDRESS OF THE PERSON WHO HELD THE PROPERTY MAY BE OBTAINED BY ANY PERSON WHO POSSESSES AN INTEREST IN THE PROPERTY, BY ADDRESSING AN INQUIRY TO THE ADMINISTRATOR;~~

~~(III) CONTAINS A STATEMENT THAT A PROOF OF CLAIM MAY BE PRESENTED BY THE OWNER TO THE ADMINISTRATOR; AND~~

~~(IV) INCLUDES A LINK TO AN ABANDONED PROPERTY CLAIM FORM.~~

~~(C) (1) THE ADMINISTRATOR SHALL PUBLISH NOTICE OF THE INTERNET WEBSITE REQUIRED BY SUBSECTION (B)(3) OF THIS SECTION.~~

~~(2) THE NOTICE SHALL:~~

~~(I) BE PUBLISHED AT LEAST ONCE EACH CALENDAR QUARTER IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN EACH COUNTY OF THE STATE; AND~~

~~(II) CONTAIN:~~

~~1. A STATEMENT THAT THE ADMINISTRATOR MAINTAINS RECORDS OF THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED PROPERTY;~~

~~2. A STATEMENT THAT ANY PERSON MAY SEARCH THE ADMINISTRATOR'S ABANDONED PROPERTY RECORDS THROUGH THE ADMINISTRATOR'S INTERNET WEBSITE; AND~~

~~3. THE ADDRESS OF THE INTERNET WEBSITE.~~

~~(d) Within 120 days from the receipt of the report required by § 17-310 of this subtitle, the Administrator shall mail a notice to each person who has an address listed in the report who appears entitled to property valued at \$100 or more and presumed abandoned under this subtitle.~~

~~(e) The mailed notice shall contain:~~

~~(1) A statement that, according to a report filed with the Administrator, property is being held to which the addressee appears entitled;~~

~~(2) The name and address of the person who held the property and any necessary information regarding any change of the name or address of the holder, and~~

~~(3) A statement that a proof of claim may be presented by the owner to the Administrator.~~

Article – Correctional Services

11-304.

(b) (1) With the approval of the Secretary, a county may convert a work release program established under Subtitles 1 and 7 of this title into a center that is subject to this subtitle.

(2) [The provisions of § 11-309 of this subtitle do not apply to a work release program that is converted into a center.

(3) The Secretary shall adopt regulations for the conversion of a work release program into a center.

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

Article – Courts and Judicial Proceedings

1-708.

(c) [Beginning on September 1, 2009, and] ON OR AFTER SEPTEMBER 1, 2011, SEPTEMBER 1, 2013, AND every 4 years thereafter, the Commission shall review the salaries and pensions of the judges of the courts listed in subsection (a) of this section and make written recommendations to the Governor and General Assembly on or before the next ensuing regular session of the General Assembly. The Governor shall include in the budget for the next ensuing fiscal year the funding necessary to implement those recommendations, contingent on action by the General Assembly under subsections (d) and (e) of this section.

7-301.

(f) (1) In a traffic case in which points may be assessed under § 16-402 of the Transportation Article, after conviction the court shall add a \$7.50 surcharge to any fine imposed by the court.

(2) Subject to [paragraph (3)] PARAGRAPHS (3) AND (4) of this subsection, the surcharges collected under this subsection shall be credited as follows:

(i) 50% to the Volunteer Company Assistance Fund to be used in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article; and

(ii) 50% to the State Helicopter Replacement Fund to be used in accordance with the provisions of § 2-801 of the Public Safety Article.

(3) **NOTWITHSTANDING ~~PARAGRAPH (2) OR (4) ANY OTHER PROVISION~~ OF THIS SUBSECTION, FOR FISCAL YEAR 2010, ~~AND FISCAL YEAR 2011, AND FISCAL YEAR 2012~~ ONLY, 100% OF THE SURCHARGES COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED AS FOLLOWS:**

(I) 25% TO THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE; AND

(II) 75% TO THE GENERAL FUND.

(4) After \$20,000,000 is credited to the Volunteer Company Assistance Fund in accordance with paragraph (2) of this subsection, 100% of the surcharges collected under this subsection shall be credited to the State Police Helicopter Replacement Fund to be used in accordance with the provisions of § 2-801 of the Public Safety Article.

13-603.

(c) The Fund shall be used to pay:

(1) The operating expenses of the land records offices of the clerks of the circuit courts and to repair, replace, improve, modernize, and update office equipment and equipment related services in the land records office of the clerk of the circuit court for each county, as the Administrator considers appropriate, with advice from the oversight committee; and

(2) For [fiscal years 2009 and 2010, for] major information technology development projects of the Judiciary Department, as the Administrator considers appropriate.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Economic Development

4-214.

The Board shall:

(1) set policies for spending money on tourism advertising, written and graphic materials, cooperative and matching promotional programs, and other tourism and travel developmental and promotional activities for the State;

(2) spend money of the Fund to plan, advertise, promote, assist, and develop the tourism and travel industries in the State; and

(3) [beginning in fiscal year 2011,] provide grants [of not less than \$2,500,000 in total each fiscal year] to destination marketing organizations for the purpose of attracting visitors to the State OF NOT LESS THAN:

(I) ~~\$2,000,000~~ \$2,350,000 IN TOTAL FOR EACH OF FISCAL YEARS 2011 AND 2012 FISCAL YEAR 2011; AND

(II) \$2,500,000 IN TOTAL FOR FISCAL YEAR ~~2013~~ 2012 AND FOR EACH FISCAL YEAR THEREAFTER.

4-216.

(b) (1) **FOR EACH OF FISCAL YEARS 2011 AND 2012, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL A PROPOSED GENERAL FUND APPROPRIATION TO THE FUND OF ~~\$5,000,000~~ \$4,000,000 \$5,000,000.**

(2) For fiscal year [2011] **2013** and each fiscal year thereafter, the Governor shall include in the annual budget bill a proposed General Fund appropriation to the Fund in an amount not less than \$6,000,000 for each fiscal year.

4-801.

(g) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE Fund may be used only for preventing the closure, [or] termination, OR FINANCIAL DISTRESS of cultural arts organizations, including museums, or similar entities in the State.

(2) FOR FISCAL YEAR 2011:

(I) \$450,000 FROM THE FUND SHALL BE USED TO PROVIDE A GRANT TO THE BALTIMORE SYMPHONY ORCHESTRA; AND

(II) \$50,000 FROM THE FUND SHALL BE USED TO PROVIDE A GRANT TO THE NATIONAL PHILHARMONIC.

~~10-523.~~

~~(a) (3) (i) To assist the Corporation in complying with subsection (c) of this section, the Governor shall include each year in the State budget bill an appropriation to the Corporation for rural business development and assistance [for each of fiscal years 2010 and 2011 in the amount of \$2,750,000 and for each of fiscal years 2012 through 2020, in the amount of \$4,000,000] AS FOLLOWS:~~

- ~~1. FOR FISCAL YEAR 2010, \$2,750,000;~~
- ~~2. FOR FISCAL YEAR 2011, \$850,000;~~
- ~~3. FOR FISCAL YEAR 2012, \$850,000;~~
- ~~4. FOR FISCAL YEAR 2013, \$1,750,000;~~
- ~~5. FOR FISCAL YEAR 2014, \$2,750,000; AND~~
- ~~6. FOR EACH OF FISCAL YEARS 2015 THROUGH 2020, \$4,000,000.~~

Article – Education

5-202.

(a) (13) “Target per pupil foundation amount” means:

- (i) In fiscal years 2008, 2009, and 2010, \$6,694;
- (ii) Except as provided in item (iii) of this paragraph, in subsequent fiscal years:
 1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:
 - A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;
 - B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or
 - C. 5%; or
 2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore

metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year; and

(iii) In [fiscal year 2012] EACH OF FISCAL YEARS 2012 THROUGH 2015:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 1%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year.

5–205.

(c) (3) (i) Except as provided in [subparagraph (ii)] **SUBPARAGRAPHS (II) AND (III)** of this paragraph, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be less than [3] 1 percent nor more than 8 percent of the amount of the grant for the previous year.

(ii) **FOR FISCAL YEAR 2011, THE INCREASE IN THE AMOUNT OF A BASE GRANT FOR STUDENT TRANSPORTATION THAT IS BASED ON THE INCREASE IN THE PRIVATE TRANSPORTATION CATEGORY OF THE CONSUMER PRICE INDEX SHALL BE 1 PERCENT OF THE AMOUNT OF THE GRANT FOR THE PREVIOUS YEAR.**

(iii) For ~~fiscal year 2012~~ **EACH OF FISCAL YEARS 2012 THROUGH 2015**, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be more than 1 percent of the amount of the grant for the previous year.

5–206.

(f) (1) In fiscal year 2006 and in each fiscal year thereafter, the State shall distribute grants to county boards under the Aging Schools Program administered by the Interagency Committee on School Construction in amounts equal to the funding level calculated under paragraph (2) of this subsection.

(2) The funding level for a county is:

(i) In fiscal year 2011, the following amounts for the following counties:

1. Allegany County..... \$97,791;
2. Anne Arundel County \$506,038;
3. Baltimore City..... \$1,387,924;
4. Baltimore County..... \$874,227;
5. Calvert County..... \$38,292;
6. Caroline County \$50,074;
7. Carroll County..... \$137,261;
8. Cecil County \$96,024;
9. Charles County..... \$50,074;
10. Dorchester County \$38,292;
11. Frederick County \$182,622;
12. Garrett County \$38,292;
13. Harford County \$217,379;
14. Howard County \$87,776;
15. Kent County \$38,292;
16. Montgomery County..... \$602,651;
17. Prince George's County..... \$1,209,426;
18. Queen Anne's County..... \$50,074;
19. St. Mary's County..... \$50,074;

20. Somerset County \$38,292;
21. Talbot County..... \$38,292;
22. Washington County..... \$134,904;
23. Wicomico County..... \$106,627; and
24. Worcester County..... \$38,292;

[(ii) In fiscal year 2012, the following amounts for the following counties:

1. Allegany County..... \$166,000;
2. Anne Arundel County \$859,000;
3. Baltimore City \$2,356,000;
4. Baltimore County..... \$1,484,000;
5. Calvert County..... \$65,000;
6. Caroline County \$85,000;
7. Carroll County..... \$233,000;
8. Cecil County \$163,000;
9. Charles County..... \$85,000;
10. Dorchester County \$65,000;
11. Frederick County \$310,000;
12. Garrett County..... \$65,000;
13. Harford County \$369,000;
14. Howard County \$149,000;
15. Kent County \$65,000;
16. Montgomery County..... \$1,023,000;
17. Prince George's County..... \$2,053,000;

- 18. Queen Anne's County..... \$85,000;
- 19. St. Mary's County..... \$85,000;
- 20. Somerset County \$65,000;
- 21. Talbot County..... \$65,000;
- 22. Washington County..... \$229,000;
- 23. Wicomico County..... \$181,000; and
- 24. Worcester County.....\$65,000;] and

[(iii)] (II) [Except as provided in paragraph (3) of this subsection, in] IN fiscal year [2013] 2012 and in each fiscal year thereafter, the funding level for the county for the prior fiscal year [increased by the product of the funding level for the county for the prior fiscal year and the percentage change in the Consumer Price Index – all urban consumers – all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the second prior fiscal year].

[(3) If the funding level calculated under paragraph (2)(ii) of this subsection is less than the funding level for the prior fiscal year, the funding level for the county shall be the funding level for the prior fiscal year.]

16–305.

(c) (1) (i) The total State operating fund per full-time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:

1. In fiscal year 2009, not less than an amount equal to 26.25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

2. In fiscal year 2010, not less than an amount equal to 23.6% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

3. In ~~the~~ fiscal year 2011, ~~EACH OF FISCAL YEARS 2011 AND 2012,~~ ~~[not less than an amount equal to 24% 21.8%~~ of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year] ~~\$194,407,432 TO BE DISTRIBUTED AS FOLLOWS:~~

~~A.~~	~~ALLEGANY COLLEGE OF MARYLAND ..~~	~~\$4,535,850;~~
~~B.~~	~~ANNE ARUNDEL COMMUNITY COLLEGE.....~~	~~\$26,902,364;~~
~~C.~~	~~COMMUNITY COLLEGE OF BALTIMORE COUNTY.....~~	~~\$33,649,935;~~
~~D.~~	~~CARROLL COMMUNITY COLLEGE.....~~	~~\$6,770,354;~~
~~E.~~	~~CECH COMMUNITY COLLEGE.....~~	~~\$4,448,540;~~
~~F.~~	~~COLLEGE OF SOUTHERN MARYLAND.....~~	~~\$10,299,112;~~
~~G.~~	~~CHESAPEAKE COLLEGE~~	~~\$5,268,995;~~
~~H.~~	~~FREDERICK COMMUNITY COLLEGE....~~	~~\$7,649,753;~~
~~I.~~	~~GARRETT COLLEGE.....~~	~~\$2,307,428;~~
~~J.~~	~~HAGERSTOWN COMMUNITY COLLEGE.....~~	~~\$6,701,294;~~
~~K.~~	~~HARFORD COMMUNITY COLLEGE~~	~~\$9,781,228;~~
~~L.~~	~~HOWARD COMMUNITY COLLEGE.....~~	~~\$12,057,748;~~
~~M.~~	~~MONTGOMERY COLLEGE~~	~~\$35,379,914;~~
~~N.~~	~~PRINCE GEORGE'S COMMUNITY COLLEGE.....~~	~~\$22,200,826; AND~~
~~O.~~	~~WOR WIC COMMUNITY COLLEGE.....~~	~~\$6,454,091;~~

4. ~~In~~ fiscal year 2012, not less than an amount equal to ~~25%~~ **20%** of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the

Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

5.~~4~~ In fiscal year 2013, not less than an amount equal to [27%] ~~22%~~ 21% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; [and]

[6.] ~~5.~~ 6. In fiscal year 2014 [and in each fiscal year thereafter], not less than an amount equal to [29%] ~~24%~~ 22% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

~~6.~~ 7. IN FISCAL YEAR 2015, NOT LESS THAN AN AMOUNT EQUAL TO ~~26.5%~~ 23% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; ~~AND~~

8. IN FISCAL YEAR 2016, NOT LESS THAN AN AMOUNT EQUAL TO 24% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; ~~AND~~

~~7.~~ 9. IN FISCAL YEAR ~~2016~~ 2017 ~~AND EACH FISCAL YEAR THEREAFTER~~, NOT LESS THAN AN AMOUNT EQUAL TO ~~29%~~ 25% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

10. IN FISCAL YEAR 2018, NOT LESS THAN AN AMOUNT EQUAL TO 26% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR

THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

11. IN FISCAL YEAR 2019, NOT LESS THAN AN AMOUNT EQUAL TO 27% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

12. IN FISCAL YEAR 2020, NOT LESS THAN AN AMOUNT EQUAL TO 28% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND

13. IN FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, NOT LESS THAN AN AMOUNT EQUAL TO 29% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR.

(ii) For purposes of this subsection, the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

(III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TOTAL STATE OPERATING FUNDS TO BE DISTRIBUTED UNDER THIS SUBSECTION TO THE COMMUNITY COLLEGES FOR EACH OF FISCAL YEARS 2011 AND 2012 SHALL BE \$194,407,432.

16-512.

(a) (1) The total State operating fund per full-time equivalent student appropriated to Baltimore City Community College for each fiscal year as requested by the Governor shall be:

(i) In fiscal year 2009, not less than an amount equal to 67.25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the

Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(ii) In fiscal year 2010, not less than an amount equal to 65.1% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iii) In fiscal year 2011, not less than an amount equal to 65.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iv) In fiscal year 2012, not less than an amount equal to [66%] 63% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(v) In fiscal year 2013, not less than an amount equal to [67%] 63.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; [and]

(VI) IN FISCAL YEAR 2014, NOT LESS THAN AN AMOUNT EQUAL TO 64% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(VII) IN FISCAL YEAR 2015, NOT LESS THAN AN AMOUNT EQUAL TO 64.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(VIII) IN FISCAL YEAR 2016, NOT LESS THAN AN AMOUNT EQUAL TO 65% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR

THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; ~~AND~~

(IX) IN FISCAL YEAR 2017, NOT LESS THAN AN AMOUNT EQUAL TO 65.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(X) IN FISCAL YEAR 2018, NOT LESS THAN AN AMOUNT EQUAL TO 66% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(XI) IN FISCAL YEAR 2019, NOT LESS THAN AN AMOUNT EQUAL TO 66.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(XII) IN FISCAL YEAR 2020, NOT LESS THAN AN AMOUNT EQUAL TO 67.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND

[(vi)] ~~(IX)~~ (XIII) In fiscal year [2014] ~~2017~~ 2021 and each fiscal year thereafter, not less than an amount equal to ~~68.5%~~ 66% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.

(2) For purposes of this subsection, the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

(3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE TOTAL STATE OPERATING FUND APPROPRIATED TO BALTIMORE CITY COMMUNITY COLLEGE UNDER THIS SECTION FOR EACH OF FISCAL YEARS 2011 AND 2012 SHALL BE \$40,187,695.

17-104.

(a) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying the number of full-time equivalent students enrolled at the institution during the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission by:

[(1)] (I) In fiscal year 2009, an amount not less than 16% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the preceding fiscal year;

[(2)] (II) In fiscal year 2010, an amount not less than 12.85% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in the State for the same fiscal year;

~~[(III)] (3)~~ In fiscal year 2011, an amount not less than ~~13%~~ **9.8%** of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;

~~(4)~~ (IV) In fiscal year 2012, an amount not less than ~~13.5%~~ **9.2%** of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;**]**

[(5)] ~~(III)~~ (V) In fiscal year 2013, an amount not less than **[14%]** ~~8.5%~~ **10%** of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;

[(6)] ~~(IV)~~ (VI) In fiscal year 2014, an amount not less than **[14.5%]** ~~10%~~ **10.5%** of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year; **[and]**

~~(V)~~ (VII) **IN FISCAL YEAR 2015, AN AMOUNT NOT LESS THAN ~~11.5%~~ 11% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR;**

~~(VI)~~ (VIII) IN FISCAL YEAR 2016, AN AMOUNT NOT LESS THAN ~~13.5%~~ 11.5% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR; ~~AND~~

(IX) IN FISCAL YEAR 2017, AN AMOUNT NOT LESS THAN 12% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR;

(X) IN FISCAL YEAR 2018, AN AMOUNT NOT LESS THAN 13% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR;

(XI) IN FISCAL YEAR 2019, AN AMOUNT NOT LESS THAN 14% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR;

(XII) IN FISCAL YEAR 2020, AN AMOUNT NOT LESS THAN 15% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR; AND

[(7)] ~~(VII)~~ ~~(IX)~~ (XIII) In fiscal year [2015] ~~2017~~ 2021 and each fiscal year thereafter, an amount not less than ~~15.5%~~ 12% 15.5% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year.

(2) FOR EACH OF FISCAL YEARS 2011 AND 2012, THE TOTAL AMOUNT OF THE ~~APPORTIONMENT UNDER THIS SECTION, AS DETERMINED BY THE MARYLAND HIGHER EDUCATION COMMISSION FOR AID PROVIDED UNDER THIS SUBTITLE SHALL BE \$38,445,958, TO BE ALLOCATED AMONG THE INSTITUTIONS THAT QUALIFY UNDER THIS SUBTITLE, SHALL BE \$30,000,000 IN PROPORTION TO THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED AT EACH INSTITUTION DURING THE FALL SEMESTER OF THE FISCAL YEAR PRECEDING THE FISCAL YEAR FOR WHICH THE AID APPORTIONMENT IS MADE, AS DETERMINED BY THE MARYLAND HIGHER EDUCATION COMMISSION.~~

(a) There is a Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program under this section.

(b) [Any] AS PROVIDED IN THE STATE BUDGET, ANY career or volunteer firefighter or ambulance or rescue squad member who is a resident of Maryland shall receive **PARTIAL OR** full and complete reimbursement by the Office for tuition costs not to exceed the resident tuition rates at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate, for courses credited toward a degree in fire service technology or emergency medical technology.

(c) (1) The tuition reimbursement application shall be filed with the Office no later than July 1 immediately following the academic year for which tuition reimbursement is sought.

(2) Payment shall be made 1 year after successful completion of each academic year.

(3) Payment may be made only if the applicant is still employed or actively engaged as a career or volunteer firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in this State.

23-205.

(c) (1) Each year each participating regional resource center shall receive a minimum amount of funding for each resident of the area served, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For fiscal year 2009..... \$6.50 per each resident of the area served;

(ii) For fiscal year 2010..... \$6.75 per each resident of the area served; ~~AND~~

(iii) For fiscal year 2011 ~~AND EACH FISCAL YEAR THEREAFTER~~..... \$6.75 per each resident of the area served; ~~AND~~

(iv) For fiscal year 2012 ~~AND EACH FISCAL YEAR THEREAFTER~~.....\$7.50 per each resident of the area served;~~and~~

(v) ~~for fiscal year 2013 and each fiscal year thereafter.....\$8.50 per each resident of the area served.~~

~~(d) (1) Each year the State Library Resource Center shall receive a minimum amount of funding for each State resident in the previous fiscal year, to be used for operating and capital expenses.~~

~~(2) The allocation shall be calculated as follows:~~

~~(i) For fiscal year 2009.....\$1.85 per State resident; AND~~

~~(ii) For [each of fiscal years 2010 and 2011] FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER.....\$1.67 per State resident]; and~~

~~(iii) For fiscal year 2012 and each fiscal year thereafter.....\$1.85 per State resident];~~

23-503.

(b) (1) ~~[Each] FOR EACH FISCAL YEAR, EACH~~ county public library system that participates in the minimum library program shall be provided ~~AN AMOUNT EQUAL TO \$14.00~~ for each resident of the county, to be used for operating and capital expenses~~;~~

~~(i) For fiscal year 2009 – \$14.00;~~

~~(ii) For fiscal year 2010 – \$14.00;~~

~~(iii) For fiscal year 2011 – \$14.00; AND~~

~~(iv) For fiscal year 2012 AND EACH FISCAL YEAR THEREAFTER – \$15.00; and~~

~~(v) For fiscal year 2013 and each fiscal year thereafter – \$16.00].~~

Article – Election Law

15-103.

(a) There is a Fair Campaign Financing Fund.

(b) The Comptroller shall administer the Fund in accordance with this section.

(c) [For each taxable year, the Comptroller shall establish a tax add-on system that allows contributions to the Fund;

(1) by an individual, other than a nonresident alien, filing a personal State income tax return; and

(2) in an amount not to exceed \$500.

(d) In accordance with this title, the Comptroller shall:

(1) credit to the Fund all money collected under this title;

(2) subject to the usual investing procedures for State funds, invest the money in the Fund; and

(3) make distributions from the Fund promptly on authorization by the State Board.

[(e)] (D) The Comptroller shall distribute public contributions:

(1) only on authorization of the State Board; and

(2) as to each eligible gubernatorial ticket, to the same campaign account of a single campaign finance entity established under Title 13, Subtitle 2 of this article.

[(f)] (E) The Comptroller shall submit a statement of the Fund's balance to the State Board at the State Board's request and on May 15 of each year.

Article – Environment

4-411.

(f) There is a Maryland Oil Disaster Containment, Clean-Up and Contingency Fund for the Department to use to develop equipment, personnel, and plans; for contingency actions to respond to, contain, clean-up, and remove from the land and waters of the State discharges of oil, petroleum products, and their by-products into, upon, or adjacent to the waters of the State; and restore natural resources damaged by discharges. **THE FUND MAY ALSO BE USED BY THE DEPARTMENT FOR OIL-RELATED ACTIVITIES IN WATER POLLUTION CONTROL PROGRAMS.** The cost of containment, clean-up, removal, and restoration, including attorneys' fees and litigation costs, shall be reimbursed to the State by the person responsible for the discharge. The reimbursement shall be credited to the Fund. The Fund shall be limited in accordance with the limits set forth in this section. To this sum shall be credited every license fee, fine, if imposed by the circuit court for any county, and any other charge related to this subtitle. To this Fund shall be charged every expense the Department of the Environment has which relates to this section.

(g) Money in the Fund not needed currently to meet the Department of the Environment's obligations in the exercise of its responsibility under this section shall be deposited with the State Treasurer to the credit of the Fund, and may be invested as provided by law. Interest received on the investment shall be credited to the Fund. The Secretary of the Environment shall determine the proper allocation of the moneys credited to the Fund only for the following purposes:

(1) Administrative expenses, personnel expenses, and equipment costs of the Department related to the purposes of this section[.];

(2) Prevention, control, containment, clean-up, and removal of discharges into, upon, or adjacent to waters of the State of discharges of oil, petroleum products and their by-products, and the restoration of natural resources damaged by such discharges[.];

(3) Development of containment and clean-up equipment, plans, and procedures in accordance with the purposes of this section[.];

(4) Paying insurance costs by the State to extend or implement the benefits of the Fund; AND

(5) EXPENSES RELATED TO OIL-RELATED ACTIVITIES IN THE DEPARTMENT'S WATER POLLUTION CONTROL PROGRAMS.

Article – Health – General

2–302.

(a) The funding required in the State budget for local health services, exclusive of special fund and federal appropriations, shall be at least the amount set forth in subsection (b) of this section.

(b) The funding shall be:

(1) **[\$41.0 million for fiscal year 1997] \$37,283,484 IN EACH OF FISCAL YEARS 2011 AND 2012, TO BE DISTRIBUTED AS FOLLOWS:**

- (I) ALLEGANY COUNTY\$908,719;**
- (II) ANNE ARUNDEL COUNTY\$3,141,951;**
- (III) BALTIMORE CITY.....\$6,675,053;**
- (IV) BALTIMORE COUNTY\$4,302,255;**
- (V) CALVERT COUNTY\$369,812;**

(VI) CAROLINE COUNTY	\$538,253;
(VII) CARROLL COUNTY	\$1,231,995;
(VIII) CECIL COUNTY	\$806,392;
(IX) CHARLES COUNTY	\$994,528;
(X) DORCHESTER COUNTY	\$428,709;
(XI) FREDERICK COUNTY	\$1,512,159;
(XII) GARRETT COUNTY	\$437,403;
(XIII) HARFORD COUNTY	\$1,737,473;
(XIV) HOWARD COUNTY	\$1,215,070;
(XV) KENT COUNTY	\$335,941;
(XVI) MONTGOMERY COUNTY	\$3,014,680;
(XVII) PRINCE GEORGE'S COUNTY	\$5,007,057;
(XVIII) QUEEN ANNE'S COUNTY	\$417,744;
(XIX) ST. MARY'S COUNTY	\$808,576;
(XX) SOMERSET COUNTY	\$429,385;
(XXI) TALBOT COUNTY	\$328,705;
(XXII) WASHINGTON COUNTY	\$1,381,306;
(XXIII) WICOMICO COUNTY	\$947,374; AND
(XXIV) WORCESTER COUNTY	\$312,944; and

(2) For fiscal year [1998] **2013** and each subsequent fiscal year, [the amount of funding for fiscal year 1997] **\$37,283,484** adjusted for:

(i) Inflation, as measured by the Consumer Price Index — all urban consumers for the second preceding fiscal year, calculated by the U.S. Department of Commerce; and

(ii) Population growth, as measured by the growth in the total population of the State of Maryland for the second preceding fiscal year, according to the most recent statistics available through the Department of Health and Mental Hygiene.

(c) [(1) For fiscal year 1997, no subdivision may receive less State funding for local health services under this section than that subdivision received in fiscal year 1996.

(2)] For fiscal year [1998] **2013** and each subsequent fiscal year, no subdivision may receive less State funding for local health services under this section than that subdivision received in fiscal year [1997] **2012**.

[(3)] **(D)** The Secretary shall, in consultation with local health department directors, adopt regulations to guide the distribution of the funding required under this section. The regulations shall give consideration to appropriate measures of community health need, local funding effort, and other relevant factors.

13–1015.

(a) For fiscal year ~~2010~~ **2011 AND FISCAL YEAR 2012** [and fiscal year 2011], the Governor shall include at least ~~\$7,000,000~~ **\$6,000,000** in the annual budget in appropriations for activities aimed at reducing tobacco use in Maryland as recommended by the Centers for Disease Control and Prevention, including:

(1) Media campaigns aimed at reducing smoking initiation and encouraging smokers to quit smoking;

(2) Media campaigns educating the public about the dangers of secondhand smoke exposure;

(3) Enforcement of existing laws banning the sale or distribution of tobacco products to minors;

(4) Promotion and implementation of smoking cessation programs;
and

(5) Implementation of school-based tobacco education programs.

(b) ~~FOR FISCAL YEAR 2013, THE GOVERNOR SHALL INCLUDE AT LEAST \$10,000,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE PURPOSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION.~~

~~(c)~~ For fiscal year [2006] ~~2011~~ ~~2014~~ **2013** AND EACH FISCAL YEAR THEREAFTER, the Governor shall include at least ~~[\$10,000,000]~~ **\$6,000,000**

~~\$13,000,000~~ in the annual budget in appropriations for the purposes described in subsection (a) of this section.

13-1116.

(a) (1) (I) **FOR EACH OF FISCAL YEARS 2011 AND 2012, ~~THE~~:**

1. THE GOVERNOR SHALL INCLUDE AT LEAST ~~\$1,650,000~~ \$2,400,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE STATEWIDE ACADEMIC HEALTH CENTER CANCER RESEARCH GRANTS UNDER THIS SECTION; AND

2. THE GRANTS SHALL BE DISTRIBUTED BETWEEN THE STATEWIDE ACADEMIC HEALTH CENTERS AS FOLLOWS:

A. \$2,007,300 TO THE UNIVERSITY OF MARYLAND MEDICAL GROUP; AND

B. \$392,700 TO THE ~~JOHN~~ JOHNS HOPKINS INSTITUTIONS.

(II) For fiscal year [2010 and fiscal year 2011] **2013 AND EACH FISCAL YEAR THEREAFTER, ~~the~~:**

1. THE Governor shall include at least ~~\$6,700,000~~ \$13,000,000 in the annual budget in appropriations for the Statewide Academic Health Center Cancer Research Grants under this section; AND

2. THE GRANTS SHALL BE DISTRIBUTED ACCORDING TO HISTORICAL ALLOCATIONS BETWEEN THE ACADEMIC HEALTH CENTERS.

~~13-1117.~~

~~(a) (1) (I) **FOR EACH OF FISCAL YEARS 2011 AND 2012, THE GOVERNOR SHALL INCLUDE AT LEAST \$300,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE STATEWIDE ACADEMIC HEALTH CENTER TOBACCO-RELATED DISEASES RESEARCH GRANT UNDER THIS SECTION.**~~

~~(II) For fiscal year [2010 and fiscal year 2011] **2013 AND EACH FISCAL YEAR THEREAFTER,** the Governor shall include at least \$1,250,000 in the annual budget in appropriations for the Statewide Academic Health Center Tobacco-Related Diseases Research Grant under this section.~~

~~13-1118.~~

~~(a) (1) (I) FOR EACH OF FISCAL YEARS 2011 AND 2012, THE GOVERNOR SHALL INCLUDE AT LEAST \$450,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE STATEWIDE ACADEMIC HEALTH CENTER NETWORK GRANT UNDER THIS SECTION.~~

~~(II) For fiscal year [2010 and fiscal year 2011] 2013 AND EACH FISCAL YEAR THEREAFTER, the Governor shall include at least \$1,900,000 in the annual budget in appropriations for the Statewide Academic Health Center Network Grant under this section.~~

18–108.

[(c) The Governor shall include in the annual budget State general funds of at least \$250,000 to cover the administrative and food costs of the Program.]

19–310.1.

(b) (1) The Department may impose a quality assessment on each freestanding nursing facility subject to this section.

(2) The amount assessed in the aggregate on all nursing facilities may not exceed [2%] 4% of the operating revenue for all nursing facilities subject to this section for the previous fiscal quarter.

[(3) The aggregate annual assessment may not exceed the amount necessary to fully fund the nursing facility payment system taking into consideration any other revenue source or cost savings the Department determines could be used to reduce funding shortfalls.]

[(4)] (3) The assessment authorized by this section shall be paid by each nursing facility in accordance with this section.

(c) (1) On or before the 60th day after each quarter of the State fiscal year, each nursing facility subject to this section shall pay to the Comptroller an amount determined by the Department based on an amount per non–Medicare day of service for the previous fiscal quarter.

(2) The assessment shall be based on an amount per patient day, not including Medicare days[, necessary to fully fund the nursing facility payment system as provided under subsection (b)(3) of this section].

(d) (1) All amounts collected by the State Comptroller under this section shall be distributed to a special fund, to be used by the Department only to fund reimbursements to nursing facilities under the Medicaid program.

(2) [The] **AT LEAST 65% OF THE** funds allocated by the Department as reimbursements to nursing facilities under this section shall be in addition to and may not supplant funds already appropriated for this purpose.

19-14B-01.

(c) (1) [Up to 25%] **A PORTION** of the revenues generated by the quality assessment under § 19-310.1 of this title shall be in an incentive program to be distributed as provided in this section, to the extent federal law allows.

Article – Human Services

8-504.

Expenditures from the Fund shall be made:

(1) in accordance with the [budget amendment procedure in § 7-209 of the] State Finance and Procurement Article; AND

(2) [to each county through the county's local management board to support a locally-driven interagency effort to maximize all available resources for children and family services; and

(3)] to reflect the priorities, policies, and procedures that the Children's Cabinet adopts.

~~Article – Insurance~~

~~14-106.~~

~~(d) (1) Notwithstanding subsection (c) of this section, a nonprofit health service plan that is subject to this section and issues comprehensive health care benefits in the State shall:~~

~~(i) offer health care products in the individual market;~~

~~(ii) offer health care products in the small employer group market in accordance with Title 15, Subtitle 12 of this article;~~

~~(iii) subsidize the Senior Prescription Drug Assistance Program established under Subtitle 5, Part II of this title;~~

~~(iv) subsidize the [Maryland Pharmacy Discount Program] **KIDNEY DISEASE PROGRAM ESTABLISHED** under [§ 15-124.1] **TITLE 13, SUBTITLE 3** of the Health General Article; and~~

~~(v) support the costs of the Community Health Resources Commission under Title 19, Subtitle 21 of the Health General Article, including:~~

- ~~1. operating grants to community health resources;~~
- ~~2. funding for a unified data information system;~~
- ~~3. the documented direct costs of fulfilling the statutory and regulatory duties of the Commission; and~~
- ~~4. the administrative costs of the Commission.~~

~~(2) (i) [The] FOR FISCAL YEAR 2011 AND EACH SUBSEQUENT FISCAL YEAR, THE support provided under paragraph [(1)(v)1, 3, and 4] (1)(V) of this subsection to the Community Health Resources Commission shall be:~~

- ~~1. limited to:~~
- ~~1. \$2,000,000 in fiscal year 2006; and~~
- ~~2. in fiscal year 2007 and annually thereafter, the value of the premium tax exemption less:~~
 - ~~A. the subsidy required under this subsection for the Senior Prescription Drug Assistance Program;~~
 - ~~B. the subsidy required under this subsection for the Maryland Pharmacy Discount Program; and~~
 - ~~C. the funding required under this subsection for the unified data information system.~~

~~(ii) The subsidy provided under paragraph (1)(iv) of this subsection for the Maryland Pharmacy Discount Program shall be limited to:~~

- ~~1. \$500,000 in fiscal year 2006; and~~
- ~~2. \$300,000 in fiscal year 2007 and annually thereafter.~~

~~(iii) The amount provided under paragraph (1)(v)2 of this subsection to fund a unified data information system shall be limited to:~~

- ~~1. \$500,000 in fiscal year 2006; and~~
- ~~2. \$1,700,000 in fiscal year 2007 and annually thereafter.] \$3,000,000 FOR EACH OF FISCAL YEARS 2011 AND 2012; AND~~

~~2. \$6,000,000 FOR FISCAL YEAR 2013 AND EACH SUBSEQUENT FISCAL YEAR.~~

~~(II) FOR FISCAL YEAR 2011 AND EACH SUBSEQUENT FISCAL YEAR, THE SUBSIDY PROVIDED UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION TO THE KIDNEY DISEASE PROGRAM SHALL BE EQUAL TO THE VALUE OF THE PREMIUM TAX EXEMPTION LESS:~~

~~1. THE SUBSIDY REQUIRED UNDER THIS SUBSECTION FOR THE SENIOR PRESCRIPTION DRUG ASSISTANCE PROGRAM; AND~~

~~2. THE SUBSIDY REQUIRED UNDER THIS SUBSECTION FOR THE COMMUNITY HEALTH RESOURCES COMMISSION.~~

~~(III) OF THE SUBSIDY PROVIDED TO THE KIDNEY DISEASE PROGRAM UNDER THIS SUBSECTION, THE SECRETARY OF HEALTH AND MENTAL HYGIENE MAY TRANSFER ANY AMOUNTS RECEIVED BUT NOT SPENT BY THE KIDNEY DISEASE PROGRAM TO THE COMMUNITY HEALTH RESOURCES COMMISSION FUND ESTABLISHED UNDER § 19-2201 OF THE HEALTH GENERAL ARTICLE.~~

Article – Public Safety

1-202.

(b) (1) Subject to subsection (c) of this section and [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, a death benefit of \$125,000 shall be paid to the surviving spouse, child, dependent parent, or estate of each of the following individuals who is killed or dies in the performance of duties on or after January 1, 2006:

- (i) a law enforcement officer;
- (ii) a correctional officer;
- (iii) a volunteer or career firefighter or rescue squad member;
- (iv) a sworn member of the office of State Fire Marshal;
- (v) a public safety aviation employee;

(vi) a Maryland resident who was a member of the uniform services of the United States serving in the Afghanistan or Iraq conflict; or

(vii) a hazardous material response team employee.

(2) For fiscal year 2009, and for each following fiscal year, the death benefit provided in the prior fiscal year shall be adjusted by any change in the calendar year preceding the fiscal year in the Consumer Price Index (all urban customers – United States city average – all items), as published by the United States Bureau of Labor Statistics.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN APPLICATION FOR A DEATH BENEFIT UNDER THIS SUBSECTION SHALL BE SUBMITTED WITHIN 3 YEARS AFTER THE DEATH OF THE DECEDENT.

(II) IF THE DECEDENT DIED BEFORE JUNE 1, 2010, AN APPLICATION FOR A DEATH BENEFIT UNDER THIS SUBSECTION SHALL BE SUBMITTED ON OR BEFORE MAY 31, 2013.

~~[(3)]~~ **(4) A death benefit under this subsection is in addition to:**

- (i) any workers' compensation benefits;
- (ii) the proceeds of any form of life insurance, regardless of who paid the premiums on the insurance; and
- (iii) the funeral benefit provided under subsection (d) of this section.

(5) ON RECEIVING NOTICE OF THE DEATH OF AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL TAKE REASONABLE STEPS TO NOTIFY POTENTIAL RECIPIENTS OF THE POTENTIAL DEATH BENEFITS AVAILABLE UNDER THIS SUBSECTION:

(I) WHEN THE DEPARTMENT RECEIVES NOTICE OF THE DEATH; AND

(II) AGAIN 1 YEAR AFTER THE DATE OF THE DEATH, IF AN APPLICATION FOR A DEATH BENEFIT WITH RESPECT TO THE DEATH OF THE DECEDENT HAS NOT BEEN SUBMITTED.

Article – State Finance and Procurement

3–306.

- (a) There is a Central Collection Fund.

(b) The Central Collection Fund is a continuing, nonlapsing fund that is not subject to § 7-302 of this article.

(c) The Fund shall consist of all fees collected under § 3-304(a)(2) of this subtitle.

(d) Subject to the appropriation process in the State budget ~~and~~ subject to subsection (h) of this section~~, the~~ Department shall use the Fund for the expenses of operating the Central Collection Unit.

(e) The State Treasurer shall hold and the State Comptroller shall account for the Fund.

(f) The Fund shall be invested and reinvested in the same manner as other State funds.

(g) Investment earnings accrue to the benefit of the Fund.

~~h~~(h) For any fiscal year beginning on or after July 1, 2010, any balance in the Fund at the end of the fiscal year in excess of ~~10%~~ 15% of the actual expenses of operating the Central Collection Unit for that fiscal year reverts to the General Fund of the State.~~h~~

7-114.2.

WHEN A PROPOSED BUDGET INCLUDES EXPENDITURE REDUCTIONS TO BE APPLIED ACROSS MULTIPLE ~~EXECUTIVE BRANCH~~ EXECUTIVE BRANCH AGENCIES, THE BUDGET BILL SHALL SPECIFY HOW THE SAVINGS WILL BE ACHIEVED AND WITH THE EXCEPTION OF POSITION ABOLITIONS AND ITEMS REQUIRING COLLECTIVE BARGAINING SHALL INCLUDE A SEPARATE SCHEDULE FOR EACH REDUCTION ALLOCATING THE REDUCTION FOR EACH AGENCY IN A LEVEL OF DETAIL NOT LESS THAN THE 3-DIGIT R*STARS FINANCIAL AGENCY CODE AND BY EACH FUND ~~SOURCE~~ TYPE.

7-325.

(a) (1) IN EACH OF FISCAL YEARS 2011 AND 2012, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL OF NOT LESS THAN \$13,298,434.

(2) For [each] fiscal year 2013 AND EACH FISCAL YEAR THEREAFTER, the Governor shall include in the annual budget bill submitted to the General Assembly a General Fund appropriation for the Maryland State Arts Council

in an amount not less than the amount of the General Fund appropriation for the Council as approved in the State budget as enacted by the General Assembly for the prior fiscal year, increased by not less than the percentage by which the projected total General Fund revenues for the upcoming fiscal year exceed the revised estimate of total General Fund revenues for the current fiscal year, as contained in the report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6–106(b) of this article.

Article – State Government

9–20B–05.

(g–1) The proceeds described in subsection (g) of this section from the allowances sold between March 1, 2009, and June 30, [2011] 2012, shall be allocated as follows:

(1) up to 50% shall be credited to an energy assistance account to be used as described in subsection (g)(1) of this section;

(2) 23% shall be credited to a rate relief account to be allocated as provided in subsection (g)(2) of this section;

(3) at least 17.5% shall be credited to a low and moderate income efficiency and conservation programs account and to a general efficiency and conservation programs account to be allocated as provided in subsection (g)(3) of this section;

(4) at least 6.5% shall be credited to a renewable and clean energy programs account to be allocated as provided in subsection (g)(4) of this section; and

(5) up to 3.0%, but not more than \$4,000,000, shall be credited to an administrative expense account to be allocated as provided in subsection (g)(5) of this section.

Article – State Personnel and Pensions

~~21–304.~~

(a) (1) In this section the following words have the meanings indicated:

(2) ~~WITH RESPECT TO LOCAL EMPLOYEES, “AGGREGATE ANNUAL EARNABLE COMPENSATION” MEANS AN AMOUNT BASED ON THE AGGREGATE ANNUAL SALARY PAYABLE BY A LOCAL EMPLOYER TO LOCAL EMPLOYEES, CALCULATED AS OF JUNE 30 OF THE SECOND PRIOR FISCAL YEAR BEFORE THE FISCAL YEAR FOR WHICH A CALCULATION IS MADE UNDER THIS SECTION.~~

~~[(2)] (3)~~ ~~“Full funding rate” means the sum of:~~

~~(i) the aggregate normal rate that is based on the normal contribution rate calculated under subsection (c) of this section and adjusted to incorporate legislative changes in benefits to reflect changes to the normal cost; and~~

~~(ii) the aggregate unfunded accrued liability contribution rate that is based on the unfunded accrued liability contribution rate under subsection (d)(1) and (2) of this section.~~

~~[(3)] (4)~~ ~~“Funding ratio for the employees’ systems” means the actuarial value of assets for the employees’ systems divided by the actuarial accrued liability for the employees’ systems.~~

~~[(4)] (5)~~ ~~“Funding ratio for the teachers’ systems” means the actuarial value of assets for the teachers’ systems divided by the actuarial accrued liability for the teachers’ systems.~~

~~(6) “LOCAL EMPLOYEE” MEANS A MEMBER OF THE TEACHERS’ RETIREMENT SYSTEM OR THE TEACHERS’ PENSION SYSTEM WHO IS:~~

~~(i) AN EMPLOYEE OF A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, EMPLOYED AS:~~

~~1. A CLERK;~~

~~2. A HELPING TEACHER;~~

~~3. A PRINCIPAL;~~

~~4. A SUPERINTENDENT;~~

~~5. A SUPERVISOR; OR~~

~~6. A TEACHER;~~

~~(ii) A LIBRARIAN OR CLERICAL EMPLOYEE OF A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE; OR~~

~~(iii) A MEMBER OF THE FACULTY OR A PROFESSIONAL OR CLERICAL EMPLOYEE OF A COMMUNITY COLLEGE, OTHER THAN BALTIMORE CITY COMMUNITY COLLEGE, THAT IS ESTABLISHED UNDER THE EDUCATION ARTICLE.~~

~~(7) “LOCAL EMPLOYER” MEANS:~~

~~(I) A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS;~~

~~(II) A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE; OR~~

~~(III) A COMMUNITY COLLEGE, OTHER THAN BALTIMORE CITY COMMUNITY COLLEGE, THAT IS ESTABLISHED UNDER THE EDUCATION ARTICLE.~~

~~[(5)] (8) “State member” does not include a member on whose behalf a participating governmental unit is required to make an employer contribution under § 21-305 or § 21-306 of this subtitle.~~

~~(9) “TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES” MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER SUBSECTION (B) OF THIS SECTION THAT IS ATTRIBUTABLE TO THE LOCAL EMPLOYEES OF EACH LOCAL EMPLOYER.~~

~~(b) (1) [Each] SUBJECT TO PARAGRAPHS (4) THROUGH (6) OF THIS SUBSECTION, EACH fiscal year, on behalf of the State members of each State system, the State shall pay to the appropriate accumulation fund an amount equal to or greater than the sum of the amount, if any, required to be included in the budget bill under § 3-501(e)(2)(ii) of this article and the product of multiplying:~~

~~(i) the aggregate annual earnable compensation of the State members of that State system; and~~

~~(ii) 1. for State members of the Law Enforcement Officers’ Retirement System, State Police Retirement System, and the Judges’ Retirement System, the sum of the normal contribution rate and the accrued liability contribution rate, as determined under this section;~~

~~2. for State members of the Employees’ Pension System, Employees’ Retirement System, Correctional Officers’ Retirement System, and Legislative Pension Plan, the employees’ systems contribution rate determined under subsection (c) of this section; or~~

~~3. for State members of the Teachers’ Pension System and Teachers’ Retirement System, the teachers’ systems contribution rate determined under subsection (f) of this section.~~

~~(2) The amount determined under paragraph (1) of this subsection for each State system shall be based on an actuarial determination of the amounts that are required to preserve the integrity of the funds of the several systems using:~~

~~(i) the entry age actuarial cost method; and~~

~~(ii) actuarial assumptions adopted by the Board of Trustees.~~

~~(3) For the purpose of making the determinations required under this section:~~

~~(i) the Employees' Retirement System, the Employees' Pension System, the Correctional Officers' Retirement System, and the Legislative Pension Plan shall be considered together as one State system; and~~

~~(ii) the Teachers' Retirement System and the Teachers' Pension System shall be considered together as one State system.~~

~~(4) BEGINNING JULY 1, 2011, ON BEHALF OF THE LOCAL EMPLOYEES OF THE LOCAL EMPLOYER, SUBJECT TO § 21-309.1 OF THIS SUBTITLE, EACH LOCAL EMPLOYER SHALL PAY EACH FISCAL YEAR TO THE APPROPRIATE ACCUMULATION FUND AN AMOUNT EQUAL TO THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES AS DETERMINED UNDER PARAGRAPH (5) OF THIS SUBSECTION.~~

~~(5) FOR EACH LOCAL EMPLOYER, THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES IS THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF LOCAL EMPLOYEES OF THAT LOCAL EMPLOYER MULTIPLIED TIMES:~~

~~(I) 1% FOR FISCAL YEAR 2012;~~

~~(II) 3% FOR FISCAL YEAR 2013;~~

~~(III) 5% FOR EACH OF FISCAL YEARS 2014 AND 2015; AND~~

~~(IV) FOR FISCAL YEAR 2016 AND EACH FISCAL YEAR THEREAFTER, THE RATE ESTABLISHED BY THE BOARD OF TRUSTEES UNDER § 21-309.1 OF THIS SUBTITLE.~~

~~(6) THE DIFFERENCE BETWEEN THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES AND THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES FOR EACH LOCAL EMPLOYER SHALL BE THE OBLIGATION OF THE STATE.~~

21-307.

(b) [(1)] For THE FISCAL YEAR BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT FISCAL YEAR, FOR a master in chancery or a master in juvenile causes who is eligible for benefits under the Judges' Retirement System, the county where the master serves shall pay to the Judges' Retirement System [a portion of] the employer contributions required to be paid on behalf of the master [as determined under paragraph (2) of this subsection.

(2) The amount payable by a county for a master under this subsection is the product of multiplying:

(i) the sum of the accrued liability contribution rate and the normal contribution rate; and

(ii) the difference between the master's current earnable compensation and the earnable compensation of the master as of January 1, 1989].

(o) (1) For the fiscal year beginning July 1, 2009, and each subsequent fiscal year, for a deputy sheriff employed by the Baltimore City Sheriff's Department who is a member of the Law Enforcement Officers' Pension System, Baltimore City shall pay the employer contributions otherwise required to be made by the State on behalf of the [members] MEMBER.

(2) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT FISCAL YEAR, FOR AN EMPLOYEE OF THE BALTIMORE CITY SHERIFF'S DEPARTMENT WHO IS A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM, BALTIMORE CITY SHALL PAY THE EMPLOYER CONTRIBUTIONS OTHERWISE REQUIRED TO BE MADE BY THE STATE ON BEHALF OF THE MEMBER.

~~21-308.~~

~~(a) (1) On or before December 1 of each year, the Board of Trustees shall:~~

~~(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year; and~~

~~(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid BY THE STATE AS DETERMINED UNDER § 21-304 OF THIS SUBTITLE to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.~~

~~(d) (1) (i) The State Superintendent of Schools shall determine the amount that equals the applicable percentage as determined under subparagraph (ii) of this paragraph of the payroll of the professional and clerical employees of the Department of Public Libraries of Montgomery County who are members of the Employees' Retirement System of Montgomery County and are excluded from membership in the Teachers' Retirement System or the Teachers' Pension System.~~

~~(ii) The applicable percentage under subparagraph (i) of this paragraph is the lesser of:~~

~~1. the DIFFERENCE BETWEEN THE State's contribution percentage for the Teachers' Retirement System and the Teachers' Pension System AND THE LOCAL CONTRIBUTION RATE DETERMINED UNDER § 21-309.1 OF THIS SUBTITLE, as certified by the Board of Trustees; or~~

~~2. the percentage of the payroll of its employees that Montgomery County has contributed to the Employees' Retirement System of Montgomery County, as determined by an actuarial valuation.~~

~~21-309.1.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "LOCAL CONTRIBUTION RATE" MEANS THE RATE TO BE APPLIED TO THE AGGREGATE EARNABLE COMPENSATION OF LOCAL EMPLOYEES TO CALCULATE THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES UNDER § 21-304 OF THIS SUBTITLE.~~

~~(3) "LOCAL EMPLOYEE" HAS THE MEANING STATED IN § 21-304 OF THIS SUBTITLE.~~

~~(4) "LOCAL EMPLOYER" HAS THE MEANING STATED IN § 21-304 OF THIS SUBTITLE.~~

~~(B) (1) (i) ON OR BEFORE DECEMBER 1, 2014, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL ESTABLISH THE LOCAL CONTRIBUTION RATE FOR THE NEXT FISCAL YEAR AS PROVIDED IN THIS SUBSECTION.~~

~~(ii) ON OR BEFORE NOVEMBER 1, 2014, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL PROVIDE LOCAL EMPLOYERS A PRELIMINARY ESTIMATE OF THE LOCAL CONTRIBUTION RATE FOR THE NEXT FISCAL YEAR.~~

~~(2) FOR EACH FISCAL YEAR, THE LOCAL CONTRIBUTION RATE SHALL BE ESTABLISHED AT THE RATE THAT WHEN ADDED TO THE RATE OF THE EMPLOYER SOCIAL SECURITY CONTRIBUTION REQUIRED BY FEDERAL LAW EQUALS ONE HALF OF THE SUM OF:~~

~~(I) THE TEACHERS' SYSTEM CONTRIBUTION RATE FOR THE FISCAL YEAR DETERMINED UNDER § 21-304(F) OF THIS SUBTITLE; AND~~

~~(II) THE RATE OF THE EMPLOYER SOCIAL SECURITY CONTRIBUTION REQUIRED BY FEDERAL LAW.~~

~~(C) ON OR BEFORE DECEMBER 1, 2010, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL DETERMINE THE AMOUNTS PAYABLE BY EACH LOCAL EMPLOYER UNDER § 21-304(B)(4) OF THIS SUBTITLE FOR THE NEXT FISCAL YEAR.~~

~~(D) EACH YEAR, THE BOARD OF TRUSTEES SHALL CERTIFY TO EACH LOCAL EMPLOYER THE LOCAL CONTRIBUTION RATE AND THE AMOUNTS PAYABLE BY THE LOCAL EMPLOYER UNDER § 21-304(B)(4) OF THIS SUBTITLE FOR THE NEXT FISCAL YEAR.~~

~~(E) (1) ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 16, AND JUNE 1 OF EACH FISCAL YEAR, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES 25% OF THE AMOUNT OF THE CHARGES CERTIFIED TO THE LOCAL EMPLOYER BY THE BOARD OF TRUSTEES UNDER SUBSECTION (D) OF THIS SECTION.~~

~~(2) A LOCAL EMPLOYER MAY ELECT TO HAVE THE AMOUNTS REQUIRED UNDER THIS SECTION DEDUCTED FROM STATE AID DISTRIBUTIONS UNDER THE EDUCATION ARTICLE.~~

~~(3) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, THE LOCAL EMPLOYER IS LIABLE FOR INTEREST ON DELINQUENT AMOUNTS AT A RATE OF 4% A YEAR UNTIL PAYMENT.~~

~~(4) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION.~~

~~(5) ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT LOCAL EMPLOYER FROM THE STATE.~~

~~(F) ON RECEIPT OF THE PAYMENTS FROM EACH LOCAL EMPLOYER, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM.~~

~~(G) (1) NOTWITHSTANDING § 5-202(D) OF THE EDUCATION ARTICLE, IN FISCAL YEARS 2012 THROUGH 2014 ONLY, A COUNTY THAT DOES NOT MEET THE MAINTENANCE OF EFFORT REQUIREMENT AND DOES NOT RECEIVE A WAIVER SHALL BE REQUIRED TO PAY TO THE COUNTY BOARD OF EDUCATION THE DIFFERENCE BETWEEN THE LOCAL APPROPRIATION TO THE COUNTY SCHOOL OPERATING BUDGET AND THE AMOUNT CERTIFIED BY THE STATE SUPERINTENDENT AS THE REQUIRED LOCAL MAINTENANCE OF EFFORT AMOUNT UNDER § 5-202(D)(1)(H) OF THE EDUCATION ARTICLE.~~

~~(2) IF A COUNTY DOES NOT MAKE THE PAYMENT REQUIRED UNDER THIS SUBSECTION TO THE COUNTY BOARD BY MAY 15 OF THE FISCAL YEAR FOR WHICH THE PAYMENT IS REQUIRED, THE STATE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT COUNTY FROM THE STATE AND CREDIT IT TO THE COUNTY BOARD OF EDUCATION.~~

32-205.

(a) For each participating employee who makes contributions under § 32-204 of this subtitle, TO THE EXTENT FUNDS ARE PROVIDED IN THE STATE BUDGET, the State [shall] MAY contribute to the applicable State supplemental plan employer contributions an amount equal to the lesser of the participating employee's contributions or \$600 per fiscal year.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

2-202.

(A) After making the distribution required under § 2-201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, from the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars under § 4-102(d) of this article:

(i) the revenue attributable to a tax rate of 20% to the General Fund of the State; and

(ii) the revenue attributable to a tax rate in excess of 20% to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article; and

(2) the remaining admissions and amusement tax revenue:

(i) to the Maryland Stadium Authority, county, or municipal corporation that is the source of the revenue; or

(ii) if the Maryland Stadium Authority and also a county or municipal corporation tax a reduced charge or free admission:

1. 80% of that revenue to the Authority; and
2. 20% to the county or municipal corporation.

(B) THE REVENUE TO BE DISTRIBUTED IN ACCORDANCE WITH SUBSECTION (A)(1) OF THIS SECTION:

(1) FOR FISCAL YEAR 2010 ONLY, SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE STATE; AND

(2) FOR FISCAL YEAR 2011 ONLY, SHALL BE DISTRIBUTED AS FOLLOWS:

(I) ~~\$1,000,000~~ \$500,000 TO THE SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND, AS PROVIDED IN § 4–801 OF THE ECONOMIC DEVELOPMENT ARTICLE; ~~AND~~

(II) \$500,000 TO A SPECIAL FUND, TO BE USED ONLY AS PROVIDED IN SUBSECTION (C) OF THIS SECTION; AND

(III) THE BALANCE TO THE GENERAL FUND OF THE STATE.

(C) (1) FOR FISCAL YEAR 2011, THE COMPTROLLER SHALL PAY FROM THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION A GRANT TO THE LOCAL JURISDICTIONS WHERE THE ELECTRONIC BINGO MACHINES OR ELECTRONIC TIP JAR MACHINES THAT ARE THE SOURCE OF THE REVENUE ARE LOCATED, TO BE USED BY THE LOCAL JURISDICTIONS ONLY FOR ONE–TIME CAPITAL EXPENDITURES.

(2) A GRANT UNDER THIS SUBSECTION SHALL BE PAID TO A MUNICIPAL CORPORATION IF THE MACHINES ARE LOCATED IN A MUNICIPAL

CORPORATION OR TO A COUNTY IF THE MACHINES ARE NOT LOCATED IN A MUNICIPAL CORPORATION.

(3) THE GRANTS UNDER THIS SUBSECTION SHALL BE PAID TO EACH LOCAL JURISDICTION IN PROPORTION TO THE AMOUNT OF TAX REVENUE DERIVED FROM MACHINES IN EACH JURISDICTION.

SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

2-606.

(E) (1) ON OR BEFORE JUNE 30, 2010, THE COMPTROLLER SHALL DISTRIBUTE \$350,000,000 FROM THE LOCAL RESERVE ACCOUNT ESTABLISHED TO COMPLY WITH THIS SECTION TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THE STATE GOVERNMENT ARTICLE.

(2) IN EACH OF FISCAL YEARS 2014 THROUGH 2020, THE STATE SHALL PAY TO THE LOCAL ~~INCOME TAX~~ RESERVE ACCOUNT \$50,000,000 TO REPAY THE \$350,000,000 TRANSFER TO THE EDUCATION TRUST FUND AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

2-606.

(F) (1) ON OR BEFORE JUNE 30, 2011, THE COMPTROLLER SHALL DISTRIBUTE ~~\$389,000,000~~ \$200,000,000 FROM THE LOCAL RESERVE ACCOUNT ESTABLISHED TO COMPLY WITH THIS SECTION TO THE GENERAL FUND OF THE STATE FOR USE IN FUNDING THE MARYLAND MEDICAID PROGRAM FOR FISCAL YEAR 2011.

(2) IN EACH OF FISCAL YEARS 2021 THROUGH 2026, THE STATE SHALL PAY TO THE LOCAL ~~INCOME TAX~~ RESERVE ACCOUNT ~~\$63,833,333~~ \$33,333,333 TO REPAY THE ~~\$389,000,000~~ \$200,000,000 TRANSFER TO THE GENERAL FUND AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

2–1104.

(a) Except as provided in subsections (b) [and], (c), **AND (D)** of this section, after making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

(1) 2.3% to the Chesapeake Bay 2010 Trust Fund; and

(2) any remaining balance to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

(b) For the fiscal year beginning July 1, 2008, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) \$6,500,000 to the General Fund of the State; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.

(c) For the fiscal year beginning July 1, 2009, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) \$8,385,845 to the General Fund of the State; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.

(D) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, INSTEAD OF THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE 2.3% OF THE REMAINING MOTOR FUEL TAX REVENUE AS FOLLOWS:

(1) ~~\$5,000,000~~ ~~\$9,100,000~~ \$5,000,000 TO THE GENERAL FUND OF THE STATE; AND

(2) THE BALANCE TO THE CHESAPEAKE BAY 2010 TRUST FUND.

SECTION ~~6~~ 8. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

2–1302.1.

(a) Except as provided in subsections (b) [and], (c), AND (D) of this section, after making the distributions required under §§ 2-1301 and 2-1302 of this subtitle, of the sales and use tax collected on short-term vehicle rentals under § 11-104(c) of this article the Comptroller shall distribute:

(1) 45% to the Transportation Trust Fund established under § 3-216 of the Transportation Article; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.

(b) For the fiscal year beginning July 1, 2008, after the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute the remainder of the sales and use tax collected on short-term vehicle rentals under § 11-104(c) of this article as follows:

(1) \$18,500,000 to the General Fund of the State; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.

(c) For the fiscal year beginning July 1, 2009, after the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute the remainder of the sales and use tax collected on short-term vehicle rentals under § 11-104(c) of this article as follows:

(1) [~~\$13,100,711~~] **\$21,100,711** to the General Fund of the State; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.

(D) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AFTER THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE THE REMAINDER OF THE SALES AND USE TAX COLLECTED ON SHORT-TERM VEHICLE RENTALS UNDER § 11-104(C) OF THIS ARTICLE AS FOLLOWS:

(1) ~~\$17,101,428~~ ~~\$23,000,000~~ \$17,101,428 TO THE GENERAL FUND OF THE STATE; AND

(2) THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST FUND.

~~2-1302.2.~~

~~After making the distributions required under §§ 2-1301 through 2-1302.1 of this subtitle, FOR EACH FISCAL YEAR, the Comptroller shall pay into the Transportation Trust Fund established under § 3-216 of the Transportation Article:~~

~~(1) for each fiscal year beginning before July 1, 2013, 5.3% of the remaining sales and use tax revenue; and~~

~~(2) for each fiscal year beginning on or after July 1, 2013, 6.5% of the remaining sales and use tax revenue;~~

SECTION 9. AND BE IT FURTHER ENACTED, That Section(s) 8–403 of Article – Transportation of the Annotated Code of Maryland be repealed.

SECTION ~~7~~ 10. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

4–321.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least \$30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund or general obligation bonds, an aggregate appropriation by fiscal year **[2011] 2012** equal to \$264,913,000, as follows:

(i) \$53,000,000 for fiscal year 2007;

(ii) \$55,000,000 for fiscal year 2010; [and]

(iii) **[\$156,913,000] ~~\$126,900,000~~ ~~\$81,900,000~~ AT LEAST \$80,000,000** for fiscal year 2011; and

(IV) ~~\$30,013,000~~ ~~\$75,013,000~~ THE REMAINING BALANCE FOR FISCAL YEAR 2012; AND

(3) At least \$10,000,000 federal aid from any source in amounts as deemed prudent.

8–401.

(C–1) “ELIGIBLE MUNICIPALITY” MEANS A MUNICIPALITY AUTHORIZED BY LAW TO CONSTRUCT OR MAINTAIN STREETS OR ROADS.

8–402.

(c) (1) [During] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR each fiscal year [,]:

(I) ~~19%~~ 19.3% OF THE REVENUE CREDITED TO THE ACCOUNT SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE STATE;

(II) 71.5% OF THE REVENUE CREDITED TO THE ACCOUNT MAY BE USED AS PROVIDED IN § 3-216 OF THIS ARTICLE; AND

(III) THE BALANCE OF the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City[; and].

[(2) The balance of the Account may be used as provided in § 3-216 of this article.]

(2) FOR FISCAL YEARS 2010 THROUGH 2012, THE ACCOUNT SHALL BE DISTRIBUTED AS FOLLOWS:

(I) A PORTION TO THE GENERAL FUND OF THE STATE AS FOLLOWS:

1. ~~19.6%~~ 19.5% FOR FISCAL YEAR 2010;
2. ~~22.5%~~ 23% FOR FISCAL YEAR 2011; AND
3. ~~20.1%~~ 20.4% FOR FISCAL YEAR 2012;

(II) A PORTION TO BE USED AS PROVIDED IN § 3-216 OF THIS ARTICLE, AS FOLLOWS:

1. 70% FOR FISCAL YEAR 2010;
2. ~~68.6%~~ 68.5% FOR FISCAL YEAR 2011; AND
3. 71.5% FOR FISCAL YEAR 2012; AND

(III) THE BALANCE TO BE USED TO PAY THE ALLOCATIONS OF HIGHWAY USER REVENUES PROVIDED UNDER THIS SUBTITLE TO THE COUNTIES, MUNICIPALITIES, AND BALTIMORE CITY.

(A) SUBJECT TO §§ 3-307 AND 3-308 OF THIS ARTICLE, AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR EACH FISCAL YEAR, FROM THE TOTAL HIGHWAY USER REVENUES:

(1) ~~AN AMOUNT SHALL BE DISTRIBUTED TO BALTIMORE CITY MONTHLY~~ EQUAL TO ~~8.8%~~ 7.5% OF TOTAL HIGHWAY USER REVENUES SHALL BE DISTRIBUTED TO BALTIMORE CITY IN MONTHLY INSTALLMENTS;

(2) AN AMOUNT SHALL BE DISTRIBUTED TO THE COUNTIES AT THE TIMES SPECIFIED IN § 8-407 OF THIS SUBTITLE, TO BE ALLOCATED AS PROVIDED IN § 8-404 OF THIS SUBTITLE, EQUAL TO ~~0.6%~~ 1.4% OF TOTAL HIGHWAY USER REVENUES; AND

(3) AN AMOUNT SHALL BE DISTRIBUTED TO THE MUNICIPALITIES AT THE TIMES SPECIFIED IN § 8-407 OF THIS SUBTITLE, TO BE ALLOCATED AS PROVIDED IN § 8-405 OF THIS SUBTITLE, EQUAL TO ~~0.1%~~ 0.3% OF TOTAL HIGHWAY USER REVENUES.

(B) (1) FOR FISCAL YEAR 2010:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL ~~8.5%~~ 8.6% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 1.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.4% OF TOTAL HIGHWAY USER REVENUES.

(2) FOR FISCAL YEAR 2011:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL ~~8.2%~~ 7.9% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL ~~0.6%~~ 0.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.1% OF TOTAL HIGHWAY USER REVENUES.

(3) FOR FISCAL YEAR 2012:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL ~~7.8%~~ 7.5% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 0.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.1% OF TOTAL HIGHWAY USER REVENUES.

8-404.

(a) Highway user revenues shall be allocated to the counties:

(1) One half on a county road mileage basis, as provided in subsection (b)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (b)(2) of this section.

(b) The Administration shall allocate for the account of each county, out of the highway user revenues [provided for] **TO BE DISTRIBUTED TO THE COUNTIES** under § 8-403 of this subtitle, [its gross] **THE COUNTY'S** share, to be determined by adding:

(1) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the county, **NOT INCLUDING THE TOTAL MILEAGE OF COUNTY ROADS IN ~~AN ELIGIBLE MUNICIPALITY~~ ELIGIBLE MUNICIPALITIES IN THE COUNTY**, bears to the total mileage of county roads in all of the counties, **NOT INCLUDING THE TOTAL MILEAGE OF COUNTY ROADS IN ~~AN ELIGIBLE MUNICIPALITY~~ ELIGIBLE MUNICIPALITIES IN THE STATE**; and

(2) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the county, **NOT INCLUDING MOTOR VEHICLES REGISTERED TO ~~AN OWNER HAVING AN ADDRESS IN AN ELIGIBLE MUNICIPALITY~~ OWNERS HAVING ADDRESSES IN ELIGIBLE MUNICIPALITIES IN THE COUNTY**, bears to the total number of motor vehicles registered to owners in all the counties, **NOT INCLUDING MOTOR VEHICLES**

**REGISTERED TO AN OWNER HAVING AN ADDRESS IN AN ELIGIBLE MUNICIPALITY
OWNERS HAVING ADDRESSES IN ELIGIBLE MUNICIPALITIES IN THE STATE.**

[(c) The allocation of highway user revenues to a county under subsection (b) of this section may not be less than the amount allocated to the county from highway user revenue sources in the fiscal year that began July 1, 1967.]

(d) From each county's share of highway user revenues determined under this section, the Administration shall deduct the amount of highway user revenues allocated to any municipality in the county under § 8-405 of this subtitle. The resulting amount is the county's net share of highway user revenues.]

8-405.

~~[(a) Any municipality authorized by law to construct or maintain streets or roads~~ **AN ELIGIBLE MUNICIPALITY** may request its share of the highway user revenues provided under this subtitle from the Administration. The request shall be made in writing at least 6 months before the start of the fiscal year in which the funds are desired.]

~~(A)~~ **(B) HIGHWAY USER REVENUES SHALL BE ALLOCATED TO THE ELIGIBLE MUNICIPALITIES:**

(1) ONE HALF ON A MUNICIPAL ROAD MILEAGE BASIS, AS PROVIDED IN SUBSECTION (B)(1) OF THIS SECTION; AND

(2) ONE HALF ON A MOTOR VEHICLE REGISTRATION BASIS, AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION.

~~(B)~~ **(C)** [During the fiscal year beginning after a request is made, the] **THE** Administration shall allocate [to the] **FOR THE ACCOUNT OF EACH ELIGIBLE** municipality, [from the gross share of] **OUT OF THE** highway user revenues [allocated under § 8-404] **TO BE DISTRIBUTED TO THE MUNICIPALITIES UNDER § 8-403** of this subtitle [to the county within which the municipality is located, its net] **THE ELIGIBLE MUNICIPALITY'S** share [of highway user revenues], to be determined by adding:

(1) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the **ELIGIBLE** municipality bears to the total mileage of county roads **LOCATED** in [the county] **ELIGIBLE MUNICIPALITIES IN THE STATE;** and

(2) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total

number of motor vehicles registered to owners having addresses in the ELIGIBLE municipality bears to the total number of motor vehicles registered to owners having addresses in [the county] ELIGIBLE MUNICIPALITIES IN THE STATE.

~~(e)~~ (D) For purposes of the mileage formula distributions under this section, each special improvement district in Prince George's County in existence in January, 1953, shall be treated as a municipality, but the amounts distributed shall be:

(1) Paid to the county and retained by it as credits to the district; and

(2) Applied to the cost of maintaining the streets and roads in the district so long as the district has any indebtedness.

8-407.

(a) (1) If a county's OR MUNICIPALITY'S road construction, reconstruction, or maintenance is performed by the Administration, the county's [net] OR MUNICIPALITY'S share of highway user revenues shall be credited to the account of the Administration to be spent on warrants of the State Comptroller.

(2) If a county has paid any debt service on bonds or other evidences of obligation issued by a municipality in the county for the construction, reconstruction, or maintenance of roads or streets, an amount sufficient to reimburse the county for these payments shall be paid to the county from the municipality's [net] share of highway user revenues.

(3) In all other cases, a county's or municipality's [net] share of highway user revenues shall be paid to or on the order of:

(i) The proper official of the county or municipality designated by local law; or

(ii) If no designation is made, the county or municipality.

(b) Payments of a county's or municipality's [net] share of highway user revenues shall be made:

(1) At monthly intervals; or

(2) At other appropriate times reasonably requested.

SECTION 11. AND BE IT FURTHER ENACTED, That Section(s) 11-308, 11-309, and 11-310(a) through (c) of Article – Correctional Services of the Annotated Code of Maryland be repealed.

SECTION 12. AND BE IT FURTHER ENACTED, That Section(s) 7–117 of Article – Education of the Annotated Code of Maryland be repealed.

SECTION 13. AND BE IT FURTHER ENACTED, That Section(s) 13–1117 and 13–1118 of Article – Health – General of the Annotated Code of Maryland be repealed.

~~SECTION 8. AND BE IT FURTHER ENACTED, That Section(s) 18–1201 through 18–1207 and the subtitle “Subtitle 12. Private Career School Student Grant Program” of Article – Education of the Annotated Code of Maryland be repealed.~~

SECTION ~~9~~ 14. AND BE IT FURTHER ENACTED, That Section(s) 10–301(m) of the Natural Resources Article of the Annotated Code of Maryland be repealed.

SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2011 only, up to \$300,000 of the allocation to the University of Maryland Medical Group under § 13–1116 of the Health – General Article as enacted by this Act may be used to offset a deficit resulting from the termination of the Statewide Academic Health Center Tobacco–Related Diseases Research Grant Program and the Statewide Academic Health Center Network Grant Program under this Act.

~~SECTION 10. AND BE IT FURTHER ENACTED, That Section(s) 8–406(b) and 10–704.1 of the Tax – General Article of the Annotated Code of Maryland be repealed.~~

SECTION ~~11~~ 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2010, the Governor may transfer to the General Fund:

\$155,000,000 of the unexpended balance in the Bay Restoration Fund established under § 9–1605.2 of the Environment Article that is not needed to pay debt service on Revenue Bonds issued by the Water Quality Financing Administration for the Enhanced Nutrient Removal Program;

~~\$85,051,173~~ \$133,319,852 of the funds in the accounts of the University System of Maryland;

~~\$39,693,790, or any balance remaining, of the funds in the Heritage Structure Rehabilitation Tax Credit Reserve Fund established under § 5A–303 of the State Finance and Procurement Article;~~

~~\$25,000,000 of the funds in the Circuit Court Real Property Records Improvement Fund established by § 13–602 of the Courts and Judicial Proceedings Article;~~

~~\$20,000,000 of the funds in the Injured Workers’ Insurance Fund established under § 10–104 of the Labor and Employment Article;~~

\$13,509,450 of the funds in the Waterway Improvement Fund established under § 8–707 of the Natural Resources Article;

\$6,000,000 of the funds in the Injured Workers' Insurance Fund reserve for actuarial liability for claims against the State, established under § 10–104 of the Labor and Employment Article;

\$5,221,332 of the funds in the State Insurance Trust Fund established under § 9–103 of the State Finance and Procurement Article;

\$3,628,687 of the unexpended balance in the Neighborhood Business Development Fund established under § 6–301 of the Housing and Community Development Article;

\$3,401,000 of the unexpended balance in the Ocean Beach Replenishment Fund established under § 8–1103 of the Natural Resources Article;

\$3,000,000 of the funds in the special fund established under § 1–203.3 of the Corporations and Associations Article;

\$2,500,000 of the funds in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund established under § 8–2A–02 of the Natural Resources Article;

~~\$2,200,000~~ \$1,000,000 of the funds in the Maryland Oil Disaster Containment, Cleanup and Contingency Fund established under § 4–411 of the Environment Article;

\$1,200,000 of the funds in the Oil Reserve Fund established under § 4–607 of the Environment Article;

\$2,176,565 of the funds in the Special Loan Programs Fund established under § 4–505 of the Housing and Community Development Article;

\$2,000,000 of the funds in the Insurance Regulation Fund established under § 2–505 of the Insurance Article;

\$1,824,924 of the funds in the Vehicle Theft Prevention Fund established under § 2–703 of the Public Safety Article;

\$1,800,000 of the funds in the Community Health Resources Commission Fund established under § 19–2201 of the Health – General Article;

~~\$1,664,227~~ \$2,113,653 of the funds in the accounts of Morgan State University;

\$1,559,000 of the funds in the Spinal Cord Injury Research Trust Fund established under § 13–1406 of the Health – General Article;

\$1,500,000 of the funds in the Land Trust Grant Fund established under § 3–2A–02 of the Natural Resources Article;

~~\$1,200,000~~ \$3,000,000 of the funds in the Oil Contaminated Site Environmental Cleanup Fund established under § 4–704 of the Environment Article;

\$1,100,000 of the funds in the State Used Tire Cleanup and Recycling Fund established under § 9–273 of the Environment Article;

\$1,000,000 of the funds in the Tidal Wetlands Compensation Fund established under § 16–205 of the Environment Article;

\$733,339 of the funds in the Cash Management Improvement Fund in the State Treasurer’s Office;

\$602,800 of the funds in the special fund established under § 11–401 of the Business Regulation Article;

\$527,619 of the funds in the Board of Physicians Fund established under § 14–207 of the Health Occupations Article;

\$500,000 of the funds in the Central Collection Fund established under § 3–306 of the State Finance and Procurement Article;

\$500,000 of the funds in the Maryland Correctional Enterprises Revolving Fund established under § 3–507 of the Correctional Services Article;

~~\$500,000 of the funds in the State administrative costs account of the Injured Workers’ Insurance Fund established under § 10–104 of the Labor and Employment Article;~~

\$472,026 of the funds in the Maryland Health Care Commission Fund established under § 19–111 of the Health – General Article;

\$449,373 of the funds in the Community Legacy Financial Assistance Fund established under § 6–213 of the Housing and Community Development Article;

\$305,549 of the funds in the Board of Nursing Fund established under § 8–206 of the Health Occupations Article;

\$305,481 of the funds in the Shore Erosion Control Construction Loan Fund established under § 8–1005 of the Natural Resources Article;

\$300,000 of the funds in the Maryland Clean Air Fund established under § 2–107 of the Environment Article;

\$300,000 of the funds in the State Occupational and Professional Licensing Design Boards' Fund established under § 2-106.1 of the Business Regulation Article;

\$204,368 of the funds in the accounts of St. Mary's College of Maryland;

\$150,000 of the funds in the State Chemist Reserve Account consisting of special funds established under §§ 5-103, 6-103, 6-204, and 6-303 of the Agriculture Article;

~~\$150,000~~ \$500,000 of the funds in the State Radiation Control Fund established under § 8-306 of the Environment Article;

\$98,544 of the funds in the State Board of Pharmacy Fund established under § 12-206 of the Health Occupations Article;

~~\$96,541~~ \$1,374,254 of the funds in the accounts of Baltimore City Community College;

\$92,040 of the funds in the Homeownership Programs Fund established under § 4-502 of the Housing and Community Development Article;

\$87,758 of the funds in the Rental Housing Programs Fund established under § 4-504 of the Housing and Community Development Article;

\$87,758 of the funds in the Partnership Rental Housing Fund established under § 4-503 of the Housing and Community Development Article;

\$73,530 of the funds in the State Board of Dental Examiners Fund established under § 4-207 of the Health Occupations Article;

\$52,097 of the funds in the State Board of Social Work Examiners Fund established under § 19-206 of the Health Occupations Article;

\$36,128 of the funds in the State Board of Chiropractic and Massage Therapy Examiners Fund established under § 3-206 of the Health Occupations Article;

\$23,718 of the funds in the State Board of Examiners of Psychologists Fund established under § 18-207 of the Health Occupations Article;

\$22,013 of the funds in the State Board of Professional Counselors and Therapists Fund established under § 17-206 of the Health Occupations Article;

\$17,567 of the funds in the State Board of Physical Therapy Examiners Fund established under § 13-207 of the Health Occupations Article;

\$13,698 of the funds in the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech Language Pathologists Fund established under § 2–206 of the Health Occupations Article;

\$11,923 of the funds in the State Board of Occupational Therapy Practice Fund established under § 10–206 of the Health Occupations Article;

\$9,837 of the funds in the State Board of Examiners in Optometry Fund established under § 11–207 of the Health Occupations Article;

\$9,666 of the funds in the State Acupuncture Board Fund established under § 1A–206 of the Health Occupations Article;

\$9,566 of the funds in the State Board of Morticians and Funeral Directors Fund established under § 7–206 of the Health Occupations Article;

\$7,283 of the funds in the State Board of Podiatric Medical Examiners Fund established under § 16–206 of the Health Occupations Article;

\$4,092 of the funds in the Kidney Disease Fund established under § 13–310.1 of the Health – General Article; and

\$3,738 of the funds in the State Board of Dietetic Practice Fund established under § 5–206 of the Health Occupations Article.

SECTION ~~12~~ 17. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) On or before June 30, 2010, the Governor may transfer to the General Fund:

\$103,113,000 of the unexpended balance of the funds for the local share of Program Open Space in the special fund established under § 13–209 of the Tax – Property Article;

\$22,700,000 of the unexpended balance of the funds for Program Open Space Capital Development under Program Open Space in the special fund established under § 13–209 of the Tax – Property Article;

\$10,635,000 of the unexpended balance in the special fund established under § 13–209 of the Tax – Property Article for the Rural Legacy Program as established under § 5–9A–01 of the Natural Resources Article;

\$10,000,000 of the unexpended balance in the special fund established under § 13–209 of the Tax – Property Article for the Maryland Agricultural Land Preservation Foundation established under § 2–502 of the Agriculture Article;

\$4,567,000 of the unexpended balance of the funds for State land acquisition under Program Open Space in the special fund established under § 13–209 of the Tax – Property Article; and

\$2,058,000 of the unexpended balance of the funds for Program Open Space Capital Development – Ocean City Beach Replenishment under Program Open Space in the special fund established under § 13–209 of the Tax – Property Article.

(b) A transfer of funds from the special fund to the General Fund under this section may not be taken into account for purposes of determining any allocation or appropriation required under § 13–209(f) or (g) of the Tax – Property Article.

SECTION ~~13~~ 18. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2011, the Governor may transfer to the General Fund:

~~\$51,731,321~~ ~~\$55,532,294~~ \$11,731,321 of the funds in the accounts of the University System of Maryland;

\$45,000,000 of the funds in the Bay Restoration Fund established under § 9–1605.2 of the Environment Article that is not needed to pay debt service on Revenue Bonds issued by the Water Quality Financing Administration for the Enhanced Nutrient Removal Program;

\$1,000,000 of the funds in the Board of Physicians Fund established under § 14–207 of the Health Occupations Article;

~~\$822,287~~ ~~\$1,783,395~~ \$822,287 of the funds in the accounts of Baltimore City Community College;

~~\$790,574~~ ~~\$1,051,307~~ \$750,574 of the funds in the accounts of Morgan State University;

\$500,000 of the funds for the Spinal Cord Injury Research Trust Fund established under § 13–1406 of the Health – General Article;

\$3,934,000 of the funds in the Waterway Improvement Fund established under § 8–707 of the Natural Resources Article;

\$3,200,000 of the funds in the Neighborhood Business Development Fund established under § 6–310 of the Housing and Community Development Article;

\$3,000,000 of the funds in the Homeownership Programs Fund established under § 4–502 of the Housing and Community Development Article;

\$2,500,000 of the funds in the Special Loan Programs Fund established under § 4–505 of the Housing and Community Development Article;

~~\$602,800~~ \$500,000 of the funds in the special fund established under § 11–401 of the Business Regulation Article;

\$204,368 of the funds in the accounts of St. Mary's College of Maryland;

\$200,000 of the funds in the State Board of Pharmacy Fund established under § 12–206 of the Health Occupations Article;

\$50,000 of the funds in the State Board of Examiners for Psychologists Fund established under § 18–207 of the Health Occupations Article; and

\$50,000 of the funds in the State Board of Professional Counselors and Therapists Fund established under § 17–206 of the Health Occupations Article.

SECTION ~~14.~~ 19. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) ~~Subject to subsection (b) of this section,~~ on or before June 30, 2011, the Governor may transfer to the General Fund \$54,038,405 of the funds in the special fund established under § 13–209 of the Tax – Property Article. A transfer of funds from the special fund to the General Fund under this ~~subsection~~ section may not be taken into account for purposes of determining any allocation or appropriation required under § 13–209(f) or (g) of the Tax – Property Article.

(b) ~~Subsection (a) of this section is contingent on legislation authorizing the creation of State general obligation debt totaling \$54,305,000 for the following purposes:~~

~~Program Open Space – State Land Acquisition~~	~~\$13,082,000~~
~~Program Open Space – Local Share~~	~~\$12,352,000~~
~~Rural Legacy Program~~	~~\$12,637,000~~
~~Program Open Space – Capital Improvements~~	~~\$4,150,000~~
~~Maryland Agricultural Land Preservation Foundation~~	~~\$11,814,000~~

~~If legislation authorizing the creation of State general obligation debt totaling \$54,305,000 for the purposes described in this subsection does not become effective, subsection (a) of this section shall be null and void without the necessity of further action by the General Assembly.~~

SECTION ~~15.~~ 20. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, in fiscal year 2011 only, the grants to county boards under the Aging Schools Program under § 5–206(f) of the Education Article may be funded from the proceeds of General Obligation bonds issued under the Maryland Consolidated Capital Bond Loan of 2010 or Qualified Zone Academy Bonds issued under Chapter 523 (S.B. 202/H.B. 171) of the Acts of the General Assembly of 2010.

SECTION ~~16~~ 21. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Title 1, Subtitle 3 of the Public Safety Article or any other law, \$5,000,000 in fiscal year 2011 revenue from the State 9-1-1 fee on wired lines may be transferred from the 9-1-1 Trust Fund to the Department of Information Technology to be used to support the Computer Aided Dispatch/Records Management System project in the Maryland State Police.

SECTION ~~17~~ 22. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Article 41, § 4-403 of the Annotated Code, for each of fiscal years 2011 and 2012, funding for State Aid for Police Protection shall be \$45,420,982. For each of fiscal years 2011 and 2012, a subdivision or municipality shall receive the same State funding that the subdivision or municipality received in fiscal year 2010.

SECTION ~~18~~ 23. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, no amounts may be expended in fiscal year 2011 to pay increases over the rates in effect on January 20, 2010, for providers with rates set under § 8-406 or § 8-417 of the Education Article.

SECTION ~~19~~ 24. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer by budget amendment from the Senior Prescription Drug Assistance Program account of the Maryland Health Insurance Plan Fund established under § 14-504(e) of the Insurance Article to the Kidney Disease Program established under Title 13, Subtitle 3 of the Health – General Article up to \$10,500,000 in fiscal year 2010, and up to \$1,500,000 in fiscal year 2011.

SECTION ~~20~~ 25. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, in fiscal year 2010, the Governor may transfer up to ~~\$3,000,000~~ \$5,000,000 from the Senior Prescription Drug Assistance Program account of the Maryland Health Insurance Plan Fund established under § 14-504(e) of the Insurance Article to the Medical Assistance Program established under Title 15, Subtitle 1 of the Health – General Article.

SECTION ~~21~~ 26. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) On or before June 30, 2010, in addition to amounts authorized to be transferred under Section 12 of this Act, the Governor may transfer to the General Fund \$4,459,496 of the funds for State land acquisition under Program Open Space in the special fund established under § 13-209 of the Tax – Property Article.

(b) A transfer of funds from the special fund to the General Fund under this section may not be taken into account for purposes of determining any allocation or appropriation required under § 13-209(f) or (g) of the Tax – Property Article.

SECTION ~~22~~ 27. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 3A-309 of the State Finance and Procurement Article, or any other provision of law, all money received from May 1, 2010 through June 30, 2010, and for

each of fiscal years 2011 and 2012, as commissions, rebates, refunds, rate reductions, settlements, or telecommunication bypass agreements resulting from information technology services or purchases shall be credited to the General Fund.

SECTION ~~23~~ 28. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of §§ 2-613, 2-613.1, and 2-614 of the Tax – General Article, or any other provision of law, the first \$129,000,000 of corporate income tax paid to the State in fiscal year 2010 shall be credited entirely to the General Fund.

~~SECTION 24. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 10-223(c) of the Tax – General Article and § 6-104(e)(2) of the State Finance and Procurement Article, or any other provision of law, the requirement for the Comptroller and the Bureau of Revenue Estimates to prepare and submit the Statistics of Income Report and the Tax Incentives Study shall be waived for the tax years ending in 2008, 2009, and 2010.~~

SECTION ~~25~~ 29. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 3A-506 of the State Finance and Procurement Article or any other provision of law, in fiscal year 2011, the Governor may transfer by budget amendment up to ~~\$1,000,000~~ \$2,000,000 from the Universal Service Trust Fund to the Maryland School for the Deaf. For the purposes of determining the minimum appropriation for the Maryland School for the Deaf under § 8-310.3(b) of the Education Article for fiscal year 2012, the prior year appropriations shall be deemed to include any General Fund appropriation for fiscal year 2011 for the Maryland School for the Deaf and any amount transferred to the Maryland School for the Deaf for fiscal year 2011 under this section.

SECTION 30. AND BE IT FURTHER ENACTED, That Section(s) 5 of Chapter 451 of the Acts of the General Assembly of 2003 be repealed.

~~SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the incoming class in the fall of 2010 at a residential boarding education program for at-risk youth that receives funding under Title 8, Subtitle 7 of the Education Article may not exceed 68 students:~~

(a) The SEED School of Maryland and the Maryland State Department of Education shall negotiate a modification to their contract to extend from five to six years the time by which the SEED School reaches the State-supported maximum of 400 students, as authorized in § 8-710 of the Education Article and to limit the total student population at the SEED School to less than 320 students in the fall of 2011 and to less than 400 students in the fall of 2012, in a manner so that the required appropriation in the State budget for support of the school is less than \$8,000,000 in fiscal year 2012 and less than \$10,000,000 in fiscal year 2013.

(b) On or before October 1, 2010, the SEED School and the Department shall report on the renegotiated contract and provide a copy of the proposed new contract to the budget committees of the General Assembly. The budget committees shall have 45

days from the date of receipt of the report to review and comment on the proposed new contract before it is executed.

~~SECTION 26. AND BE IT FURTHER ENACTED, That, notwithstanding Section(c) 18-1101 through 18-1106 of the Education Article, or any other provision of law, no new scholarship awards shall be made under the Distinguished Scholar Program for the 2010-2011 academic year. This section shall be construed to apply retroactively to January 20, 2010, and shall be applied to and interpreted to affect any proposed scholarship awards considered on or after that date.~~

SECTION ~~27.~~ 32. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2012:

(a) Except as provided in subsection (b) of this section and except as otherwise provided in this Act, the Governor is not required to include an appropriation in the budget for any program or item in an amount that exceeds the fiscal year 2011 appropriation for that item or program as approved in the State budget for fiscal year 2011 as enacted by the General Assembly.

(b) Subsection (a) of this section does not apply to:

(1) funding required for State aid to public elementary and secondary education as provided under Title 5, Subtitle 2 or § 4-121, § 4-122, § 6-306, § 8-310.3, § 8-317, or § 8-415 of the Education Article;

(2) the State's employer contribution to the State Retirement and Pension System required under § 21-308 of the State Personnel and Pensions Article; or

(3) any appropriation required to the Revenue Stabilization Account of the State Reserve Fund under § 7-311 of the State Finance and Procurement Article.

SECTION ~~28.~~ 33. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, for fiscal years 2010 and 2011, net interest on all State money allocated by the State Treasurer under § 6-226 of the State Finance and Procurement Article to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State, with the exception of the following funds:

- (1) Maryland Housing Loan Funds of 1976, 1978, 1979, and 1984;
- (2) Microsoft Cost Share Fund;
- (3) Subsequent Injury Fund;

- (4) Uninsured Employers' Fund;
- (5) State Agency Loan Program Fund;
- (6) Jane E. Lawton Conservation Loan Program;
- (7) Energy Overcharge Restitution Fund;
- (8) Pepco / Connectiv Settlement Fund;
- (9) Baseball Capital Improvements Fund;
- (10) State Victims of Crime Fund;
- (11) Juvenile Accountability Incentive Block Grant Fund;
- (12) Victim and Witness Protection and Relocation Fund;
- (13) Unclaimed Restitution – Victims of Crime;
- (14) Justice Assistance Grant;
- (15) Byrne Justice Assistance Grant;
- (16) Maryland Election Modernization Fund;
- (17) Scriven Estate Fund;
- (18) Volunteer Company Assistance Fund;
- (19) Radoff Memorial Fund;
- (20) Archives Endowment Account within the Archives Fund;
- (21) Ellefson Endowment Fund;
- (22) Albert C. Ritchie Memorial Fund;
- (23) Rate Stabilization Fund;
- (24) Maryland Health Insurance Plan Fund;
- (25) Fair Campaign Financing Fund;
- (26) State Employees and Retirees Health and Welfare Benefits Fund;
- (27) Major Information Technology Development Project Fund;

- (28) State Retirement Agency Funds;
- (29) Postretirement Health Benefits Trust Fund;
- (30) Maryland Emergency Medical ~~Service~~ System Operations Fund;
- (31) State Wildlife Management and Protection Fund;
- (32) Fisheries Management and Protection Fund;
- (33) Ocean Beach Replenishment Fund;
- (34) Community Services Trust Fund;
- (35) Waiting List Equity Fund;
- (36) Health Care Coverage Fund;
- (37) Health Services Cost Review Commission Fund;
- (38) Hospital Uncompensated Care Fund;
- (39) Funds in the Accounts of Morgan State University;
- (40) Funds in the Accounts of St. Mary's College of Maryland;
- (41) Funds in the Accounts of the University System of Maryland;
- (42) Maryland Prepaid College Trust Fund;
- (43) Nurse Support Program Assistance Fund;
- (44) Funds in the Accounts of the Baltimore City Community College;
- (45) Education Trust Fund;
- (46) Section 8 Construction and Administration Funds administered by the Department of Housing and Community Development;
- (47) MacArthur Grant Fund;
- (48) ~~Maryland Economic Adjustment Fund~~ All special funds within the Department of Business and Economic Development;
- (49) Maryland Water Quality Revolving Loan Fund;

- (50) Maryland Drinking Water Revolving Loan Fund;
- (51) Bay Restoration Fund;
- (52) Migratory Game Bird Fund;
- (53) Deer Stamp Fund;
- (54) Wildlife Habitat Incentive Fund;
- (55) Fisheries Research and Development Fund;
- (56) Strategic Energy Investment Fund;
- (57) Criminal Injuries Compensation Fund;
- (58) 50% of the interest from the 9–1–1 Trust Fund;
- ~~(52)~~ (59) All accounts within the State Reserve Fund; and
- ~~(53)~~ (60) Local revenue accounts collected by the Judiciary.

~~SECTION 29. AND BE IT FURTHER ENACTED, That, notwithstanding §§ 8-403 through 8-405 of the Transportation Article, or any other provision of law, in addition to the amounts required to be distributed to the General Fund and the reductions in the amounts to be distributed to Baltimore City and the counties and municipalities under §§ 12 and 29 of Chapter 487 of the Acts of the General Assembly of 2009, for fiscal year 2010 only:~~

~~(a) \$159,502,391 of the amounts otherwise required to be distributed to Baltimore City and the counties and municipalities under § 8-403 of the Transportation Article shall be distributed instead to the General Fund.~~

~~(b) The amounts to be distributed to Baltimore City and the counties and municipalities under § 8-403 of the Transportation Article shall be reduced by the following amounts:~~

~~Allegany County~~	~~\$3,698,005~~
~~Anne Arundel County~~	~~9,254,377~~
~~Baltimore City~~	~~31,612,390~~
~~Baltimore County~~	~~15,393,152~~
~~Calvert County~~	~~2,829,534~~
~~Caroline County~~	~~2,491,691~~
~~Carroll County~~	~~6,376,535~~
~~Cecil County~~	~~3,492,581~~
~~Charles County~~	~~4,279,861~~
~~Dorchester County~~	~~2,788,812~~

~~Frederick County~~	~~8,113,600~~
~~Garrett County~~	~~3,155,082~~
~~Harford County~~	~~7,196,389~~
~~Howard County~~	~~5,793,463~~
~~Kent County~~	~~1,362,596~~
~~Montgomery County~~	~~13,832,683~~
~~Prince George's County~~	~~16,121,287~~
~~Queen Anne's County~~	~~2,604,470~~
~~St. Mary's County~~	~~3,523,933~~
~~Somerset County~~	~~1,745,802~~
~~Talbot County~~	~~1,686,937~~
~~Washington County~~	~~5,470,612~~
~~Wicomico County~~	~~4,657,149~~
~~Worcester County~~	~~2,021,450~~

~~(e) To the extent that the total amount to be distributed to Baltimore City and the counties and municipalities under § 8-403 of the Transportation Article, after the reductions under §§ 12 and 29 of Chapter 487 of the Acts of the General Assembly of 2009 and under this section, exceeds \$140,509,010, the excess shall be distributed as follows:~~

~~(1) 11.5% to Baltimore City; and~~

~~(2) 88.5% among the counties and municipalities in accordance with §§ 8-404 and 8-405 of the Transportation Article.~~

~~SECTION 30. AND BE IT FURTHER ENACTED, That, notwithstanding § 12 of Chapter 487 of the Acts of the General Assembly of 2009, §§ 8-403 through 8-405 of the Transportation Article, or any other provision of law, for each of fiscal years 2011 and 2012 only:~~

~~(a) The amounts otherwise required to be distributed to Baltimore City and the counties and municipalities under § 8-403 of the Transportation Article shall be distributed as follows:~~

~~(1) \$340,255,990 to the General Fund;~~

~~(2) Up to the next \$140,509,010 to Baltimore City and the counties and municipalities as follows:~~

~~Allegany County~~	~~-0.221%~~
~~Anne Arundel County~~	~~-0.417%~~
~~Baltimore City~~	~~93.173%~~
~~Baltimore County~~	~~-0.794%~~
~~Calvert County~~	~~-0.151%~~
~~Caroline County~~	~~-0.147%~~
~~Carroll County~~	~~-0.360%~~

~~Cecil County~~	~~-0.192%~~
~~Charles County~~	~~-0.231%~~
~~Dorchester County~~	~~-0.164%~~
~~Frederick County~~	~~-0.445%~~
~~Garrett County~~	~~-0.187%~~
~~Harford County~~	~~-0.400%~~
~~Howard County~~	~~-0.297%~~
~~Kent County~~	~~-0.078%~~
~~Montgomery County~~	~~-0.628%~~
~~Prince George's County~~	~~-0.902%~~
~~Queen Anne's County~~	~~-0.147%~~
~~St. Mary's County~~	~~-0.195%~~
~~Somerset County~~	~~-0.105%~~
~~Talbot County~~	~~-0.087%~~
~~Washington County~~	~~-0.308%~~
~~Wicomico County~~	~~-0.275%~~
~~Worcester County~~	~~-0.096%; and~~

~~(2) Any amounts in excess of \$480,765,000 as follows:~~

~~(i) 11.5% to Baltimore City; and~~

~~(ii) 88.5% among the counties and municipalities in accordance with §§ 8-404 and 8-405 of the Transportation Article.~~

~~(b) For fiscal year 2011:~~

~~(1) The distribution to the General Fund required under subsection (a) of this section is in lieu of the distribution to the General Fund required under § 12 of Chapter 487 of the Acts of the General Assembly of 2009; and~~

~~(2) The reductions required under § 12 of Chapter 487 of the Acts of the General Assembly of 2009 in the amounts to be distributed to Baltimore City and the counties and municipalities are superseded by the required distributions provided for under subsection (a) of this section.~~

SECTION 34. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor by budget amendment partially restore local highway user revenues for fiscal year 2010 that were reduced by actions taken by the Board of Public Works in August 2009, to implement the distributions of highway user revenues for fiscal year 2010 as reflected in § 8-403 of the Transportation Article as enacted by this Act.

SECTION 35. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a working group formed in statute or by order of the President of the Senate or the Speaker of the House looking at transportation funding or local

aid issues shall review and provide recommendations for how local highway user revenues shall be distributed in fiscal year 2013 and thereafter.

SECTION ~~31~~ 36. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, State employees employed by any entity, including the University System of Maryland, Morgan State University, and St. Mary's College of Maryland, may not receive bonuses, merit increases, or cost-of-living adjustments in fiscal year 2011. This provision does not affect salaries for constitutional officers or members of the General Assembly or increases necessary for the retention of faculty in the University System of Maryland, Morgan State University, or St. Mary's College of Maryland. This provision does not affect financial incentives disbursed in accordance with § 21-118.1 of the State Personnel and Pensions Article, provided that any financial incentives disbursed in fiscal year 2011 in accordance with that section may not exceed 10% of the recipient's annual salary.

SECTION ~~32~~ 37. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 32-205 of the State Personnel and Pensions Article, in fiscal year 2011 the State is not required to make the employer contributions to the applicable State supplemental plan for participating employees in the Optional Defined Contribution System.

SECTION ~~33~~ 38. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Chapter 62 of the Acts of 1992

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding any other provision of law, except as prohibited by the Constitution of Maryland:

(1) **[During] FOR FISCAL YEAR 2011 OR DURING** any fiscal year in which appropriations are reduced pursuant to § 7-213 of the State Finance and Procurement Article because of a projected deficit, by Executive Order the Governor may institute a furlough **OR TEMPORARY SALARY REDUCTION** plan for Executive Branch employees of the State of Maryland.

(2) An Executive Order issued pursuant to paragraph (1) of this subsection:

(i) Shall specify how the furlough **OR TEMPORARY SALARY REDUCTION** plan applies to the various employees of the State of Maryland; and

(ii) May:

1. Scale the number of furlough days to salary; and

2. Include any other provisions related to the operation of the furlough **AND TEMPORARY SALARY REDUCTION** plan.

(b) This section shall be deemed to provide supplemental authority to the Governor and shall not be regarded as in derogation of any power now existing.

SECTION ~~34~~ 39. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, calculation of the rate of overtime payments for current State employees subject to a temporary salary reduction ordered by the Governor in fiscal year 2010 or 2011 shall be based on the salary schedules in effect on July 1, 2009. This section shall be construed to apply retroactively to September 23, 2009, and shall be applied to and interpreted to affect the overtime compensation of current State employees from that date.

SECTION ~~35~~ 40. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2011, any special fund savings realized from the implementation of furloughs *and temporary salary reductions* in fiscal year 2011 may be transferred to the General Fund.

~~SECTION 36. AND BE IT FURTHER ENACTED, That, in each of fiscal years 2014 through 2020, the State shall pay to the Local Income Tax Reserve Account \$50,000,000 to repay the \$350,000,000 transfer to the Education Trust Fund authorized under § 2-606(e) of the Tax General Article as enacted by this Act.~~

SECTION ~~37~~ 41. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Chapter 503 of the Acts of 2007, as amended by Chapter 200 of the Acts of 2008

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(c) [Up to 25%] **A PORTION** of the revenues generated by the quality assessment shall be in an incentive program to be distributed as provided in this section, to the extent federal law allows. Further, the distribution of revenues as provided in this section shall be used as an incentive for nursing facilities to provide quality care, and may not be used to directly or indirectly hold harmless any nursing facility.

Chapter 487 of the Acts of 2009

SECTION 19. AND BE IT FURTHER ENACTED, That, notwithstanding § 9-305 of the State Personnel and Pensions Article, **OR ANY OTHER PROVISION OF LAW**, an employee entitled to compensation for unused annual leave upon termination of State employment during a mandatory temporary salary reduction plan shall

receive such compensation at the employee's rate of compensation in effect immediately prior to the temporary salary reduction. This section shall be construed to apply retroactively and shall be applied to and interpreted to affect the calculation of unused annual leave payouts for employees leaving State employment on or after February 11, 2009.

SECTION 35. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal [year] **YEARS 2011 AND 2012** only, the Governor is not required to include in the budget bill any appropriation to the Revenue Stabilization Account of the State Reserve Fund otherwise required under § 7-311 of the State Finance and Procurement Article to the extent that the Governor determines that the appropriation would result in the loss of funds otherwise made available to the State under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) **OR ANY OTHER FEDERAL LAW.**

SECTION 38. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15-103 of the Election Law Article cannot operate as originally contemplated.

(b) Subject to subsection (c) of this section, up to \$2,000,000 of the balance in the Fund may be transferred to the Maryland Information Technology Development Project Fund (program F50A01.01) for the purpose of funding the purchase of a new Optical Scan Voting System.

(c) A transfer under this section may not reduce the balance in the Fund below \$1,000,000.

(d) Any funds transferred from the Fair Campaign Financing Fund to the Major Information Technology Development Project Fund as authorized under this section that are not used to purchase a new Optical Scan Voting System may not be retained by the Major Information Technology Development Project Fund and [may only be transferred to the Maryland Election Modernization Fund established under § 2-107 of the Election Law Article] **SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.**

(E) **SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2011, AN AMOUNT UP TO \$150,000 OF THE BALANCE IN THE FUND MAY BE TRANSFERRED TO THE DEPARTMENT OF LEGISLATIVE SERVICES FOR THE PURPOSE OF PAYING THE COST OF A CONTRACT WITH AN INDEPENDENT CONSULTANT TO CONDUCT A STUDY OF THE ISSUES ENUMERATED IN SUBSECTION (G) OF THIS SECTION.**

(F) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE DEPARTMENT OF LEGISLATIVE SERVICES UNDER SUBSECTION (E) OF THIS SECTION THAT ARE NOT USED TO PAY THE COST OF THE CONTRACT REQUIRED UNDER SUBSECTION (G) OF THIS SECTION MAY NOT BE RETAINED BY THE DEPARTMENT OF LEGISLATIVE SERVICES AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.

(G) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL CONTRACT WITH AN INDEPENDENT CONSULTANT TO COMPLETE A STUDY OF THE FOLLOWING ISSUES:

(1) WHETHER THE STATE BOARD OF ELECTIONS VOTING SYSTEM SUPPORT SERVICES CONTRACT APPROVED BY THE BOARD OF PUBLIC WORKS ON FEBRUARY 24, 2010, IS MAXIMALLY COST-EFFECTIVE AND INCLUDES ONLY SERVICES THAT ARE CLEARLY NECESSARY FOR THE CONDUCT OF ELECTIONS;

(2) WHETHER THE STATE BOARD OF ELECTIONS PROPOSED PROCUREMENT OF AN OPTICAL SCAN VOTING SYSTEM FOR DEPLOYMENT IN THE 2010 ELECTIONS WAS MAXIMALLY COST-EFFECTIVE AND INCLUDED ONLY EQUIPMENT THAT IS CLEARLY NECESSARY FOR THE CONDUCT OF ELECTIONS;

(3) THE NECESSITY OF THE STATE BOARD'S PROPOSED PROCUREMENT OF VOTING BOOTHS AND SUPPLY CARTS TO IMPLEMENT AN OPTICAL SCAN VOTING SYSTEM FOR THE 2010 ELECTIONS;

(4) THE AMOUNT, IF ANY, BY WHICH VOTING SYSTEM OPERATIONS AND MAINTENANCE COSTS WOULD BE REDUCED IF AN OPTICAL SCAN VOTING SYSTEM IS IMPLEMENTED;

(5) CURRENT AND PROJECTED OPERATIONS AND MAINTENANCE COSTS FOR THE STATE'S CURRENT VOTING SYSTEM;

(6) THE PROJECTED LIFE SPAN OF THE STATE'S CURRENT VOTING SYSTEM;

(7) A COMPARISON OF THE OVERALL COST OF CONTINUING TO USE THE STATE'S CURRENT VOTING SYSTEM AS OPPOSED TO IMPLEMENTING AN OPTICAL SCAN VOTING SYSTEM; AND

(8) RECOMMENDATIONS FOR PROCURING AND IMPLEMENTING AN OPTICAL SCAN VOTING SYSTEM IN A COST-EFFECTIVE MANNER.

(H) THE INDEPENDENT CONSULTANT SHALL CONSULT WITH VOTING SYSTEM EXPERTS AND REVIEW THE VOTING SYSTEM CONTRACTS AND POLICIES

OF OTHER JURISDICTIONS IN MAKING FINDINGS AND RECOMMENDATIONS CONCERNING THE ISSUES ENUMERATED IN SUBSECTION (G) OF THIS SECTION.

(I) ON OR BEFORE DECEMBER 1, 2010, THE INDEPENDENT CONSULTANT SHALL SUBMIT A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(J) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2011, AN AMOUNT UP TO \$500,000 OF THE BALANCE IN THE FUND MAY BE TRANSFERRED TO THE STATE BOARD OF ELECTIONS FOR THE PURPOSE OF IMPLEMENTING AN ONLINE CAMPAIGN FINANCE REPORTING SYSTEM.

(K) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE STATE BOARD OF ELECTIONS UNDER SUBSECTION (J) OF THIS SECTION THAT ARE NOT USED TO PAY THE COST OF IMPLEMENTING AN ONLINE CAMPAIGN FINANCE REPORTING SYSTEM MAY NOT BE RETAINED BY THE STATE BOARD OF ELECTIONS AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.

SECTION 39. AND BE IT FURTHER ENACTED, That:

(a) The General Assembly finds that the existing technology supporting State administration of its human resources management system is outmoded and inadequate for efficient administration of the State workforce.

(b) In the development of a new statewide human resources management system to address this deficiency, the Department of Budget and Management shall, in coordination with the Department of Information Technology, take all steps necessary to scope and define its requirements so as to qualify for funding as a Major Information Technology Development project supported through the Major Information Technology Project Development Fund established under § 3A-309 of the State Finance and Procurement Article.

(c) To support this project, for fiscal years 2011, 2012, and 2013 only, the Department of Budget and Management shall establish a statewide subobject for the purpose of charging back to each fund account of the State agencies the cost of developing, acquiring, and implementing the needed information technology.

(d) Costs shall be allocated to each agency based on that proportion of total positions authorized in each agency on June 30 of the second year preceding the year for which the budget is prepared compared to the total number of positions authorized for Executive agencies. Funds shall be credited to the Major Information Technology Project Development Fund solely for support of the project created under subsection (b) of this section.

(e) For fiscal year 2011, the Governor shall include in the State budget through the mechanism established in this section a charge back of not less than ~~[\$5,000,000]~~ **\$2,069,344**.

SECTION 44. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2009. [It shall remain effective for a period of 2 years and, at the end of June 30, 2011, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.]

~~SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the special fund appropriation in the fiscal 2010 State budget for program L00A12.10 Marketing and Agricultural Development in the Department of Agriculture is reduced by \$700,000. The reduction provided under this section shall be made only to programs supported by funds from the Cigarette Restitution Fund. For fiscal year 2010, the Governor is authorized to transfer \$700,000 from the Cigarette Restitution Fund to program M00Q01.03 Medical Care Provider Reimbursements in the Department of Health and Mental Hygiene.~~

SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 19-2201(e) of the Health – General Article or any other provision of law, in fiscal year 2011, the Governor may transfer by budget amendment up to \$10,500,000 from the Community Health Resources Commission Fund to the Kidney Disease Treatment Program (M00Q01.06) in the Medical Care Programs Administration.

SECTION ~~38~~ 43. AND BE IT FURTHER ENACTED, That Section(s) ~~25~~ 12, 25, 29, and 34 of Chapter 487 of the Acts of the General Assembly of 2009 be repealed.

SECTION 44. AND BE IT FURTHER ENACTED, That, notwithstanding § 18-107 of the Education Article or any other provision of law, for fiscal year 2011 only, carry-forward funds available from scholarship programs under Title 18 of the Education Article shall first be allocated to fully fund the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program. It is the intent of the General Assembly that carry-forward funds from non-need based scholarships be used before carry-forward funds from need-based scholarship funds are used.

SECTION 45. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2011, up to \$479,196 in special funds from the following agencies may be transferred to the General Fund to support the Central Business Licensing Project as follows:

Department of Health and Mental Hygiene:

<u>State Acupuncture Board Fund</u>	<u>\$969</u>
<u>State Board of Dietetic Practice Fund</u>	<u>796</u>
<u>State Board of Professional Counselors and Therapists Fund</u>	<u>5,540</u>
<u>State Board of Chiropractic and Massage Therapy</u>	
<u>Examiners Fund</u>	<u>5,319</u>
<u>State Board of Dental Examiners Fund</u>	<u>16,892</u>

<u>State Board for Morticians and Funeral Directors Fund</u>	<u>922</u>
<u>State Board of Occupational Therapy Practice Fund</u>	<u>3,341</u>
<u>State Board of Examiners in Optometry Fund.....</u>	<u>1,534</u>
<u>State Board of Pharmacy Fund</u>	<u>32,821</u>
<u>State Board of Physical Therapy Examiners Fund.....</u>	<u>15,311</u>
<u>State Board of Podiatric Medical Examiners Fund.....</u>	<u>1,647</u>
<u>State Board of Examiners of Psychologists Fund.....</u>	<u>3,724</u>
<u>State Board of Social Work Examiners Fund.....</u>	<u>6,766</u>
<u>State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech Language Pathologists Fund</u>	<u>1,954</u>
<u>Kidney Disease Fund.....</u>	<u>134</u>
<u>Board of Nursing Fund</u>	<u>289,754</u>
<u>Board of Physicians Fund.....</u>	<u>40,829</u>

Department of Labor, Licensing, and Regulation:

<u>State Occupational and Professional Licensing Design Boards' Fund</u>	<u>13,043</u>

Department of Agriculture:

<u>Registration and Inspection Fees</u>	<u>4,018</u>

Department of the Environment:

<u>Special Indirect Cost Recoveries</u>	<u>21,951</u>

Department of Transportation:

<u>Transportation Trust Fund</u>	<u>9,725</u>

Department of Natural Resources:

<u>Waterway Improvement Fund.....</u>	<u>788</u>

Maryland Insurance Administration:

<u>Insurance Regulation Fund</u>	<u>1,418</u>

SECTION 46. AND BE IT FURTHER ENACTED, That:

(a) There is a Public Employees' and Retirees' Benefit Sustainability Commission.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, the Commission consists of the following members:

- (i) the State Treasurer, ex officio;
- (ii) three members appointed by the Governor;
- (iii) two members appointed by the President of the Senate; and

(iv) two members appointed by the Speaker of the House.

(2) (i) In the appointment of members to the Commission, special consideration shall be given to individuals who have knowledge of public or private compensation practices, benefits, and financial matters.

(ii) Except as provided in paragraph (1)(i) of this subsection, the following individuals may not be members of the Commission:

1. a member of the General Assembly;

2. a member of the Board of Trustees for the State Retirement and Pension System;

3. an employee of the State Retirement Agency; or

4. an individual that is employed by an organization that represents:

A. a governmental entity; or

B. employees of a governmental entity.

(c) The Governor shall designate the chair of the Commission.

(d) (1) The Department of Legislative Services shall provide staff for the Commission.

(2) The Department of Legislative Services' consulting actuary shall provide pension analysis for the Commission.

(3) The Department of Budget and Management's consulting actuary shall provide analysis of postemployment benefits for the Commission.

(4) At the request of the Commission, the Department of Budget and Management and the State Retirement Agency shall provide information necessary to assist in the work of the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The costs of the Commission relating to the evaluation of pensions shall be paid by the State Retirement Agency.

(2) The costs of the Commission relating to the Retiree Health Benefits evaluation shall be paid by the Department of Budget and Management.

(g) (1) The Commission shall study and make recommendations with respect to all aspects of State funded benefits and pensions provided to State and public education employees and retirees in the State.

(2) The Commission shall review and evaluate the recruitment practices, retention incentives, actuarial liabilities, actuarial funding method, cost drivers, employee contribution rates, and the comparability and affordability of benefit levels of:

(i) the State Employees' Retirement and Pension Systems;

(ii) the State Employee and Retiree Health Benefit Program; and

(iii) the Teachers' Retirement and Pension Systems.

(3) The review of the Commission shall include:

(i) long-term estimated increases in the annual required contributions for the State and evaluation of the sustainability of State-only funding of the long-term contribution levels for the current benefit structure; and

(ii) an evaluation of the appropriate levels of contribution for the direct employer of public education employees in the State, including an evaluation of the related provisions of Senate Bill 141 of the 2010 Regular Session of the General Assembly as it passed the Senate of Maryland.

(h) (1) On or before December 15, 2010, the Commission shall issue a report of its findings and recommendations that are specific and actionable to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the House Appropriations Committee, the Joint Committee on Pensions, and the Blue Ribbon Commission to Study Retiree Health Care Funding Options.

(2) On or before June 30, 2011, the Commission shall issue a final report of its findings and recommendations that are specific and actionable to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the House Appropriations Committee, the Joint Committee on Pensions, and the Blue Ribbon Commission to Study Retiree Health Care Funding Options.

(i) It is the intent of the General Assembly that the recommendations of the Commission begin to be implemented no later than fiscal year 2013.

(i) The Commission shall terminate on June 30, 2012.

SECTION ~~39, 44,~~ 47. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION ~~40, 45,~~ 48. AND BE IT FURTHER ENACTED, That the provisions of Sections 2, 4, ~~6, and 28~~ 8, and 33 of this Act shall be construed retroactively and shall be applied to any taxes, interest earnings, payments, or other revenue received by the State on or after June 1, 2009.

SECTION 49. AND BE IT FURTHER ENACTED, That § 8-504 of the Human Services Article as enacted by this Act shall be construed to apply retroactively to July 1, 2009, and shall be applied to and interpreted to affect any contract invoices submitted on or after July 1, 2009.

SECTION ~~46,~~ 50. AND BE IT FURTHER ENACTED, That Section 6 of this Act shall take effect January 1, 2011, contingent on the failure of the federal government to act, on or before December 31, 2010, to extend beyond December 31, 2010, the increase in the State's federal medical assistance percentage as provided in the American Recovery and Reinvestment Act of 2009, and if the federal government acts, on or before December 31, 2010, to extend beyond December 31, 2010, the increase in Maryland's federal medical assistance percentage as provided in the American Recovery and Reinvestment Act of 2009, Section ~~5A~~ 6 of this Act shall be null and void without the necessity of further action by the General Assembly.

~~SECTION 41. AND BE IT FURTHER ENACTED, That Section 10 of this Act shall be applicable to all taxable years beginning after December 31, 2009.~~

SECTION ~~42, 47,~~ 51. AND BE IT FURTHER ENACTED, That Section ~~35~~ 40 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any Executive Order issued on or after January 20, 2010.

SECTION ~~43, 48,~~ 52. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, this Act shall take effect June 1, 2010.

Approved by the Governor, May 20, 2010.

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Foreclosure Mediation

FOR the purpose of requiring a certain notice of intent to foreclose to include certain information; requiring a certain notice of intent to foreclose to be accompanied by a certain loss mitigation application, instructions for completing the application, certain other information, and a certain envelope; requiring an order to docket or complaint to foreclose to be accompanied by ~~a certain loss mitigation affidavit in a certain form, a certain request for foreclosure mediation, affidavit, and worksheet in a certain form, certain envelopes, and an additional filing fee in a certain amount; requiring the fee to be used for certain purposes; prohibiting the fee from being passed on to the mortgagor or grantor;~~ an additional filing fee, a certain final loss mitigation affidavit or a certain preliminary loss mitigation affidavit, and, if applicable, a certain request for foreclosure mediation; altering the information required to be included in a certain notice form; ~~requiring the clerk of the court to schedule a case for foreclosure mediation if the defendant in a certain foreclosure action files a certain completed request and affidavit within a certain time;~~ requiring the secured party to file a certain final loss mitigation affidavit and send to the mortgagor or grantor a copy of the affidavit and a request for foreclosure mediation form; authorizing the mortgagor or grantor in a foreclosure action on owner-occupied residential property to file a certain request for foreclosure mediation with the court; requiring the request to be accompanied by a filing fee in a certain amount; authorizing a court to reduce or waive the filing fee under certain circumstances; authorizing the secured party to file a motion to strike the request for foreclosure mediation; providing that there is a presumption that a mortgagor or grantor is entitled to foreclosure mediation under certain circumstances; requiring the court to forward a request for foreclosure mediation to the Office of Administrative Hearings for scheduling; requiring the Office to conduct a foreclosure mediation within a certain time period; requiring the Office to send certain notice to certain persons; requiring and authorizing certain individuals to be present at a foreclosure mediation; providing that the participants in a foreclosure mediation should address certain options loss mitigation programs; ~~authorizing the defendant in a certain foreclosure action to file a motion to stay the sale under certain circumstances; providing that a request for foreclosure mediation constitutes good cause for failure to file a motion to stay within a certain time;~~ requiring the Office to file a certain report with the court at a certain time; providing that, with a certain exception, the rules of procedure for certain contested cases do not govern a foreclosure mediation conducted by the Office; providing that if the parties do not reach an agreement at the foreclosure mediation, or the mediation period expires without an extension by the Office, the foreclosure attorney may schedule the foreclosure sale; authorizing the mortgagor or grantor to file a motion to stay the foreclosure sale under certain circumstances; altering the time after which a foreclosure sale may occur; requiring that the revenue from certain filing fees be

distributed to the Housing Counseling and Foreclosure Mediation Fund; establishing the Fund as a special, nonlapsing fund; providing for purposes, administration, and contents of the Fund; defining certain terms; ~~making this Act an emergency measure;~~ providing that until the Commissioner of Financial Regulation identifies certain information and prescribes a certain foreclosure process and time line, a certain notice of intent to foreclose shall be deemed to be in compliance with certain provisions of this Act; requiring the Commissioner of Financial Regulation to adopt certain regulations; providing that until the Commissioner of Financial Regulation adopts certain regulations, instructions regarding information and documents required for foreclosure mediation shall be deemed to be in compliance with certain provisions of this Act; providing that until the Commissioner of Financial Regulation adopts certain regulations, certain documents shall be in substantially a certain form; providing that when the Commissioner of Financial Regulation adopts certain regulations, certain documents may no longer be used and the documents prescribed by the regulations shall be used; authorizing the Governor to process certain budget amendments during a certain fiscal year that appropriate certain sums from the Housing Counseling and Foreclosure Mediation Fund to certain units of State government for certain purposes; requiring the Governor, for certain fiscal years, to appropriate a certain sum from the Fund to a certain unit of State government for a certain purpose; providing for the application of this Act; and generally relating to foreclosure of mortgages and deeds of trust on certain residential property.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 7–105.1

Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)

BY adding to

Article – Housing and Community Development

Section 4–507

Annotated Code of Maryland

(2006 Volume and 2009 Supplement)

Preamble

~~WHEREAS, Thousands of Marylanders are struggling to keep their homes, with foreclosures continuing to rise; and~~

~~WHEREAS, Despite the federal Home Affordable Modification Program and other loss mitigation options available to help borrowers, many homeowners who may be eligible for loan modifications that could save their homes do not receive them; and~~

~~WHEREAS, The State seeks to ensure that those homeowners who are eligible for loan modifications are able to obtain them, and that others can pursue alternatives to avoid foreclosure or lessen its harmful impact; and~~

~~WHEREAS, Many homeowners have their home go to foreclosure while loan modification reviews are still pending or have not even begun; and~~

~~WHEREAS, Lenders should conduct meaningful efforts to determine whether an alternative to foreclosure is possible prior to involving the judicial system, with all its attendant costs and expenditure of resources; and~~

~~WHEREAS, Increasing the number of eligible homeowners receiving loan modifications on the front end will keep more people in their homes and conserve judicial resources by reducing the number of foreclosure actions filed; and~~

~~WHEREAS, Borrowers who may be eligible for loan modifications to save their homes but find themselves facing foreclosure should be afforded the opportunity to talk directly with their lenders to find a resolution before their homes are sold; now, therefore,~~

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

Article – Real Property

7-105.1.

(a) (1) In this section[,], THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FINAL LOSS MITIGATION AFFIDAVIT” MEANS AN AFFIDAVIT THAT:

(I) IS MADE BY A PERSON AUTHORIZED TO ACT ON BEHALF OF A SECURED PARTY OF A MORTGAGE OR DEED OF TRUST ON OWNER-OCCUPIED RESIDENTIAL PROPERTY THAT IS THE SUBJECT OF A FORECLOSURE ACTION;

(II) CERTIFIES THE COMPLETION OF THE FINAL DETERMINATION OF LOSS MITIGATION ANALYSIS IN CONNECTION WITH THE MORTGAGE OR DEED OF TRUST; AND

(III) ~~PROVIDES~~ IF DENIED, PROVIDES AN EXPLANATION FOR THE DENIAL OF A LOAN MODIFICATION OR OTHER LOSS MITIGATION.

~~(2)~~ (3) “FORECLOSURE MEDIATION” MEANS A ~~SETTLEMENT~~ CONFERENCE, ~~AS DEFINED IN MARYLAND RULE 17-102(H)~~ AT WHICH THE PARTIES IN A FORECLOSURE ACTION, THEIR ATTORNEYS, ADDITIONAL REPRESENTATIVES OF THE PARTIES, OR A COMBINATION OF THOSE PERSONS APPEAR BEFORE AN IMPARTIAL INDIVIDUAL TO DISCUSS THE POSITIONS OF THE PARTIES IN AN ATTEMPT TO REACH AGREEMENT ON A LOSS MITIGATION PROGRAM FOR THE MORTGAGOR OR GRANTOR.

(4) “HOUSING COUNSELING SERVICES” MEANS ASSISTANCE PROVIDED TO MORTGAGORS OR GRANTORS BY NONPROFIT AND GOVERNMENTAL ENTITIES THAT ARE IDENTIFIED ON A LIST MAINTAINED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(5) “LOSS MITIGATION ANALYSIS” MEANS AN EVALUATION OF THE FACTS AND CIRCUMSTANCES OF A LOAN SECURED BY OWNER-OCCUPIED RESIDENTIAL PROPERTY TO DETERMINE:

(I) WHETHER A MORTGAGOR OR GRANTOR QUALIFIES FOR A LOAN MODIFICATION; AND

(II) IF THERE WILL BE NO LOAN MODIFICATION, WHETHER ANY OTHER LOSS MITIGATION PROGRAM MAY BE MADE AVAILABLE TO THE MORTGAGOR OR GRANTOR.

(6) “LOSS MITIGATION PROGRAM” MEANS AN OPTION IN CONNECTION WITH A LOAN SECURED BY OWNER-OCCUPIED RESIDENTIAL PROPERTY THAT:

(I) AVOIDS FORECLOSURE THROUGH LOAN MODIFICATION OR OTHER CHANGES TO EXISTING LOAN TERMS THAT ARE INTENDED TO ALLOW THE MORTGAGOR OR GRANTOR TO STAY IN THE PROPERTY;

(II) AVOIDS FORECLOSURE THROUGH A SHORT SALE, DEED IN LIEU OF FORECLOSURE, OR OTHER ALTERNATIVE THAT IS INTENDED TO SIMPLIFY THE MORTGAGOR’S OR GRANTOR’S RELINQUISHMENT OF OWNERSHIP OF THE PROPERTY; OR

(III) LESSENS THE HARMFUL IMPACT OF FORECLOSURE ON THE MORTGAGOR OR GRANTOR.

(7) “OWNER-OCCUPIED RESIDENTIAL PROPERTY” MEANS RESIDENTIAL PROPERTY IN WHICH AT LEAST ONE ~~OF THE UNITS~~ UNIT IS OCCUPIED BY AN INDIVIDUAL WHO:

(I) HAS AN OWNERSHIP INTEREST IN THE PROPERTY; AND

(II) USES THE PROPERTY AS THE INDIVIDUAL'S PRIMARY RESIDENCE.

(8) "PRELIMINARY LOSS MITIGATION AFFIDAVIT" MEANS AN AFFIDAVIT THAT:

(I) IS MADE BY A PERSON AUTHORIZED TO ACT ON BEHALF OF A SECURED PARTY OF A MORTGAGE OR DEED OF TRUST ON OWNER-OCCUPIED RESIDENTIAL PROPERTY THAT IS THE SUBJECT OF A FORECLOSURE ACTION;

(II) CERTIFIES THE STATUS OF AN INCOMPLETE LOSS MITIGATION ANALYSIS IN CONNECTION WITH THE MORTGAGE OR DEED OF TRUST; AND

(III) INCLUDES REASONS WHY THE LOSS MITIGATION ANALYSIS IS INCOMPLETE.

~~(3) "NET PRESENT VALUE CALCULATION" MEANS THE CALCULATION, USING THE FEDERAL HOME AFFORDABLE MODIFICATION PROGRAM BASE NET PRESENT VALUE MODEL, THAT COMPARES THE EXPECTED ECONOMIC OUTCOME OF A LOAN WITH OR WITHOUT A LOAN MODIFICATION.~~

~~(4)~~ (9) ["residential"] "RESIDENTIAL property" means real property improved by four or fewer single family dwelling units that are designed principally and are intended for human habitation.

(b) (1) Except as provided in paragraph (2) of this subsection, an action to foreclose a mortgage or deed of trust on residential property may not be filed until the later of:

(i) 90 days after a default in a condition on which the mortgage or deed of trust provides that a sale may be made; or

(ii) 45 days after the notice of intent to foreclose required under subsection (c) of this section is sent.

(2) (i) The secured party may petition the circuit court for leave to immediately commence an action to foreclose the mortgage or deed of trust if:

1. The loan secured by the mortgage or deed of trust was obtained by fraud or deception;

2. No payments have ever been made on the loan secured by the mortgage or deed of trust;

3. The property subject to the mortgage or deed of trust has been destroyed; or

4. The default occurred after the stay has been lifted in a bankruptcy proceeding.

(ii) The court may rule on the petition with or without a hearing.

(iii) If the petition is granted, the action may be filed at any time after a default in a condition on which the mortgage or deed of trust provides that a sale may be made and the secured party need not send the written notice of intent to foreclose required under subsection (c) of this section.

(c) (1) Except as provided in subsection (b)(2)(iii) of this section, at least 45 days before the filing of an action to foreclose a mortgage or deed of trust on residential property, the secured party shall send a written notice of intent to foreclose to the mortgagor or grantor and the record owner.

(2) The notice of intent to foreclose shall be sent:

(i) By certified mail, postage prepaid, return receipt requested, bearing a postmark from the United States Postal Service; and

(ii) By first-class mail.

(3) A copy of the notice of intent to foreclose shall be sent to the Commissioner of Financial Regulation.

(4) The notice of intent to foreclose shall:

(i) Be in the form that the Commissioner of Financial Regulation prescribes by regulation; and

(ii) Contain:

1. The name and telephone number of:

A. The secured party;

B. The mortgage servicer, if applicable; and

C. An agent of the secured party who is authorized to modify the terms of the mortgage loan;

2. The name and license number of the Maryland mortgage lender and mortgage originator, if applicable;

3. The amount required to cure the default and reinstate the loan, including all past due payments, penalties, and fees; [and]

4. A ~~NOTICE—ENCOURAGING~~ STATEMENT RECOMMENDING THAT THE MORTGAGOR OR GRANTOR TO SEEK HOUSING COUNSELING SERVICES;

5. ~~THE TELEPHONE NUMBER OF THE MARYLAND HOPE HOTLINE AND THE INTERNET ADDRESS OF THE HOPE INITIATIVE WEBSITE~~ NONPROFIT AND STATE GOVERNMENT RESOURCES AVAILABLE TO ASSIST MORTGAGORS AND GRANTORS FACING FORECLOSURE, AS IDENTIFIED BY THE COMMISSIONER OF FINANCIAL REGULATION;

6. AN EXPLANATION OF THE MARYLAND FORECLOSURE PROCESS AND TIME LINE, AS PRESCRIBED BY THE COMMISSIONER OF FINANCIAL REGULATION; AND

[4.] 7. Any other information that the Commissioner of Financial Regulation requires by regulation.

(5) THE NOTICE OF INTENT TO FORECLOSE SHALL BE ACCOMPANIED BY:

(I) A LOSS MITIGATION APPLICATION:

1. ~~FOR A FEDERAL LOSS MITIGATION PROGRAM IN WHICH THE SECURED PARTY PARTICIPATES;~~ LOSS MITIGATION PROGRAMS THAT ARE APPLICABLE TO THE LOAN SECURED BY THE MORTGAGE OR DEED OF TRUST THAT IS THE SUBJECT OF THE FORECLOSURE ACTION; OR

2. ~~FOR ANY OTHER LOSS MITIGATION PROGRAM OFFERED BY THE SECURED PARTY, IF A FEDERAL PROGRAM IS INAPPLICABLE OR UNAVAILABLE; OR~~

~~3. THAT MAY BE REQUIRED BY REGULATION IF THE SECURED PARTY DOES NOT HAVE ITS OWN LOSS MITIGATION APPLICATION, IN THE FORM PRESCRIBED BY THE COMMISSIONER OF FINANCIAL REGULATION TO BE THE STATE'S UNIFORM LOSS MITIGATION APPLICATION USED BY ALL SECURED PARTIES, SERVICERS, AND OTHER AGENTS OF A SECURED PARTY;~~

(II) INSTRUCTIONS FOR COMPLETING THE LOSS MITIGATION APPLICATION AND A TELEPHONE NUMBER TO CALL TO CONFIRM RECEIPT OF THE APPLICATION;

(III) ~~AN EXPLANATION~~ A DESCRIPTION OF THE ELIGIBILITY REQUIREMENTS FOR THE FEDERAL LOSS MITIGATION PROGRAM IN WHICH PROGRAMS OFFERED BY THE SECURED PARTY, SERVICER, OR OTHER AGENT OF THE SECURED PARTY PARTICIPATES OR, IF A FEDERAL PROGRAM IS INAPPLICABLE OR UNAVAILABLE, ANY OTHER APPLICABLE LOSS MITIGATION PROGRAM; THAT MAY BE APPLICABLE TO THE LOAN SECURED BY THE MORTGAGE OR DEED OF TRUST THAT IS THE SUBJECT OF THE FORECLOSURE ACTION; AND

~~(IV) AN EXPLANATION OF ADDITIONAL LOSS MITIGATION OPTIONS, INCLUDING A GRACE PERIOD FOR POSTPONING PAYMENT, SHORT SALE, DEED IN LIEU OF FORECLOSURE, MOVING TO A LESS COSTLY HOME IN THE LENDER'S INVENTORY, "CASH FOR KEYS", OR ANY OTHER OPTION THAT MAY BE AVAILABLE TO HELP AVOID FORECLOSURE OR LESSEN ITS HARMFUL IMPACT ON THE MORTGAGOR OR GRANTOR; AND~~

~~(V) (IV) A STAMPED AN ENVELOPE PREPRINTED WITH THE ADDRESS OF THE PERSON RESPONSIBLE FOR CONDUCTING LOSS MITIGATION DEPARTMENT OF THE SECURED PARTY, SERVICER, OR OTHER AGENT AUTHORIZED BY THE SECURED PARTY TO MODIFY THE TERMS OF ANALYSIS ON BEHALF OF THE SECURED PARTY FOR THE MORTGAGE LOAN LOAN SECURED BY THE MORTGAGE OR DEED OF TRUST THAT IS THE SUBJECT OF THE FORECLOSURE ACTION.~~

(d) An order to docket or a complaint to foreclose a mortgage or deed of trust on residential property shall:

(1) Include:

(i) If applicable, the license number of:

1. The mortgage originator; and
2. The mortgage lender; and

(ii) An affidavit stating:

1. The date on which the default occurred and the nature of the default; and

2. If applicable, that a notice of intent to foreclose was sent to the mortgagor or grantor in accordance with subsection (c) of this section and the date on which the notice was sent; and

(2) Be accompanied by:

(i) The original or a certified copy of the mortgage or deed of trust;

(ii) A statement of the debt remaining due and payable supported by an affidavit of the plaintiff or the secured party or the agent or attorney of the plaintiff or secured party;

(iii) A copy of the debt instrument accompanied by an affidavit certifying ownership of the debt instrument;

(iv) If applicable, the original or a certified copy of the assignment of the mortgage for purposes of foreclosure or the deed of appointment of a substitute trustee;

(v) If any defendant is an individual, an affidavit that:

1. The individual is not a servicemember, as defined in the Servicemembers Civil Relief Act, 50 U.S.C. Appendix § 511; or

2. The action is authorized by the Act;

(vi) If applicable, a copy of the notice of intent to foreclose; [and]

~~(vii) A LOSS MITIGATION AFFIDAVIT THAT IS IN SUBSTANTIALLY THE FOLLOWING FORM AND THAT CONTAINS ANY OTHER INFORMATION THAT THE COMMISSIONER OF FINANCIAL REGULATION REQUIRES BY REGULATION;~~

~~“LOSS MITIGATION AFFIDAVIT
CASE NUMBER _____~~

~~MY NAME IS _____. I AM A _____ FOR THE PLAINTIFF IN THE ABOVE REFERENCED CASE. I HAVE PERSONAL KNOWLEDGE OF THE FACTS SET FORTH IN THIS AFFIDAVIT AND AM AUTHORIZED TO EXECUTE IT ON THE PLAINTIFF'S BEHALF.~~

~~SECTION I~~

~~===== (1) THE MORTGAGE LOAN IS OWNED, SECURITIZED, INSURED, OR GUARANTEED BY THE FEDERAL NATIONAL MORTGAGE ASSOCIATION, FEDERAL HOME LOAN MORTGAGE CORPORATION, OR FEDERAL HOUSING ADMINISTRATION.~~

~~(2) THE SECURED PARTY, SERVICER, OR OTHER AGENT AUTHORIZED TO MODIFY THE TERMS OF THE MORTGAGE LOAN:~~

~~===== (A) IS PARTICIPATING IN A FEDERAL LOAN MODIFICATION PROGRAM CALLED _____; OR~~

~~===== (B) HAS OFFERED THE MORTGAGOR OR GRANTOR THE OPPORTUNITY TO PARTICIPATE IN AN ALTERNATIVE LOAN MODIFICATION PROGRAM.~~

~~(3) A LOAN MODIFICATION REVIEW FOR THIS MORTGAGE LOAN:~~

~~===== (A) HAS BEEN COMPLETED, AND THE MORTGAGOR OR GRANTOR HAS BEEN DENIED A LOAN MODIFICATION OR HAS BEEN DETERMINED TO BE INELIGIBLE FOR THE APPLICABLE LOAN MODIFICATION PROGRAM FOR THE REASONS CHECKED IN SECTION II BELOW; OR~~

~~===== (B) CANNOT BE COMPLETED BECAUSE THE SECURED PARTY, SERVICER, OR OTHER AGENT AUTHORIZED TO MODIFY THE TERMS OF A MORTGAGE LOAN HAS ATTEMPTED REPEATEDLY WITHOUT SUCCESS TO CONTACT AND OBTAIN, BY TELEPHONE, MAIL, OR OTHER METHOD, ON THE DATES AND IN THE MANNER SET FORTH BELOW, NECESSARY INFORMATION FROM THE MORTGAGOR OR GRANTOR IN COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL OR ALTERNATIVE LOAN MODIFICATION PROGRAM IN WHICH THE SECURED PARTY PARTICIPATES.~~

~~=====~~ ~~DATE~~	~~=====~~ ~~MODE OF CONTACT~~	~~=====~~ ~~BORROWER'S RESPONSE~~
~~=====~~ ~~DATE~~	~~=====~~ ~~MODE OF CONTACT~~	~~=====~~ ~~BORROWER'S RESPONSE~~
~~=====~~ ~~DATE~~	~~=====~~ ~~MODE OF CONTACT~~	~~=====~~ ~~BORROWER'S RESPONSE~~

~~===== CHECK HERE IF ADDITIONAL DOCUMENTATION IS ATTACHED.~~

~~SECTION II~~

~~THIS MORTGAGE LOAN IS INELIGIBLE FOR LOAN MODIFICATION OR HAS BEEN DENIED A LOAN MODIFICATION FOR THE FOLLOWING REASONS (CHECK ALL THAT APPLY AND ATTACH DOCUMENTATION TO SUPPORT EACH REASON):~~

~~===== (1) THE PROPERTY IS NOT A PRIMARY RESIDENCE AND THE MORTGAGOR OR GRANTOR IS NOT CURRENTLY LIVING IN THE PROPERTY.~~

~~===== (2) THE PROPERTY IS NOT A ONE TO FOUR UNIT PROPERTY (INCLUDING A CONDOMINIUM, COOPERATIVE, OR MANUFACTURED HOME).~~

~~===== (3) THE PROPERTY IS VACANT OR CONDEMNED.~~

~~===== (4) THE LOAN SUBJECT TO FORECLOSURE IS NOT A FIRST LIEN LOAN.~~

~~===== (5) THE LOAN WAS ORIGINATED AFTER JANUARY 1, 2009, OR THE DATE SPECIFIED BY THE APPLICABLE LOAN MODIFICATION PROGRAM.~~

~~===== (6) THE AMOUNT CURRENTLY OWED ON THE LOAN IS GREATER THAN \$729,750, OR THE AMOUNT SPECIFIED BY THE APPLICABLE LOAN MODIFICATION PROGRAM (NOT INCLUDING ATTORNEY'S FEES AND PAST DUE PAYMENTS).~~

~~===== (7) THE MONTHLY AMOUNT DUE ON THE MORTGAGE LOAN, INCLUDING THE TOTAL PAYMENT OF PRINCIPAL, INTEREST, TAXES, INSURANCE, AND HOMEOWNERS ASSOCIATION DUES (IF APPLICABLE), IS LESS THAN THE PERCENTAGE INCOME THRESHOLD OF THE APPLICABLE LOAN MODIFICATION PROGRAM IN EFFECT AT THE TIME OF THE LOAN MODIFICATION DENIAL, AND THE APPLICABLE THRESHOLD IS _____% OF THE MORTGAGOR'S OR GRANTOR'S GROSS MONTHLY INCOME.~~

~~===== (8) THE BORROWER HAS ALREADY FAILED A TRIAL LOAN MODIFICATION PLAN.~~

~~===== (9) THE LOAN IS OWNED BY AN INVESTOR OR POOL OF INVESTORS THAT HAS NOT GIVEN THE SERVICING AGENT THE CONTRACTUAL AUTHORITY TO ENTER INTO ANY LOAN MODIFICATION WITH THE BORROWER.~~

~~===== (10) THE MORTGAGE LOAN FAILED THE NET PRESENT VALUE CALCULATION, AND THE BASIS FOR THIS CALCULATION IS AS FOLLOWS:~~

~~=====~~

~~===== (11) THE LOAN MODIFICATION REVIEW COULD NOT BE COMPLETED BECAUSE THE SECURED PARTY, SERVICER, OR OTHER AGENT~~

~~AUTHORIZED TO MODIFY THE TERMS OF A MORTGAGE LOAN HAS ATTEMPTED REPEATEDLY WITHOUT SUCCESS TO CONTACT AND OBTAIN, BY TELEPHONE, MAIL, OR OTHER METHOD, ON THE DATES AND IN THE MANNER SET FORTH BELOW, NECESSARY INFORMATION FROM THE MORTGAGOR OR GRANTOR IN COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL OR ALTERNATIVE LOAN MODIFICATION PROGRAM IN WHICH THE SECURED PARTY PARTICIPATES.~~

~~DATE~~	~~MODE OF CONTACT~~	~~BORROWER'S RESPONSE~~

~~DATE~~	~~MODE OF CONTACT~~	~~BORROWER'S RESPONSE~~

~~DATE~~	~~MODE OF CONTACT~~	~~BORROWER'S RESPONSE~~

~~_____ (12) OTHER (EXPLAIN AND ATTACH DOCUMENTATION).~~

~~SECTION III~~

~~_____ THE LOAN HAS BEEN REVIEWED FOR OTHER LOSS MITIGATION RELIEF, SUCH AS A GRACE PERIOD FOR POSTPONING PAYMENT, SHORT SALE, DEED IN LIEU OF FORECLOSURE, OR MOVING TO A LESS COSTLY HOME IN THE LENDER'S INVENTORY, AND SUCH OTHER RELIEF WAS NOT OFFERED OR WAS DECLINED BY THE MORTGAGOR OR GRANTOR.~~

~~EXPLAIN:~~

~~_____

_____~~

~~_____~~

~~_____

(PRINT NAME/TITLE)~~

~~I, HEREBY CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME THE SUBSCRIBER, A NOTARY PUBLIC OF THE STATE OF MARYLAND, PERSONALLY APPEARED, _____, AND ACKNOWLEDGED THE FOREGOING.~~

~~AS WITNESS, MY HAND AND NOTARIAL SEAL.~~

~~My COMMISSION EXPIRES:~~

~~NOTARY PUBLIC";~~

~~(VIII) A REQUEST FOR FORECLOSURE MEDIATION, AFFIDAVIT, AND WORKSHEET THAT IS IN SUBSTANTIALLY THE FOLLOWING FORM AND THAT CONTAINS ANY OTHER INFORMATION THAT THE COMMISSIONER OF FINANCIAL REGULATION REQUIRES BY REGULATION:~~

~~"REQUEST FOR FORECLOSURE MEDIATION
AND BORROWER'S AFFIDAVIT
CASE NUMBER _____"~~

~~I AM REQUESTING THAT FORECLOSURE MEDIATION BE SCHEDULED BEFORE A FORECLOSURE SALE OF MY HOME CAN GO FORWARD BECAUSE I CONTEST THE FOLLOWING REASONS WHY MY LENDER DENIED ME A LOAN MODIFICATION OR OTHER LOSS MITIGATION:~~

~~ATTENTION HOMEOWNER: CHECK ALL ITEMS THAT YOU CONTEST OUT OF THE ITEMS CHECKED BY YOUR LENDER ON THE LOSS MITIGATION AFFIDAVIT AS REASONS FOR DENIAL. IF YOU ARE CONTESTING ITEM NUMBER 7, USE THE WORKSHEET TO SHOW THAT YOUR MONTHLY MORTGAGE PAYMENT IS MORE THAN THE INCOME THRESHOLD APPLICABLE TO THE LOAN MODIFICATION YOU WERE DENIED. ATTACH THE WORKSHEET TO THIS REQUEST FOR FORECLOSURE MEDIATION. IF YOU HAVE QUESTIONS OR ARE UNSURE ABOUT HOW TO FILL OUT THESE FORMS, PLEASE SEEK THE ASSISTANCE OF A HOUSING COUNSELOR AND/OR ATTORNEY. TO GET MORE INFORMATION ABOUT COUNSELORS AND ATTORNEYS, CONTACT THE MARYLAND HOPE HOTLINE AT 1-877-462-7555 OR GO TO WWW.MDHOPE.ORG.~~

~~DEADLINE FOR REQUESTING FORECLOSURE MEDIATION: NO LATER THAN 15 DAYS AFTER THE DATE ON WHICH YOU WERE SERVED WITH A COPY OF THIS ORDER TO DOCKET FORECLOSURE, YOU MUST SUBMIT THIS FORM TO THE COURT AT THE ADDRESS ON THE WORKSHEET (STAMPED ENVELOPE ENCLOSED), AND YOU MUST MAIL A COPY TO THE FORECLOSING ATTORNEY AT THE ADDRESS LISTED ON THE WORKSHEET (STAMPED ENVELOPE ENCLOSED).~~

~~_____ (1) THE PROPERTY IS NOT A PRIMARY RESIDENCE AND THE MORTGAGOR OR GRANTOR IS NOT CURRENTLY LIVING IN THE PROPERTY.~~

~~_____ (2) THE PROPERTY IS NOT A ONE TO FOUR UNIT PROPERTY (INCLUDING A CONDOMINIUM, COOPERATIVE, OR MANUFACTURED HOME).~~

~~_____ (3) THE PROPERTY IS VACANT OR CONDEMNED.~~

~~===== (4) THE LOAN SUBJECT TO FORECLOSURE IS NOT A FIRST LIEN LOAN.~~

~~===== (5) THE LOAN WAS ORIGINATED AFTER JANUARY 1, 2009, OR THE DATE SPECIFIED BY THE APPLICABLE LOAN MODIFICATION PROGRAM.~~

~~===== (6) THE AMOUNT CURRENTLY OWED ON THE LOAN IS GREATER THAN \$729,750, OR THE AMOUNT SPECIFIED BY THE APPLICABLE LOAN MODIFICATION PROGRAM (NOT INCLUDING ATTORNEY'S FEES AND PAST DUE PAYMENTS).~~

~~===== (7) THE MONTHLY AMOUNT DUE ON THE MORTGAGE LOAN, INCLUDING THE TOTAL PAYMENT OF PRINCIPAL, INTEREST, TAXES, INSURANCE, AND HOMEOWNERS ASSOCIATION DUES (IF APPLICABLE), IS LESS THAN THE PERCENTAGE INCOME THRESHOLD OF THE APPLICABLE LOAN MITIGATION PROGRAM IN EFFECT AT THE TIME OF THE LOAN MITIGATION DENIAL, AND THE APPLICABLE THRESHOLD IS _____ % OF THE MORTGAGOR'S OR GRANTOR'S GROSS MONTHLY INCOME.~~

~~===== (8) THE BORROWER HAS ALREADY FAILED A TRIAL LOAN MODIFICATION PLAN.~~

~~===== (9) THE LOAN IS OWNED BY AN INVESTOR OR POOL OF INVESTORS THAT HAS NOT GIVEN THE SERVICING AGENT THE CONTRACTUAL AUTHORITY TO ENTER INTO ANY LOAN MODIFICATION WITH THE BORROWER.~~

~~===== (10) THE MORTGAGE LOAN FAILED THE NET PRESENT VALUE CALCULATION, AND THE BASIS FOR THIS CALCULATION IS AS FOLLOWS:~~

~~=====~~

~~===== (11) THE LOAN MODIFICATION REVIEW COULD NOT BE COMPLETED BECAUSE THE SECURED PARTY, SERVICER, OR OTHER AGENT AUTHORIZED TO MODIFY THE TERMS OF A MORTGAGE LOAN HAS ATTEMPTED REPEATEDLY WITHOUT SUCCESS TO CONTACT AND OBTAIN, BY TELEPHONE, MAIL, OR OTHER METHOD, ON THE DATES AND IN THE MANNER SET FORTH BELOW, NECESSARY INFORMATION FROM THE MORTGAGOR OR GRANTOR IN COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL OR ALTERNATIVE LOAN MODIFICATION PROGRAM IN WHICH THE SECURED PARTY PARTICIPATES.~~

~~=====~~ DATE	~~=====~~ MODE OF CONTACT	~~=====~~ BORROWER'S RESPONSE
~~=====~~ DATE	~~=====~~ MODE OF CONTACT	~~=====~~ BORROWER'S RESPONSE

DATE	MODE OF CONTACT	BORROWER'S RESPONSE

~~CHECK HERE IF ADDITIONAL DOCUMENTATION IS ATTACHED.~~

~~(12) OTHER (EXPLAIN AND ATTACH DOCUMENTATION).~~

~~(13) THE LOAN HAS BEEN REVIEWED FOR OTHER LOSS MITIGATION RELIEF, SUCH AS A GRACE PERIOD FOR POSTPONING PAYMENT, SHORT SALE, DEED IN LIEU OF FORECLOSURE, OR MOVING TO A LESS COSTLY HOME IN THE LENDER'S INVENTORY, AND SUCH OTHER RELIEF WAS NOT OFFERED OR WAS DECLINED BY THE MORTGAGOR OR GRANTOR. EXPLAIN:~~

~~I (WE) HEREBY CERTIFY, UNDER THE PENALTIES OF PERJURY, THAT THESE STATEMENTS ARE MADE BASED UPON PERSONAL KNOWLEDGE AND ARE ACCURATE AND TRUE.~~

~~BORROWER SIGNATURE~~

~~CO-BORROWER SIGNATURE
(IF APPLICABLE)~~

~~REQUEST FOR FORECLOSURE MEDIATION
BORROWER WORKSHEET
CASE NUMBER~~

~~1. PLEASE INSERT AND ADD THE FOLLOWING TO CALCULATE YOUR GROSS INCOME:~~

~~\$_____ YOUR GROSS INCOME (THE AMOUNT ON YOUR PAYSTUB BEFORE TAXES AND OTHER DEDUCTIONS ARE TAKEN)~~

~~\$_____ YOUR ADDITIONAL GROSS INCOME FROM ANY OTHER SOURCES (RENT, PENSION, SOCIAL SECURITY BENEFITS)~~

~~\$_____ CO-BORROWER'S GROSS INCOME (IF APPLICABLE)~~

~~= \$_____ YOUR TOTAL GROSS INCOME~~

~~2. PLEASE INSERT AND ADD THE TOTAL OF THE FOLLOWING INFORMATION:~~

~~\$_____ YOUR REGULAR MONTHLY MORTGAGE PAYMENT (NOT INCLUDING ANY LATE FEES OR OTHER CHARGES)~~

~~\$_____ YOUR MONTHLY TAXES AND INSURANCE IF NOT INCLUDED IN YOUR MONTHLY PAYMENT (SEE BELOW FOR CALCULATION OF MONTHLY TAXES AND INSURANCE IF YOU PAY THEM SEPARATELY)~~

~~\$_____ MONTHLY HOMEOWNERS ASSOCIATION OR CONDOMINIUM FEES (IF APPLICABLE)~~

~~= \$_____ TOTAL MONTHLY PAYMENT~~

~~3. DOES THIS PAYMENT INCLUDE TAXES AND INSURANCE? IF YES, GO TO ITEM NUMBER 4. IF NO, INSERT AND ADD THE TOTAL:~~

~~\$_____ ANNUAL PROPERTY TAX BILL~~

~~\$_____ ANNUAL HOMEOWNER'S INSURANCE BILL~~

~~= \$_____ TOTAL TAXES AND INSURANCE~~

~~DIVIDE TOTAL TAXES AND INSURANCE BY 12 TO GET YOUR MONTHLY TAXES AND INSURANCE.~~

~~TOTAL TAXES AND INSURANCE \$_____ ÷ 12~~

~~= \$_____ MONTHLY TAXES AND INSURANCE~~

~~INSERT MONTHLY TAXES AND INSURANCE IN ITEM NUMBER 2 ABOVE TO CALCULATE TOTAL MONTHLY PAYMENT.~~

~~4. INSERT TOTAL MONTHLY PAYMENT FROM ITEM NUMBER 2 ABOVE INTO THE FOLLOWING FORMULA. REFER TO ITEM NUMBER 7 ON THE LENDER/SERVICER'S LOSS MITIGATION AFFIDAVIT TO DETERMINE WHAT INCOME THRESHOLD IS APPLICABLE:~~

~~\$_____ TOTAL MONTHLY PAYMENT X (INCOME THRESHOLD DIVIDED BY 100) _____ = \$_____~~

~~5. IS THIS AMOUNT MORE THAN YOUR CURRENT MONTHLY MORTGAGE PAYMENT? YES/NO~~

~~6. CAN YOU AFFORD TO MAKE THIS PAYMENT EVERY MONTH?
YES/NO~~

~~MAIL COPIES OF THE COMPLETED REQUEST FOR FORECLOSURE MEDIATION
BORROWER WORKSHEET TO:~~

~~1. CLERK OF CIRCUIT COURT, _____
(ADDRESS)~~

~~2. (PLAINTIFF'S ATTORNEY)
(ADDRESS)";~~

(VII) IN ADDITION TO ANY OTHER FILING FEES REQUIRED BY
LAW, A FILING FEE IN THE AMOUNT OF \$300;

(VIII) SUBJECT TO SUBSECTION (E) OF THIS SECTION:

1. IF THE LOSS MITIGATION ANALYSIS HAS BEEN
COMPLETED, A FINAL LOSS MITIGATION AFFIDAVIT IN THE FORM PRESCRIBED
BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL
REGULATION; AND

2. IF THE LOSS MITIGATION ANALYSIS HAS NOT
BEEN COMPLETED:

A. A PRELIMINARY LOSS MITIGATION AFFIDAVIT IN
THE FORM PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF
FINANCIAL REGULATION;

B. THE LOSS MITIGATION APPLICATION AND A
DESCRIPTION OF THE ELIGIBILITY REQUIREMENTS FOR LOSS MITIGATION
PROGRAMS OFFERED BY THE SECURED PARTY AS DESCRIBED IN SUBSECTION
(C)(5) OF THIS SECTION;

C. INSTRUCTIONS FOR COMPLETING THE LOSS
MITIGATION APPLICATION, INCLUDING INSTRUCTIONS TO RETURN THE
COMPLETED APPLICATION TO THE ATTORNEY HANDLING THE FORECLOSURE;
AND

D. AN ENVELOPE PREPRINTED WITH THE ADDRESS
OF THE ATTORNEY HANDLING THE FORECLOSURE;

[(vii)] (IX) A notice to the mortgagor OR GRANTOR in substantially the following form, as prescribed by regulation by the Commissioner of Financial Regulation:

“NOTICE

An action to foreclose the mortgage/deed of trust on the property located at (insert address) has been filed in the Circuit Court for (county).

A foreclosure sale of the property may occur at any time after 45 days from the date that this notice is served on you.

You may stop the sale and reinstate your mortgage loan by paying all amounts due on your loan, plus fees and costs of the foreclosure action, at any time up to one business day before the sale. Please contact (insert name of authorized agent of secured party) at (insert telephone number) to obtain the amount due to cure the default on your mortgage loan and instructions for delivering the payment.

~~YOU MAY REQUEST THAT THE COURT SCHEDULE YOUR CASE FOR FORECLOSURE MEDIATION BY COMPLETING THE ENCLOSED “REQUEST FOR FORECLOSURE MEDIATION AND BORROWER’S AFFIDAVIT” AND MAILING IT TO THE CLERK OF THE COURT AND THE PLAINTIFF’S ATTORNEY IN THE ENCLOSED STAMPED ENVELOPES WITHIN 15 DAYS AFTER YOU ARE SERVED WITH THESE PAPERS. IF YOU FILE A REQUEST FOR FORECLOSURE MEDIATION, YOUR PROPERTY CANNOT GO TO SALE UNTIL AT LEAST 15 DAYS AFTER YOUR MEDIATION SESSION HAS BEEN HELD.~~

IF YOU OWN AND LIVE IN THE HOME THAT IS SUBJECT TO FORECLOSURE, YOUR LENDER MAY BE REQUIRED TO CONDUCT AN ANALYSIS OF YOUR LOAN TO SEE IF YOU QUALIFY FOR A LOAN MODIFICATION OR SOME OTHER LOSS MITIGATION. YOU MUST APPLY AND PROVIDE YOUR LENDER WITH SPECIFIC INFORMATION AS PART OF THIS ANALYSIS. THE RESULTS OF YOUR LENDER’S ANALYSIS OF YOUR LOAN WILL BE PROVIDED TO YOU IN THE FORM OF AN AFFIDAVIT SUBMITTED TO THE COURT.

IF YOUR LENDER DETERMINES THAT YOU ARE NOT ELIGIBLE FOR ANY LOAN MODIFICATION OR OTHER RELIEF, YOU HAVE THE RIGHT TO FILE A REQUEST WITH THE COURT AND HAVE FORECLOSURE MEDIATION. THIS WILL BE A CONFERENCE WITH YOU, SOMEONE REPRESENTING YOUR LENDER, AND A NEUTRAL THIRD PARTY TO DISCUSS YOUR LOAN AND POSSIBLE OPTIONS. TO REQUEST FORECLOSURE MEDIATION, YOU MUST COMPLETE THE REQUEST FOR FORECLOSURE MEDIATION FORM THAT WILL ACCOMPANY THE LENDER’S FINAL LOSS MITIGATION AFFIDAVIT AND MAIL IT TO THE COURT AND THE LENDER’S FORECLOSURE ATTORNEY WITHIN 15 DAYS AFTER RECEIPT. IF YOU FILE A

REQUEST FOR FORECLOSURE MEDIATION, YOUR PROPERTY CANNOT GO TO SALE UNTIL AT LEAST 15 DAYS AFTER YOUR MEDIATION HAS BEEN HELD.

You are urged to obtain legal advice **AND THE ASSISTANCE OF A HOUSING COUNSELOR** to discuss **POSSIBLE LOSS MITIGATION PROGRAMS, FORECLOSURE MEDIATION,** AND other options to stop the foreclosure sale, ~~which may include filing a motion for injunction with the circuit court or a petition for bankruptcy in federal bankruptcy court. A motion for injunction or a bankruptcy petition must be filed before the foreclosure sale occurs.~~

If you are interested in selling your home to avoid a foreclosure sale, you may wish to contact a licensed real estate broker or salesperson as soon as possible.

Housing counseling and financial assistance programs are available through the Maryland Department of Housing and Community Development. Please call (insert telephone number) for information on available resources.

Some people may approach you about “saving” your home. You should be careful about any such promises.

The State encourages you to become informed about your options in foreclosure before entering into any agreements with anyone in connection with the foreclosure of your home. There are government agencies and nonprofit organizations that you may contact for helpful information about the foreclosure process. For the name and telephone number of an organization near you, please call the Consumer Protection Division of the Office of the Attorney General of Maryland at (insert telephone number). The State does not guarantee the advice of these organizations.

DO NOT DELAY DEALING WITH THE FORECLOSURE BECAUSE YOUR OPTIONS WILL BECOME MORE LIMITED AS TIME PASSES.”;

~~**(X) TWO STAMPED ENVELOPES PREPRINTED WITH THE ADDRESS OF THE CLERK OF THE COURT AND THE ADDRESS OF THE PLAINTIFF’S ATTORNEY; AND**~~

~~**(XI) IN ADDITION TO ANY OTHER FILING FEES REQUIRED BY ANY OTHER LAW, A FILING FEE IN THE AMOUNT OF \$100, WHICH:**~~

~~**1. SHALL BE USED FOR ADDITIONAL HOUSING COUNSELING SERVICES AND TO DEFRAY THE COURTS’ COST OF PROVIDING FORECLOSURE MEDIATION SERVICES UNDER THIS SECTION; AND**~~

~~**2. MAY NOT BE PASSED ON TO THE MORTGAGOR OR GRANTOR. AND**~~

(X) IF THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE CONCERNS OWNER-OCCUPIED RESIDENTIAL PROPERTY AND IS ACCOMPANIED BY A FINAL LOSS MITIGATION AFFIDAVIT:

1. A REQUEST FOR FORECLOSURE MEDIATION IN THE FORM PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION; AND

2. AN ENVELOPE PREPRINTED WITH THE ADDRESS OF THE CLERK OF THE COURT; AND

3. AN ENVELOPE PREPRINTED WITH THE ADDRESS OF THE FORECLOSURE ATTORNEY.

(E) ~~FOR~~ ONLY FOR PURPOSES OF A FINAL LOSS MITIGATION AFFIDAVIT THAT IS FILED WITH AN ORDER TO DOCKET OR COMPLAINT TO FORECLOSE, A LOSS MITIGATION ANALYSIS IS NOT CONSIDERED COMPLETE IF THE REASON FOR THE DENIAL OR DETERMINATION OF INELIGIBILITY IS DUE TO THE INABILITY OF THE SECURED PARTY TO:

(1) ESTABLISH COMMUNICATION WITH THE MORTGAGOR OR GRANTOR; OR

(2) OBTAIN ALL DOCUMENTATION AND INFORMATION NECESSARY TO CONDUCT THE LOSS MITIGATION ANALYSIS.

~~(F)~~ (F) (1) A copy of the order to docket or complaint to foreclose on residential property and all other papers filed with it shall be served by:

(i) Personal delivery of the papers to the mortgagor or grantor;
or

(ii) Leaving the papers with a resident of suitable age and discretion at the mortgagor's or grantor's dwelling house or usual place of abode.

(2) If at least two good faith efforts to serve the mortgagor or grantor under paragraph (1) of this subsection on different days have not succeeded, the plaintiff may effect service by:

(i) Filing an affidavit with the court describing the good faith efforts to serve the mortgagor or grantor; and

(ii) 1. Mailing a copy of the order to docket or complaint to foreclose and all other papers filed with it by certified mail, return receipt requested, and first-class mail to the mortgagor's or grantor's last known address and, if

different, to the address of the residential property subject to the mortgage or deed of trust; and

2. Posting a copy of the order to docket or complaint to foreclose and all other papers filed with it in a conspicuous place on the residential property subject to the mortgage or deed of trust.

(3) The individual making service of process under this subsection shall file proof of service with the court in accordance with the Maryland Rules.

(G) (1) IF THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE IS ACCOMPANIED BY A PRELIMINARY LOSS MITIGATION AFFIDAVIT, THE SECURED PARTY, AT LEAST 30 DAYS BEFORE THE DATE OF A FORECLOSURE SALE, SHALL:

(I) FILE WITH THE COURT A FINAL LOSS MITIGATION AFFIDAVIT IN THE FORM PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION; AND

(II) SEND TO THE MORTGAGOR OR GRANTOR BY FIRST CLASS AND BY CERTIFIED MAIL:

1. A COPY OF THE FINAL LOSS MITIGATION AFFIDAVIT; AND

2. A REQUEST FOR FORECLOSURE MEDIATION FORM AND ENVELOPES DESCRIBED IN SUBSECTION (D)(2)(X) OF THIS SECTION.

(2) A FINAL LOSS MITIGATION AFFIDAVIT SHALL BE FILED UNDER THIS SUBSECTION NO EARLIER THAN 28 DAYS AFTER THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE IS SERVED ON THE MORTGAGOR OR GRANTOR.

~~(F) (1) IF THE DEFENDANT FILES A COMPLETED REQUEST FOR FORECLOSURE MEDIATION AND BORROWER'S AFFIDAVIT WITHIN 15 DAYS AFTER SERVICE OF PROCESS, THE CLERK OF THE COURT SHALL SCHEDULE THE CASE FOR FORECLOSURE MEDIATION AS SOON AS PRACTICABLE.~~

~~(2) AT A FORECLOSURE MEDIATION REQUESTED UNDER THIS SECTION:~~

~~(I) INDIVIDUALS WITH AUTHORITY TO SETTLE THE MATTER SHALL BE PRESENT OR READILY AVAILABLE FOR CONSULTATION;~~

~~(II) A HOUSING COUNSELOR DESIGNATED BY THE MORTGAGOR OR GRANTOR MAY BE PRESENT; AND~~

(H) (1) (I) IN A FORECLOSURE ACTION ON OWNER-OCCUPIED RESIDENTIAL PROPERTY, THE MORTGAGOR OR GRANTOR MAY FILE WITH THE COURT A COMPLETED REQUEST FOR FORECLOSURE MEDIATION NOT LATER THAN:

1. IF THE FINAL LOSS MITIGATION AFFIDAVIT WAS DELIVERED ALONG WITH SERVICE OF THE COPY OF THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE UNDER SUBSECTION (F) OF THIS SECTION, 15 DAYS AFTER THAT SERVICE ON THE MORTGAGOR OR GRANTOR; OR

2. IF THE FINAL LOSS MITIGATION AFFIDAVIT WAS MAILED AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, 15 DAYS AFTER THE MAILING OF THE FINAL LOSS MITIGATION AFFIDAVIT.

(II) 1. A REQUEST FOR FORECLOSURE MEDIATION SHALL BE ACCOMPANIED BY A FILING FEE OF \$50.

2. THE COURT MAY REDUCE OR WAIVE THE FILING FEE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IF THE MORTGAGOR OR GRANTOR IS ELIGIBLE FOR A REDUCTION OR WAIVER UNDER THE MARYLAND LEGAL SERVICES GUIDELINES.

(III) THE MORTGAGOR OR GRANTOR SHALL MAIL A COPY OF THE REQUEST FOR FORECLOSURE MEDIATION TO THE SECURED PARTY'S FORECLOSURE ATTORNEY.

(2) (I) THE SECURED PARTY MAY FILE A MOTION TO STRIKE THE REQUEST FOR FORECLOSURE MEDIATION IN ACCORDANCE WITH THE MARYLAND RULES.

(II) THE MOTION TO STRIKE MUST BE ACCOMPANIED BY AN AFFIDAVIT THAT SETS FORTH THE REASONS WHY FORECLOSURE MEDIATION IS NOT APPROPRIATE.

(III) THE SECURED PARTY SHALL MAIL A COPY OF THE MOTION TO STRIKE AND THE ACCOMPANYING AFFIDAVIT TO THE MORTGAGOR OR GRANTOR.

(IV) THERE IS A PRESUMPTION THAT A MORTGAGOR OR GRANTOR IS ENTITLED TO FORECLOSURE MEDIATION UNLESS GOOD CAUSE IS SHOWN WHY FORECLOSURE MEDIATION IS NOT APPROPRIATE.

(3) (I) THE MORTGAGOR OR GRANTOR MAY FILE A RESPONSE TO THE MOTION TO STRIKE WITHIN 15 DAYS.

(II) THE MORTGAGOR OR GRANTOR SHALL MAIL A COPY OF THE RESPONSE TO THE FORECLOSURE ATTORNEY.

(III) IF THE COURT GRANTS THE MOTION TO STRIKE, THE COURT SHALL INSTRUCT THE OFFICE OF ADMINISTRATIVE HEARINGS TO CANCEL ANY SCHEDULED MEDIATION.

(I) (1) WITHIN 5 DAYS AFTER RECEIPT OF A REQUEST FOR FORECLOSURE MEDIATION, THE COURT SHALL ~~FORWARD~~ TRANSMIT THE REQUEST TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR SCHEDULING.

(2) (I) WITHIN 60 DAYS AFTER ~~RECEIPT~~ TRANSMITTAL OF THE REQUEST FOR FORECLOSURE MEDIATION, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL CONDUCT A FORECLOSURE MEDIATION.

(II) FOR GOOD CAUSE, THE OFFICE OF ADMINISTRATIVE HEARINGS MAY EXTEND THE TIME FOR COMPLETING THE FORECLOSURE MEDIATION FOR A PERIOD NOT EXCEEDING 30 DAYS.

(3) THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL SEND NOTICE OF THE SCHEDULED FORECLOSURE MEDIATION TO THE FORECLOSURE ATTORNEY, THE SECURED PARTY, AND THE MORTGAGOR OR GRANTOR.

(4) THE NOTICE FROM THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL:

(I) INCLUDE INSTRUCTIONS REGARDING THE DOCUMENTS AND INFORMATION, AS REQUIRED BY REGULATIONS ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION, THAT MUST BE PROVIDED BY EACH PARTY TO THE OTHER PARTY AND TO THE MEDIATOR; AND

(II) REQUIRE THE INFORMATION AND DOCUMENTS TO BE PROVIDED NO LATER THAN 20 DAYS BEFORE THE SCHEDULED DATE OF THE FORECLOSURE MEDIATION.

(J) (1) AT A FORECLOSURE MEDIATION:

(I) THE MORTGAGOR OR GRANTOR SHALL BE PRESENT;

(II) THE MORTGAGOR OR GRANTOR MAY BE ACCOMPANIED BY A HOUSING COUNSELOR AND MAY HAVE LEGAL REPRESENTATION;

(III) THE SECURED PARTY, OR A REPRESENTATIVE OF THE SECURED PARTY, SHALL BE PRESENT; AND

(IV) ANY REPRESENTATIVE OF THE SECURED PARTY MUST HAVE THE AUTHORITY TO SETTLE THE MATTER OR BE ABLE TO READILY CONTACT A PERSON WITH AUTHORITY TO SETTLE THE MATTER.

(2) AT THE FORECLOSURE MEDIATION, THE PARTIES AND THE MEDIATOR SHALL ADDRESS LOSS MITIGATION PROGRAMS THAT MAY BE APPLICABLE TO THE LOAN SECURED BY THE MORTGAGE OR DEED OF TRUST THAT IS THE SUBJECT OF THE FORECLOSURE ACTION.

(3) THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL FILE A REPORT WITH THE COURT THAT STATES THE OUTCOME OF THE REQUEST FOR FORECLOSURE MEDIATION *WITHIN THE EARLIER OF:*

(I) ~~WITHIN~~ 5 DAYS AFTER A FORECLOSURE MEDIATION IS HELD; OR

(II) ~~AT THE~~ *THE* END OF THE 60-DAY MEDIATION PERIOD SPECIFIED IN SUBSECTION (I)(2) OF THIS SECTION, PLUS ANY EXTENSION GRANTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS.

(4) EXCEPT FOR A REQUEST FOR POSTPONEMENT, THE RULES OF PROCEDURE FOR CONTESTED CASES OF THE OFFICE OF ADMINISTRATIVE HEARINGS DO NOT GOVERN A FORECLOSURE MEDIATION CONDUCTED BY THE OFFICE.

~~(III) THE PARTICIPANTS SHOULD ADDRESS ALL FORECLOSURE AVOIDANCE OPTIONS, INCLUDING LOAN MODIFICATION, A GRACE PERIOD FOR POSTPONING PAYMENT, SHORT SALE, DEED IN LIEU OF FORECLOSURE, "CASH FOR KEYS", MOVING TO A LESS COSTLY HOME IN THE LENDER'S INVENTORY, AND ANY OTHER OPTION THAT MAY HELP TO AVOID FORECLOSURE OR LESSEN ITS HARMFUL IMPACT ON THE MORTGAGOR OR GRANTOR.~~

~~(3) (i) IF THE PARTIES ARE UNABLE TO REACH AN AGREEMENT AFTER PARTICIPATING IN FORECLOSURE MEDIATION, THE DEFENDANT MAY FILE A MOTION TO STAY THE SALE WITHIN 15 DAYS AFTER COMPLETION OF THE FORECLOSURE MEDIATION.~~

~~(ii) A DEFENDANT'S REQUEST FOR FORECLOSURE MEDIATION CONSTITUTES GOOD CAUSE FOR FAILURE TO FILE A MOTION TO STAY WITHIN THE TIME PRESCRIBED UNDER MARYLAND RULE 14-211(A)(2).~~

(K) (1) IF THE PARTIES DO NOT REACH AN AGREEMENT AT THE FORECLOSURE MEDIATION, OR THE 60-DAY MEDIATION PERIOD EXPIRES WITHOUT AN EXTENSION GRANTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS, THE FORECLOSURE ATTORNEY MAY SCHEDULE THE FORECLOSURE SALE.

(2) (I) SUBJECT TO SUBPARAGRAPHS (II), (III), AND (IV) OF THIS PARAGRAPH, THE MORTGAGOR OR GRANTOR MAY FILE A MOTION TO STAY THE FORECLOSURE SALE.

(II) A MOTION TO STAY UNDER THIS PARAGRAPH SHALL BE FILED WITHIN 15 DAYS AFTER:

1. THE DATE THE FORECLOSURE MEDIATION IS HELD; OR

2. IF NO FORECLOSURE MEDIATION IS HELD, THE DATE THE OFFICE OF ADMINISTRATIVE HEARINGS FILES ITS REPORT WITH THE COURT.

(III) A MOTION TO STAY UNDER THIS PARAGRAPH MUST ALLEGE SPECIFIC REASONS WHY LOSS MITIGATION SHOULD HAVE BEEN GRANTED.

~~(H)~~ (3) NOTHING IN THIS SUBTITLE PRECLUDES THE DEFENDANT MORTGAGOR OR GRANTOR FROM PURSUING ANY OTHER REMEDY OR LEGAL DEFENSE AVAILABLE UNDER LAW TO THE MORTGAGOR OR GRANTOR.

[f] ~~(C)~~ (L) A foreclosure sale of residential property may not occur until [at]:

~~(1) AT least 45 days after service of process is made under subsection (c) of this section; AND~~

~~(2) (i) IF THE DEFENDANT FILES A COMPLETED REQUEST FOR FORECLOSURE MEDIATION AND BORROWER'S AFFIDAVIT WITHIN 15 DAYS AFTER SERVICE OF PROCESS, AT LEAST 15 DAYS AFTER THE FORECLOSURE MEDIATION IS HELD; OR~~

~~(ii) IF THE DEFENDANT FILES A MOTION TO STAY THE SALE WITHIN 15 DAYS AFTER THE FORECLOSURE MEDIATION IS HELD, AT LEAST 15 DAYS AFTER THE COURT DENIES THE MOTION OR OTHERWISE RESOLVES THE CASE.~~

(1) IF THE RESIDENTIAL PROPERTY IS NOT OWNER-OCCUPIED RESIDENTIAL PROPERTY, AT LEAST 45 DAYS AFTER SERVICE OF PROCESS IS MADE UNDER SUBSECTION (F) OF THIS SECTION;

(2) IF THE RESIDENTIAL PROPERTY IS OWNER-OCCUPIED RESIDENTIAL PROPERTY AND FORECLOSURE MEDIATION IS NOT HELD, THE LATER OF:

(I) AT LEAST 45 DAYS AFTER SERVICE OF PROCESS THAT INCLUDES A FINAL LOSS MITIGATION AFFIDAVIT MADE UNDER SUBSECTION (F) OF THIS SECTION; OR

(II) AT LEAST 30 DAYS AFTER A FINAL LOSS MITIGATION AFFIDAVIT IS MAILED UNDER SUBSECTION (G) OF THIS SECTION; AND

(3) IF THE RESIDENTIAL PROPERTY IS OWNER-OCCUPIED RESIDENTIAL PROPERTY AND FORECLOSURE MEDIATION IS REQUESTED, AT LEAST 15 DAYS AFTER:

(I) THE DATE THE FORECLOSURE MEDIATION IS HELD; OR

(II) IF NO FORECLOSURE MEDIATION IS HELD, THE DATE THE OFFICE OF ADMINISTRATIVE HEARINGS FILES ITS REPORT WITH THE COURT.

[(g)] ~~(H)~~ (M) Notice of the time, place, and terms of a foreclosure sale shall be published in a newspaper of general circulation in the county where the action is pending at least once a week for 3 successive weeks, the first publication to be not less than 15 days before the sale and the last publication to be not more than 1 week before the sale.

[(h)] ~~(I)~~ (N) (1) The mortgagor or grantor of residential property has the right to cure the default by paying all past due payments, penalties, and fees and reinstate the loan at any time up to 1 business day before the foreclosure sale occurs.

(2) The secured party or an authorized agent of the secured party shall, on request, provide to the mortgagor or grantor or the mortgagor's or grantor's attorney within a reasonable time the amount necessary to cure the default and reinstate the loan and instructions for delivering the payment.

[(i)] ~~(J)~~ (O) An action for failure to comply with the provisions of this section shall be brought within 3 years after the date of the order ratifying the sale.

(P) REVENUE COLLECTED FROM THE FILING FEES REQUIRED UNDER SUBSECTIONS (D)(2)(VII) AND (H)(1)(II) OF THIS SECTION SHALL BE

DISTRIBUTED TO THE HOUSING COUNSELING AND FORECLOSURE MEDIATION FUND ESTABLISHED UNDER § 4-507 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

Article – Housing and Community Development

4-507.

(A) IN THIS SECTION, “FUND” MEANS THE HOUSING COUNSELING AND FORECLOSURE MEDIATION FUND.

(B) THERE IS A HOUSING COUNSELING AND FORECLOSURE MEDIATION FUND.

(C) THE PURPOSES OF THE FUND ARE TO:

(1) SUPPORT NONPROFIT AND GOVERNMENT HOUSING COUNSELORS AND OTHER NONPROFIT ENTITIES WITH PROVIDING:

(I) LEGAL ASSISTANCE TO HOMEOWNERS OR OCCUPANTS WHO ARE TRYING TO AVOID FORECLOSURE OR MANAGE FORECLOSURE PROCEEDINGS; AND

(II) HOMEBUYER EDUCATION, HOUSING ADVICE, OR FINANCIAL COUNSELING FOR HOMEOWNERS AND PROSPECTIVE HOMEOWNERS;

(2) SUPPORT THE ESTABLISHMENT AND OPERATION OF NONPROFIT HOUSING COUNSELING ENTITIES;

(3) SUPPORT EFFORTS BY THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO:

(I) CONTACT AND PROVIDE ADVICE AND ASSISTANCE TO HOMEOWNERS OR OCCUPANTS FACING FINANCIAL DIFFICULTY OR FORECLOSURE; AND

(II) PROVIDE ADVICE AND ASSISTANCE TO PROSPECTIVE HOMEOWNERS; AND

(4) ASSIST IN FUNDING THE COSTS OF FORECLOSURE MEDIATIONS PROVIDED BY THE OFFICE OF ADMINISTRATIVE HEARINGS UNDER § 7-105.1 OF THE REAL PROPERTY ARTICLE.

(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 7-105.1 OF THE REAL PROPERTY ARTICLE;

(2) INVESTMENT EARNINGS OF THE FUND;

(3) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY FOR THE PURPOSES DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

SECTION 2. AND BE IT FURTHER ENACTED, That, until the Commissioner of Financial Regulation identifies information regarding nonprofit and State government resources available to assist mortgagors and grantors facing foreclosure and prescribes the foreclosure process and time line that are required to be included in a notice of intent to foreclose under § 7-105.1(c)(4)(ii)5 and 6 of the Real Property Article, as enacted by Section 1 of this Act, a notice of intent to foreclose shall be deemed to be in compliance with § 7-105.1(c)(4)(ii)5 and 6 of the Real Property Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Commissioner of Financial Regulation shall adopt regulations to prescribe the form and content of the following items required under this Act:

(1) Final Loss Mitigation Affidavit;

(2) Preliminary Loss Mitigation Affidavit;

(3) Notice accompanying order to docket or complaint to foreclose;

~~(3)~~ (4) Request for Foreclosure Mediation; and

~~(4)~~ (5) Instructions regarding documents and information required for foreclosure mediation.

SECTION 4. AND BE IT FURTHER ENACTED, That until the Commissioner of Financial Regulation adopts the regulations required under Section 3 of this Act:

(1) instructions regarding information and documents required for foreclosure mediation required under § 7–105.1(i)(4) of the Real Property Article, as enacted by Section 1 of this Act, shall be deemed to be in compliance with § 7–105.1(i)(4) of the Real Property Article, as ~~enacted~~ enacted by Section 1 of this Act; and

(2) the notice accompanying the order to docket or complaint to foreclose required under § 7–105.1(d)(2)(ix) of the Real Property Article, as enacted by Section 1 of this Act, shall be deemed in compliance with § 7–105.1(d)(2)(ix) of the Real Property Article, as enacted by Section 1 of this Act, if the language in the notice is substantially similar to the language in that section; and

~~(2)~~ (3) the following documents required under § 7–105.1 of the Real Property Article, as enacted by Section 1 of this Act, shall be in substantially the following form:

(i) Final Loss Mitigation Affidavit

FINAL LOSS MITIGATION AFFIDAVIT

My name is _____ . I am authorized to act on behalf of the holder of the beneficial interest in the mortgage or deed of trust that is the subject of the above-referenced case, and I state the following:

☐ Yes ☐ No The mortgage loan is owned, securitized, insured, or guaranteed by FNMA, FHLMC, or FHA or the servicing agent is participating in the federal Making Home Affordable Program or a similar loss mitigation program.

☐ The mortgage loan that is the subject of this foreclosure action is not eligible for loss mitigation because:

☐ The property is not the primary residence of at least one of the borrowers.

- ☐ The property has more than four dwelling units.
- ☐ The property is vacant or condemned.
- ☐ The mortgage loan is not a first mortgage.
- ☐ The amount of the mortgage loan makes it ineligible under all relevant loss mitigation programs.
- ☐ The borrower's income makes the borrower ineligible under all relevant loss mitigation programs.
- ☐ The borrower has already failed a modification trial period plan.
- ☐ Other:_____.
- ☐ The mortgage loan that is the subject of this foreclosure action is eligible for loan modification or loss mitigation, and loan modification or loss mitigation has been denied.
- ☐ No other loss mitigation options have been identified as appropriate.

I affirm that the content of the foregoing affidavit is true to the best of my knowledge, information, and belief.

Executed on _____, 20__.

By: _____

Print Name: _____

Title: _____;

(ii) Preliminary Loss Mitigation Affidavit

PRELIMINARY LOSS MITIGATION AFFIDAVIT

My name is _____. I am authorized to act on behalf of the holder of the beneficial interest in the mortgage or deed of trust that is the subject of the above-referenced case, and I state the following:

- ☐ Yes ☐ No The mortgage loan is owned, securitized, insured, or guaranteed by FNMA, FHLMC, or FHA or the servicing agent is participating in the federal Making Home Affordable Program or in a similar loss mitigation program.

The mortgage loan that is the subject of this foreclosure action may be eligible for loss mitigation and:

- ☐ The loan currently is under loss mitigation analysis, but the analysis has not yet been completed.
- ☐ The servicer has not received all the information from the borrower that the servicer needs to perform a loss mitigation analysis.
- ☐ The servicer has had no contact with the borrower.
- ☐ Other _____.

I affirm that the content of the foregoing affidavit is true to the best of my knowledge, information, and belief.

Executed on _____, 20____. By: _____

Print Name: _____

Title: _____; and

(iii) Request for Foreclosure Mediation

REQUEST FOR FORECLOSURE MEDIATION

Instructions to Borrower [as completed by Plaintiff]:

This Request for Foreclosure Mediation is to be completed and filed in the Circuit Court for (appropriate court), Case Number (appropriate case number or identifier).

The court's address is: (address of the appropriate court). The foreclosure attorney's address is: (address).

This form must be filed with the court and sent to the foreclosure attorney before (date, which is not less than 15 days after either service of the order to docket or complaint to foreclose or the mailing of the final loss mitigation affidavit, whichever is later).

Please read carefully! If you have questions or are unsure about how to fill out this form, contact the Maryland Foreclosure Hotline at (phone number) or go to the website at (web address).

You must file this form with the court at the address above and you must also mail a copy to the foreclosure attorney at the address above.

You must pay \$50 when you file this form or it will be ineffective. If the form is ineffective, you will not be scheduled for foreclosure mediation and the foreclosure sale of your home can proceed.

DO NOT DELAY! You must file this form with the court and mail it to the foreclosure attorney before the date identified above.

Keep a copy of everything you send. Get a mail receipt confirmation for your records to show the date you sent everything.

My name is _____ . I request that this court schedule a foreclosure mediation. I understand that a foreclosure mediation is an opportunity for a meeting with a neutral third party who will try to assist me and my lender to reach an agreement about the foreclosure of my home. I also understand I must qualify for loan modification or other relief and that making this request does not guarantee that I will receive a loan modification or other relief.

The following answers will assist in the foreclosure mediation process:

☐ Yes ☐ No I requested a loan modification and I believe my loan should have been modified.

☐ Yes ☐ No I was not given an opportunity to see if my loan could be modified but I think I deserve that opportunity.

☐ Yes ☐ No The property is my home and I live there.

☐ Yes ☐ No The property does not have more than four dwelling units.

☐ Yes ☐ No I have not failed a trial modification plan and have not failed a prior modification under a federal loan modification program.

☐ Yes ☐ No If no loan modification or other option will work, I am willing to discuss giving up my home and the best way to do that.

\$ _____ This is my estimated current total gross monthly income (from all sources, and including co-borrower's income).

MEDIATION FEE

☐ Yes ☐ No I have enclosed my \$50 fee for filing this Request for Foreclosure Mediation.

☐ Yes ☐ No I am requesting the Court to reduce or waive my filing fee because I qualify for free legal services under court guidelines.

I affirm that the content of the foregoing affidavit is true to the best of my knowledge, information, and belief.

Executed on _____, 20__.

By: _____
Print Name: _____

Title: _____.

SECTION 5. AND BE IT FURTHER ENACTED, That when the Commissioner of Financial Regulation adopts regulations as required under Section 3 of this Act, the documents described in Section 4(2) of this Act may no longer be used and the documents prescribed by regulations adopted by the Commissioner shall be used.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.~~

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) The Governor is authorized to process a budget amendment during fiscal year 2011 that appropriates \$250,000 from the Housing Counseling and Foreclosure Mediation Fund established under § 4-507 of the Housing and Community Development Article, as enacted by Section 1 of this Act, for the purpose of paying the Department of Labor, Licensing, and Regulation's costs to implement an electronic system to track and retrieve data gathered under § 7-105.1 of the Real Property Article, as enacted by Section 1 of this Act, and staffing related outreach functions.

(b) For each of fiscal years 2012, 2013, and 2014, at least \$150,000 of the money in the Housing Counseling and Foreclosure Mediation Fund established under § 4-507 of the Housing and Community Development Article, as enacted by Section 1 of this Act, shall be appropriated by the Governor in the budget of the Department of Labor, Licensing, and Regulation to cover the cost of staffing outreach functions related to the electronic tracking and retrieval system implemented by the Department.

SECTION 7. AND BE IT FURTHER ENACTED, That the Governor is authorized to process a budget amendment during fiscal year 2011 that appropriates \$300,000 from the Housing Counseling and Foreclosure Mediation Fund established under the Housing and Community Development Article, as enacted by Section 1 of this Act, for the purpose of paying the Administrative Office of the Courts' costs to process foreclosure actions in heavily impacted jurisdictions in the State.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any order to docket or complaint to foreclose on residential property filed before the effective date of this Act.

SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 486**(Senate Bill 248)**

AN ACT concerning

Civil Cases – Maryland Legal Services Corporation Fund – ~~Surcharges~~

FOR the purpose of altering a certain surcharge on certain fees, charges, and costs in certain civil cases in the circuit courts and the District Court; requiring the executive director of the Maryland Legal Services Corporation to prepare a budget for the Corporation; requiring a certain informational budget to be submitted to the General Assembly in conjunction with the budget of the Judicial Branch of the State government; providing for the termination of this Act; making a stylistic change; and generally relating to ~~certain surcharges deposited into~~ the Maryland Legal Services Corporation Fund.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–202(a)(1) and (d) and 7–301(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 7–202(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Human Services
Section 11–208
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

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

Article – Courts and Judicial Proceedings

7–202.

(a) (1) **(I)** The State Court Administrator shall determine the amount of all court costs and charges for the circuit courts of the counties with the approval of the Board of Public Works.

(II) The fees and charges shall be uniform throughout the State.

(d) The State Court Administrator, as part of the Administrator's determination of the amount of court costs and charges in civil cases, shall assess a surcharge that:

(1) May not be more than [\$25] ~~\$70~~ ~~\$50~~ \$55 per case; and

(2) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11-402 of the Human Services Article.

(e) If a party in a proceeding feels aggrieved by any fee permitted under this subtitle or by §§ 3-601 through 3-603 of the Real Property Article, the party may request a judge of that circuit court to determine the reasonableness of the fee.

7-301.

(c) (1) The filing fees and costs in a civil case are those prescribed by law subject to modification by law, rule, or administrative regulation.

(2) The Chief Judge of the District Court shall assess a surcharge that:

(i) May not be more than:

1. [\$5] ~~\$10~~ ~~\$7~~ \$8 per summary ejectment case; and

2. [\$10] ~~\$20~~ ~~\$15~~ \$18 per case for all other civil cases;

and

(ii) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11-402 of the Human Services Article.

(3) The Court of Appeals may provide by rule for waiver of prepayment of filing fees and other costs in cases of indigency.

Article – Human Services

11-208.

(A) THE EXECUTIVE DIRECTOR SHALL PREPARE AN ANNUAL BUDGET FOR THE CORPORATION.

(B) (1) FOR INFORMATIONAL PURPOSES ONLY, THE CORPORATION SHALL SUBMIT ITS BUDGET TO THE GENERAL ASSEMBLY IN CONJUNCTION WITH THE BUDGET REQUEST OF THE JUDICIAL BRANCH OF THE STATE GOVERNMENT ON NOVEMBER 1 OF EACH YEAR.

(2) THE INFORMATIONAL BUDGET REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE 3 YEARS OF DATA, INCLUDING THE MOST RECENTLY COMPLETED FISCAL YEAR, AN ESTIMATE FOR THE CURRENT FISCAL YEAR, AND AN ESTIMATE FOR THE NEXT FISCAL YEAR, INCLUDING:

(I) A SUMMARY OF TOTAL EXPENDITURES AND THE SOURCES OF REVENUE THAT SUPPORT THAT SPENDING;

(II) LINE ITEM EXPENDITURE DETAIL FOR PERSONNEL, OPERATING EXPENSES, AND GRANTS, INCLUDING INDIVIDUAL GRANTEEES;

(III) NARRATIVE EXPLANATION OF ALL REVENUE AND SPENDING CHANGES BETWEEN THE CURRENT FISCAL YEAR AND THE NEXT FISCAL YEAR;

(IV) PERFORMANCE MEASUREMENT DATA THAT DETAILS THE USE OF FUNDS; AND

(V) DETAIL ON THE CORPORATION'S RESERVE FUND, INCLUDING ACTUAL AND ESTIMATED END OF FISCAL YEAR BALANCES, TRANSFERS TO AND FROM THE RESERVE FUND, AND THE POLICIES GOVERNING THE RESERVE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June 1, 2010~~ July 1, 2010. It shall remain effective for a period of 3 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 487

(House Bill 475)

AN ACT concerning

Smart, Green, and Growing – The Sustainable Communities Act of 2010

FOR the purpose of stating certain findings and the intent of the General Assembly concerning sustainable communities; providing for the designation of certain areas as sustainable communities eligible for certain programs; altering the criteria to consider a sustainable community area; authorizing the Smart Growth Subcabinet to designate sustainable communities ~~and approve sustainable community plans~~; abolishing certain boards; authorizing the Secretary of Housing and Community Development to administer the Community Legacy Program and to take certain actions; repealing certain authority for certain political subdivisions to approve a designated neighborhood for certain purposes under certain circumstances; requiring the Department of Transportation to consider sustainable communities during the revisions to the Consolidated Transportation Program; requiring the Department of Transportation to consult with the Smart Growth Subcabinet concerning sustainable communities; altering certain authority of the Secretary of Transportation to designate certain facilities, structures, and uses as transit-oriented development for certain purposes; authorizing the Department of Transportation to exercise certain powers with respect to sustainable communities; requiring the Secretary of Business and Economic Development to receive a recommendation of the Smart Growth Subcabinet prior to designating a BRAC Revitalization and Incentive Zone; altering the membership of the Smart Growth Subcabinet; authorizing the Smart Growth Subcabinet to work on sustainable communities, make certain recommendations, and certify certain local jurisdictions for certain purposes; ~~reestablishing~~ extending and altering the Maryland Heritage Structure Rehabilitation Tax Credit Program to be the Sustainable Communities Tax Credit Program; ~~providing a certain tax credit for rehabilitation of certain properties~~; making certain rehabilitation projects eligible for a certain tax credit under certain circumstances; requiring the Director of the Maryland Historical Trust to adopt certain regulations; ~~providing limits on the amount of tax credits for certain purposes; providing for an additional credit if a certain rehabilitation meets a certain high performance building standard; providing for the issuance of credit certificates for certain rehabilitations, subject to certain requirements and limitations; providing certain limits on the amount of the credit percentage of the initial credit certificates issued for any fiscal year that may be claimed issued for certain rehabilitations; authorizing the Director to charge a certain fee for certain purposes; prohibiting the Director from issuing credit certificates that exceed a certain amount; prohibiting the Director from issuing certain credit certificates before a certain date or after a certain date; establishing the Maryland Department of Planning Sustainable Communities Tax Credit Administration Fund; providing for amended tax returns under certain circumstances; authorizing the allocation of the credit in a certain manner; providing for certain determinations by the Comptroller; providing for the expiration of certain initial credit certificates under certain circumstances; establishing certain requirements for certain rehabilitation projects to be eligible for the tax credit; altering the percentage of qualified rehabilitation expenditures for which the credit is allowed for certain projects; altering the name of a certain reserve fund; authorizing the Governor to include an appropriation to a certain reserve~~

~~fund for certain fiscal years; extending through a certain fiscal year certain authority for the Director to issue certain initial credit certificates; providing for altering certain reporting requirements; providing for the recapture of the credit under certain circumstances; providing for the termination of the Sustainable Communities Tax Credit Program; requiring certain funds in the Heritage Structure Rehabilitation Tax Credit Reserve Fund to revert to the General Fund on a certain date; providing for the application of certain provisions of this Act consideration of certain community legacy areas and certain designated neighborhoods as sustainable communities under certain circumstances; requiring a sponsor of a community legacy area or a designated neighborhood to submit a certain application under certain circumstances; providing for the retroactive application of a certain provision of this Act; authorizing the Comptroller to make certain determinations and adopt certain regulations; defining certain terms; altering certain definitions; and generally relating to sustainable communities.~~

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–1304
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY adding to
Article – Housing and Community Development
Section 6–104
Annotated Code of Maryland
(2006 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 6–201, 6–202, 6–204 through 6–211, 6–213, 6–301, 6–303, 6–304, and
6–306
Annotated Code of Maryland
(2006 Volume and 2009 Supplement)

BY repealing
Article – Housing and Community Development
Section 6–203, 6–212, and 6–305
Annotated Code of Maryland
(2006 Volume and 2009 Supplement)

~~BY adding to
Article – State Finance and Procurement
Section 5–901 through 5–911 to be under the new subtitle “Subtitle 9:
Sustainable Communities Tax Credit Program”
Annotated Code of Maryland
(2009 Replacement Volume)~~

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1406(b)(12) and (13) and (h)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – State Government
Section 9–1406(b)(14) through(16)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Transportation
Section 2–701 through 2–703 to be under the new subtitle “Subtitle 7.
Sustainable Communities”
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–101(m)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Insurance
Section 6–105.2
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–704.5
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments, ~~and transferring to the Session Laws~~
Article – State Finance and Procurement
Section 5A–303
Annotated Code of Maryland
(2009 Replacement Volume)

WHEREAS, In June 2009, the Obama Administration announced a new interagency partnership on sustainable communities between the Department of Transportation, the Department Housing and Urban Development, and the Environmental Protection Agency to better coordinate federal transportation, environmental protection, and housing investments; and

WHEREAS, An early action by the federal interagency partnership announced a set of Livability Principles to guide future federal investments, policy development, and programs towards the creation of sustainable communities; and

WHEREAS, In the Obama Administration's Fiscal Year 2010 Budget ~~submission and in the current funding bills before Congress,~~ \$150 million is provided to the federal Department of Housing and Urban Development and the Department of Transportation to award grants to communities for more integrated regional planning and sustainability projects; and

WHEREAS, A number of studies, reports, and articles by organizations including the Environmental Protection Agency have found that one of the keys to revitalizing and maintaining the character of town centers and preserving surrounding agricultural land in small and rural communities is the promotion of integrated housing, historic preservation, economic, and transportation development in town centers; and

WHEREAS, ~~As resources, both natural and financial, become more scarce, there is a need for more integrated thinking about how transportation, land use, and housing programs all intersect with environmental, economic, and equity goals at the State level; and~~ natural and financial resources dwindle, there is a need for tax incentives that will create jobs and spur entrepreneurship, to unlock sources of credit and capital which have been in short supply as a result of the financial crisis and that will do so in a way that promotes and furthers the State's goal of revitalizing communities; and

WHEREAS, The State of Maryland needs to further refine its focus on and develop a coordinated approach to creating, enhancing, supporting, and revitalizing sustainable communities in order to position itself to take advantage of federal opportunities; and

WHEREAS, The State of Maryland has several programs that are focused on revitalizing communities and have operated independently of each other to achieve similar but slightly different policy goals and that now require more integrated thinking about how transportation, land use, and housing programs intersect with environmental, economic, and equity goals at the State level; and

WHEREAS, These revitalization programs can be better coordinated and targeted to achieve investment in housing, historic preservation, economic growth, and transportation development in existing neighborhoods and town centers; now, therefore,

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

Article – Economic Development

5–1304.

(a) (1) Within 60 days after a submission date, the Secretary, **AFTER RECEIVING A RECOMMENDATION OF THE SMART GROWTH SUBCABINET**, may designate one or more BRAC Revitalization and Incentive Zones from among the areas described in the applications timely submitted.

(2) The designation of an area as a BRAC Revitalization and Incentive Zone is effective for 10 years, beginning on the date the first property in the BRAC Revitalization and Incentive Zone becomes a qualified property, as defined in § 2–222 of the Tax – Property Article.

(3) The Secretary may not designate more than six BRAC Revitalization and Incentive Zones in a calendar year.

(4) A county may not receive more than two BRAC Revitalization and Incentive Zones.

(5) The precise location and boundaries of a BRAC Revitalization and Incentive Zone may be determined only on application to and approval by the Secretary.

(b) [Before designating a BRAC Revitalization and Incentive Zone, the Secretary shall consult with the following cabinet secretaries or their respective designees:

- (1) the Secretary of Transportation;
- (2) the Secretary of Housing and Community Development;
- (3) the Secretary of the Environment; and
- (4) the Secretary of Planning.

(c)] The designation of the Secretary is final.

[(d)] (C) At any time, a political subdivision may reapply to the Secretary to designate as a BRAC Revitalization and Incentive Zone an area that is not designated.

[(e)] (D) (1) This subsection applies only to a political subdivision that is authorized under § 7–211.3 of the Tax – Property Article to enter into a payment in lieu of tax agreement with a private developer for federal enclave property.

(2) The Secretary may not designate a BRAC Revitalization and Incentive Zone in a county until, in the judgment of the Secretary, the political subdivision has entered into good faith negotiations for a payment in lieu of tax agreement with all private developers of federal enclave property.

Article – Housing and Community Development

6–104.

(A) (1) THE GENERAL ASSEMBLY FINDS THAT THE STATE MUST HAVE SUSTAINABLE COMMUNITIES IN ORDER TO:

(I) PRESERVE AND PROTECT THE STATE’S NATURAL RESOURCES; AND

(II) ACHIEVE THE STATE’S ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY IN § 5–7A–01 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE GENERAL ASSEMBLY FINDS THAT SUSTAINABLE COMMUNITIES ARE PLACES WHERE PUBLIC AND PRIVATE INVESTMENTS AND PARTNERSHIPS ACHIEVE:

(I) DEVELOPMENT OF A HEALTHY LOCAL ECONOMY;

(II) PROTECTION AND APPRECIATION OF HISTORIC AND CULTURAL RESOURCES;

(III) A MIX OF LAND USES;

(IV) AFFORDABLE AND SUSTAINABLE HOUSING AND JOB OPTIONS; AND

(V) GROWTH AND DEVELOPMENT PRACTICES THAT PROTECT THE ENVIRONMENT AND CONSERVE AIR, WATER, AND ENERGY RESOURCES, ENCOURAGE WALKABILITY AND RECREATIONAL OPPORTUNITIES, AND, WHERE AVAILABLE, CREATE ACCESS TO TRANSIT.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COMMUNITY LEGACY AND ~~DESIGNATED~~ NEIGHBORHOOD BUSINESS DEVELOPMENT PROGRAMS:

(1) BE USED TO CREATE, ENHANCE, SUPPORT, AND REVITALIZE SUSTAINABLE COMMUNITIES ACROSS THE STATE; AND

(2) BE COORDINATED WITH OTHER STATE PROGRAMS, SUCH AS THE SUSTAINABLE COMMUNITIES TAX CREDIT PROGRAM ESTABLISHED UNDER TITLE ~~5~~ 5A, SUBTITLE ~~9~~ 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, IN ORDER TO MAXIMIZE THE STATE'S INVESTMENT IN SUSTAINABLE COMMUNITIES.

6–201.

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

(b) “Application” means an application to the [Board] **SECRETARY** that includes a request to:

(1) designate an area as a **SUSTAINABLE** community [legacy area];

(2) approve a **SUSTAINABLE** community [legacy] plan; or

(3) approve a community legacy project.

(c) [“Board” means the Community Legacy Board.

(d)] “Community development financial institution” has the meaning stated in 12 U.S.C. § 4702.

[(e)] **(D)** “Community development organization” means an entity that meets the qualifications of § [6–204] **6–203** of this subtitle.

[(f)] **(E)** “Community legacy agreement” means an agreement between the Department and a sponsor to develop a **SUSTAINABLE** community [legacy] plan or to implement one or more community legacy projects in a designated **SUSTAINABLE** community [legacy area].

[(g)] “Community legacy area” means the part of a priority funding area that:

(1) as determined by the Board, satisfies the requirements of § 6–206 of this subtitle; or

(2) has been designated as a BRAC Revitalization and Incentive Zone under Title 5, Subtitle 13 of the Economic Development Article.

(h) “Community legacy plan” means a plan consisting of one or more community legacy projects to prevent or reverse the decline of or disinvestment in a community legacy area through improvements in residential, commercial, or other public or private properties.]

[(i)] (F) “Community legacy project” includes projects to:

(1) create, improve, or preserve housing opportunities by acquiring, constructing, rehabilitating, or improving new or existing residential properties;

(2) demolish buildings or improvements strategically to enhance the use of land;

(3) create, improve, or preserve commercial or mixed-use development, including an appropriate combination of properties related to business, housing, open-space, and institutional uses;

(4) develop public infrastructure that is incidental to the implementation of a community legacy project, such as streets, parking, public utilities, landscaping, lighting, and improvements to pedestrian and bicycle circulation;

(5) encourage and develop cooperative ownership or control of open space;

(6) develop or create strategies designed to increase investment in existing communities, including outreach activities to attract business, capital, residents, and visitors and the development and maintenance of resources directly related to the development of a **SUSTAINABLE** community **[legacy]** plan or the implementation of a community legacy project;

(7) engage in landbanking or otherwise acquire or improve vacant buildings or unimproved land;

(8) provide financial assistance for neighborhood intervention projects;
or

(9) develop other plans or implement other projects as the **[Board]** **DEPARTMENT** considers necessary to further the purposes of this subtitle.

[(j)] (G) “Financial assistance” includes:

(1) a grant;

(2) a loan;

(3) a reduction in the principal obligation of or rate of interest payable on a loan or portion of a loan;

(4) a prepayment of interest on a subordinate or superior loan or portion of a loan;

(5) an assurance;

(6) a guarantee; or

(7) any other form of credit enhancement.

[(k)] (H) “Landbanking” means acquiring or holding improved and unimproved property:

(1) in anticipation of future development of the property; or

(2) to keep the future use of the property and improvements affordable.

[(l)] (I) “Priority funding area” means an area designated as a priority funding area under § 5–7B–02 of the State Finance and Procurement Article.

[(m)] (J) “Program” means the Community Legacy Program established by this subtitle.

(K) “SMART GROWTH SUBCABINET” MEANS THE SUBCABINET ESTABLISHED UNDER § 9–1406 OF THE STATE GOVERNMENT ARTICLE.

(L) “SUSTAINABLE COMMUNITY” MEANS THE PART OF A PRIORITY FUNDING AREA THAT:

(1) AS DETERMINED BY THE SMART GROWTH SUBCABINET, SATISFIES THE REQUIREMENTS OF § 6–205 OF THIS SUBTITLE;

(2) HAS BEEN DESIGNATED AS A BRAC REVITALIZATION AND INCENTIVE ZONE UNDER TITLE 5, SUBTITLE 13 OF THE ECONOMIC DEVELOPMENT ARTICLE; OR

(3) HAS BEEN DESIGNATED A TRANSIT-ORIENTED DEVELOPMENT UNDER § 7–101 OF THE TRANSPORTATION ARTICLE.

(M) “SUSTAINABLE COMMUNITY PLAN” MEANS A PLAN CONSISTING OF ONE OR MORE COMMUNITY LEGACY PROJECTS OR OTHER REVITALIZATION PROJECTS TO PREVENT OR REVERSE THE DECLINE OF OR DISINVESTMENT IN A

SUSTAINABLE COMMUNITY THROUGH IMPROVEMENTS IN RESIDENTIAL, COMMERCIAL, OR OTHER PUBLIC OR PRIVATE PROPERTIES.

6–202.

- (a) There is a Community Legacy Program.
- (b) The Department [and the Board] shall administer the Program.
- (c) The purposes of the Program are to:
 - (1) preserve existing communities as desirable places to live and conduct business to reduce outward pressure for sprawl development; and
 - (2) provide financial assistance to sponsors or their designees to develop **SUSTAINABLE** community [legacy] plans or community legacy projects.
- (d) The Program shall encourage partnerships among the federal government, the State government, political subdivisions, and community development organizations to develop and implement **SUSTAINABLE** community [legacy] plans and community legacy projects.
- (e) A **SUSTAINABLE** community [legacy] plan or a community legacy project may be sponsored by a political subdivision, a group of political subdivisions, a community development organization, or a community development financial institution.

[6–203.

- (a) There is a Community Legacy Board.
- (b) The Board consists of the following five members:
 - (1) the Secretary of Housing and Community Development;
 - (2) the Secretary of Natural Resources;
 - (3) the Secretary of Planning;
 - (4) the Secretary of Transportation; and
 - (5) the Governor’s Special Secretary for Smart Growth.
- (c) The Secretary of Housing and Community Development is the chair of the Board.

- (d) The Department shall provide staff to the Board.
- (e) The Board may:
 - (1) exercise all powers necessary to carry out this subtitle; and
 - (2) recommend to the Secretary the adoption of regulations.]

[6–204.] 6–203.

A corporation, foundation, or other legal entity qualifies as a community development organization if:

- (1) its purpose is to improve the physical, economic, or social environment of the area where it operates; and
- (2) no part of its net earnings inures to the benefit of a private shareholder or individual holding an interest in that entity.

[6–205.] 6–204.

(a) A sponsor may file one or more applications in accordance with the schedules that the [Board] **DEPARTMENT** establishes.

(b) An application shall set forth:

(1) a description of one or more [community legacy areas] **SUSTAINABLE COMMUNITIES** where the sponsor proposes to develop a **SUSTAINABLE** community [legacy] plan or to carry out a community legacy project using the standards listed in § [6–206] **6–205** of this subtitle;

(2) a detailed description of the proposed **SUSTAINABLE** community [legacy] plan or proposed community legacy project;

(3) the amount and type of financial assistance sought;

(4) the ability of the sponsor to carry out the proposed **SUSTAINABLE** community [legacy] plan or community legacy project;

(5) the strength and quality of partnerships created among the federal government, the State government, political subdivisions, community development organizations, and other private organizations to develop the **SUSTAINABLE** community [legacy] plan or carry out the community legacy project, including:

- (i) financial support;

(ii) dedication of staff and resources; and

(iii) commitment to and development of local smart growth policies;

(6) proposed benchmarks for evaluating whether the proposed SUSTAINABLE community [legacy] plan or community legacy project results in a desired outcome for a proposed SUSTAINABLE community [legacy area], such as:

- (i) stabilizing it;
- (ii) reversing its social, economic, or physical decline; or
- (iii) encouraging growth in it; and

(7) the process used to seek and receive public input on the proposed SUSTAINABLE community [legacy] plan or community legacy project, including the nature and extent of public support or opposition.

(c) **(1)** [Except as provided in subsection (d) of this section, a community legacy plan or a community legacy project does not take effect until its sponsor has submitted to the Board an application for its approval and the Board has approved it] **THE SMART GROWTH SUBCABINET, ON THE RECOMMENDATION OF THE SECRETARY, MAY DESIGNATE AN AREA AS A SUSTAINABLE COMMUNITY OR MAY APPROVE A SUSTAINABLE COMMUNITY PLAN.**

(2) IF THE SMART GROWTH SUBCABINET HAS NOT ACTED WITHIN 90 DAYS OF A RECOMMENDATION FROM THE SECRETARY, THE SECRETARY MAY DESIGNATE AN AREA AS A SUSTAINABLE COMMUNITY WITHOUT THE APPROVAL OF THE SMART GROWTH SUBCABINET.

[(d) The Secretary may approve a community legacy project without the approval of the Board in the case of an emergency or when the project requires urgent approval if the project is funded from the reserve established under § 6–213(h) of this subtitle.]

[6–206.] **6–205.**

(A) The [Board] **SMART GROWTH SUBCABINET, ON THE RECOMMENDATION OF THE SECRETARY,** may designate an area as a SUSTAINABLE community [legacy area] if the sponsor demonstrates that past and current trends in homeownership, property values, commercial and residential vacancy, and business or housing investment show a need for reinvestment in the area and if:

(1) entities in the community, such as **LOCAL GOVERNMENTS**, employers, educational institutions, civic organizations, community organizations, or cultural organizations, support the proposed **SUSTAINABLE** community [legacy] plan [or community legacy project] and have pledged resources to develop or implement it;

(2) the proposed **SUSTAINABLE** community [legacy] plan [or community legacy project] addresses the need for reinvestment in the area and will enhance the area, and give individuals of different incomes a range of housing options, employment opportunities, and other amenities;

(3) a community in the proposed area is culturally or historically significant;

(4) the proposed area is near a town center or a transportation center;
[or]

(5) the proposed **SUSTAINABLE** community [legacy] plan [or community legacy project] is consistent with and complements other existing or proposed projects for housing, commercial or community development, education, historic preservation, neighborhood revitalization, transportation, or other things significant to the comprehensive enhancement of the community; OR

(6) **THERE IS A DEMONSTRATED NEED FOR FINANCING ASSISTANCE FOR SMALL BUSINESSES, NONPROFIT ORGANIZATIONS, OR MICROENTERPRISES; OR**

~~(7) OTHER STANDARDS THAT THE DEPARTMENT CONSIDERS RELEVANT AS SET FORTH IN REGULATIONS, INCLUDING STANDARDS ESTABLISHED FOR OTHER STATE OR FEDERAL PROGRAMS.~~

(B) (1) **TO MAINTAIN A SUSTAINABLE COMMUNITY DESIGNATION;**

(I) EVERY 5 YEARS A SPONSOR SHALL FILE AN UPDATED PLAN AND APPLICATION WITH THE DEPARTMENT; AND

(II) THE SECRETARY SHALL MAKE DESIGNATION RECOMMENDATIONS FOR APPROVAL BY THE SMART GROWTH SUBCABINET UNDER § 6-204 OF THIS SUBTITLE.

(2) THE DEPARTMENT SHALL CONVENE AN INTERAGENCY REVIEW TEAM FROM THE AGENCIES OF THE SMART GROWTH SUBCABINET TO:

(I) REVIEW APPLICATIONS AND PLANS;

(II) PROVIDE ASSISTANCE AND GUIDANCE TO APPLICANTS;
AND

(III) MAKE RECOMMENDATIONS TO THE SECRETARY.

(3) THE SMART GROWTH SUBCABINET MAY REDESIGNATE AN AREA AS A SUSTAINABLE COMMUNITY TAKING INTO CONSIDERATION THE FACTORS IN SUBSECTION (A) OF THIS SECTION.

[6–207.] **6–206.**

(a) The [Board] **DEPARTMENT** shall:

(1) review each application and may request more information from the sponsor;

(2) accept public input on each application;

(3) submit each application to appropriate State units and **APPROPRIATE MEMBERS OF THE SMART GROWTH SUBCABINET;**

(4) consider any recommendation a State unit **OR MEMBER OF THE SMART GROWTH SUBCABINET** makes;

[(4)] **(5)** consider geographic balance when reviewing applications;
AND

[(5)] **(6)** give priority in awarding financial assistance to applicants that are likely to repay the financial assistance to a community development financial institution or to the Community Legacy Financial Assistance Fund[; and

(6) refer to the Secretary each application that it approves].

(b) (1) The [Board] **DEPARTMENT** may not approve an application unless the political subdivision in which the proposed project is located approves the application by resolution.

(2) If an application affects a **SUSTAINABLE** community [legacy area] entirely within a municipal corporation, the approval must come from the municipal corporation rather than the surrounding county.

(3) If an application affects a **SUSTAINABLE** community [legacy area] within more than one political subdivision, each political subdivision must approve it by resolution.

(c) The Secretary shall award financial assistance to a sponsor or a sponsor's designee:

(1) in the amount and of the type that the [Board] **SECRETARY** determines; and

(2) under the terms of a community legacy agreement.

[6-208.] 6-207.

(a) The Department and the sponsor shall execute a community legacy agreement.

(b) The sponsor shall comply with the terms of the community legacy agreement and any regulations the Department adopts to carry out this subtitle.

(c) Not more than 15% of the total financial assistance that the Program provides may be used for noncapital expenditures.

(d) The Department may exercise any remedy provided under the community legacy agreement or by law if a sponsor:

(1) violates any provision of the community legacy agreement; or

(2) ceases to meet the requirements of this subtitle.

[6-209.] 6-208.

(a) Subject to this section, the Department has the powers necessary or desirable to implement the Program.

(b) (1) The Department may determine the terms and conditions for financial assistance awarded under § [6-207(c)] **6-206(C)** of this subtitle.

(2) Financial assistance may be secured by a mortgage, lien, or security interest that is superior to or subordinate to other mortgages, liens, or security interests.

(3) The Department may establish time limits for the use of financial assistance.

(c) (1) The Department may enforce the terms and conditions of the financial assistance given under this subtitle.

(2) Notwithstanding any other law, if a loan or grant is secured by a first or subordinate mortgage or other lien, the Department may:

(i) begin an action to protect or enforce any right given by law, a contract, or other agreement;

(ii) foreclose on property;

(iii) purchase property at any foreclosure or other sale, or acquire or take possession of the property through conveyance in lieu of foreclosure or otherwise, and convey property after acquiring it;

(iv) settle or compromise any debt or obligation owed to the Department;

(v) pay the principal of and interest on any obligation incurred in connection with the property, and dispose of or otherwise deal with the property to protect the interests of the Program; or

(vi) release or sell any mortgage, obligation, or property that the Department holds at public or private sale, with or without public bidding.

(d) (1) The Department may contract with any person, including a private property manager, mortgage servicer, architect, engineer, or other property consultant, or with any governmental unit, for property or services necessary to operate the Program or to implement community legacy projects.

(2) The Department may make agreements with other governmental units to establish partnerships to carry out the Program.

(3) The Department may contract for and accept any grant, contribution, or loan of money, property, or other aid from the federal government and may do all things consistent with this subtitle to qualify for the aid or participate in or administer a federal program.

(e) In connection with loans that it makes, the Department may:

(1) require and obtain appraisals, credit information, and other pertinent information; and

(2) charge interest.

(f) When it is consistent with the best interests of the State to do so, the Department may consent to the modification of any provision of any loan or other financial assistance.

[6–210.] 6–209.

(a) The purposes of a neighborhood intervention project are to provide financial assistance for:

(1) buying properties that need rehabilitation and redeveloping the properties through rehabilitation, demolition, reconstruction, or re-use; or

(2) demolishing property improvements and preparing property for revitalization, redevelopment, or re-use.

(b) To be eligible for financial assistance for a neighborhood intervention project, an applicant shall be:

(1) a political subdivision; or

(2) a community development finance institution.

(c) To be eligible for financial assistance, the applicant must provide evidence at the time of application that:

(1) the applicant has a legal interest in the property through:

(i) ownership of the property;

(ii) a contract, option, or other legal right to acquire the property; or

(iii) the right to demolish the improvements on the property;

(2) the applicant intends to revitalize, redevelop, sell, or re-use the property as part of a redevelopment strategy for the property or a redevelopment plan;

(3) the applicant has complied with the requirements of §§ 5A-325 and 5A-326 of the State Finance and Procurement Article and § 13-1112(b) of the Financial Institutions Article;

(4) the financial assistance from the Program is the least amount necessary to complete the project; and

(5) the project meets any other condition that the [Board] **DEPARTMENT** may require under this subtitle.

(d) Unless waived by [the Board or] the Secretary [acting under subsection (f) of this section], a neighborhood intervention project shall meet the additional following requirements:

(1) the project shall be located in a **SUSTAINABLE** community [legacy area] and be a part of a **SUSTAINABLE** community [legacy] plan in accordance with §§ [6-205(b)(1) and 6-206] **6-204(B)(1) AND 6-205** of this subtitle; and

(2) for a project under subsection (a)(2) of this section, the applicant shall agree to repay the financial assistance to the Community Legacy Financial Assistance Fund, up to the amount the applicant receives from:

(i) the net proceeds of the sale of the property on which the demolition took place; or

(ii) any payment to the applicant relating to the property, including any payment for the costs of demolishing the improvements on the property.

(e) (1) The [Board] **SECRETARY** may not allocate annually more than 15% of the Community Legacy Financial Assistance Fund to neighborhood intervention projects.

(2) The [Board] **SECRETARY** may not award more than \$500,000 for any neighborhood intervention project.

(3) The restrictions in paragraphs (1) and (2) of this subsection do not apply to projects approved by the Secretary [under subsection (f) of this section.

(f) The Secretary may approve a neighborhood intervention project without the approval of the Board] in the case of an emergency or when the project requires urgent approval if the project is funded from the reserve established under § [6–213(h)] **6–211(H)** of this subtitle.

[6–211.] 6–210.

(a) The sponsor shall submit to the [Board] **DEPARTMENT** quarterly progress reports on the development of a **SUSTAINABLE** community [legacy] plan or the implementation of a community legacy project.

(b) (1) The [Board] **DEPARTMENT** shall submit an annual report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly on or before each October 31.

(2) The report shall include:

(i) the financial status of the Program for the preceding fiscal year, including the amount and type of financial assistance encumbered and disbursed;

(ii) the number of applications received;

(iii) the number and location of [community legacy areas] **SUSTAINABLE COMMUNITIES** designated; and

(iv) a summary of the quarterly reports submitted by sponsors under subsection (a) of this section.

[6–212.

(a) There is an Advisory Committee to the Board.

(b) The Committee shall:

(1) make recommendations to the Board concerning community legacy areas, community legacy plans, and community legacy projects; and

(2) consider the matters that the Board requests.

(c) (1) The Committee consists of the following 11 members appointed by the Governor:

(i) one member to represent the Department of Business and Economic Development;

(ii) one member to represent the Governor's Office of Crime Control and Prevention;

(iii) one member to represent the Department of General Services;

(iv) one member to represent the State Economic Growth, Resource Protection, and Planning Commission; and

(v) seven members with experience and expertise in community development and preservation.

(2) Members with experience and expertise in community development and preservation may include representatives of political subdivisions, advocacy organizations, the business community, and the public.

(d) To the extent possible, the members shall reflect the geographic and ethnic diversity of the State.

(e) (1) The term of a member is 3 years.

(2) A member may not serve more than two terms consecutively.

(3) The terms of the members are staggered as required by the terms provided for members of the Committee on October 1, 2005.

(4) At the end of a term, a member continues to serve until a successor is appointed.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(f) A member:

(1) may not receive compensation as a member of the Committee; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(g) The Governor shall designate a chair from among the members of the Committee.

(h) The Department shall provide staff to the Committee.]

[6–213.] 6–211.

(a) In this section, “Fund” means the Community Legacy Financial Assistance Fund.

(b) There is a Community Legacy Financial Assistance Fund.

(c) The Fund shall be used to carry out this subtitle.

(d) (1) The Secretary shall administer the Fund in accordance with [the recommendations of the Board] **THIS SUBTITLE**.

(2) The State Treasurer shall hold and the Comptroller shall account for the Fund.

(e) The Fund is a continuing, nonlapsing special fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(f) The Fund consists of:

(1) money appropriated in the State budget to the Fund;

(2) earnings from the investment of money in the Fund;

(3) repayments and prepayments of financial assistance provided by the Program; and

(4) any other money accepted for the benefit of the Fund from any governmental or private source.

(g) Notwithstanding any other law, the State Treasurer may invest money in the Fund in the same way as money is invested by the State Retirement and Pension System.

(h) In any fiscal year, the Secretary may hold up to 10% of the money in the Fund in reserve for emergency use or urgent projects in accordance with this subtitle.

6–301.

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

[(b) “Designated neighborhood” means:

(1) an area approved as a designated neighborhood under § 6–305 of this subtitle; or

(2) an area located in a priority funding area and designated as a BRAC Revitalization and Incentive Zone under Title 5, Subtitle 13 of the Economic Development Article.]

[(c)] **(B)** (1) “Development costs” means the costs incurred to construct or rehabilitate a neighborhood business development project.

(2) “Development costs” includes the costs of:

(i) necessary studies, surveys, plans, and specifications;

(ii) architectural, engineering, or other special services, including flood plain studies, environmental audits, and critical area or wetland assessments;

(iii) land and improvements;

(iv) site preparation;

(v) construction, reconstruction, and rehabilitation;

(vi) machinery, equipment, and furnishings;

(vii) essential start-up operating costs, including working capital and initial occupancy expenses;

(viii) indemnity and surety bonds and premiums on insurance;

(ix) temporary relocation expenses; and

(x) other necessary fees.

[(d)] (C) “Fund” means the Neighborhood Business Development Fund.

[(e)] (D) “Microenterprise” means a business with not more than five employees that:

- (1) requires not more than \$35,000 in total start-up capital; and
- (2) does not have access to the traditional commercial banking sector.

[(f)] (E) “Program” means the Neighborhood Business Development Program.

[(g)] (F) “Project” means a neighborhood business development project that receives financial assistance from the Fund.

[(h)] (G) “Small business” means a business that qualifies as a small business under § 6–302 of this subtitle.

(H) “SUSTAINABLE COMMUNITY” MEANS THE PART OF A PRIORITY FUNDING AREA THAT:

(1) AS DETERMINED BY THE SMART GROWTH SUBCABINET, SATISFIES THE REQUIREMENTS OF § 6–205 OF THIS TITLE;

(2) HAS BEEN DESIGNATED AS A BRAC REVITALIZATION AND INCENTIVE ZONE UNDER TITLE 5, SUBTITLE 13 OF THE ECONOMIC DEVELOPMENT ARTICLE; OR

(3) HAS BEEN DESIGNATED A TRANSIT-ORIENTED DEVELOPMENT UNDER § 7–101 OF THE TRANSPORTATION ARTICLE.

6–303.

(a) There is a Neighborhood Business Development Program.

(b) The purposes of the Program are, in [designated neighborhoods] **SUSTAINABLE COMMUNITIES**, to:

- (1) help develop, redevelop, or expand small businesses and microenterprises;
- (2) stimulate investment by the private sector;

(3) invest in revitalization projects for small businesses and microenterprises; and

(4) stimulate political subdivisions to participate in developing and expanding small businesses and microenterprises.

(c) The Program includes:

(1) the Business Development Program; and

(2) the Capital Access Program.

6–304.

(a) There is a Business Development Program in the Neighborhood Business Development Program.

(b) The Business Development Program shall provide financial assistance to projects in [designated neighborhoods] **SUSTAINABLE COMMUNITIES**.

[6–305.

With the concurrence of the Secretary, a political subdivision may approve a designated neighborhood after considering:

(1) the availability, cost, and condition of business facilities;

(2) the age and number of abandoned structures;

(3) the age and number of substandard structures;

(4) the income of residents relative to State or regional median incomes, including the number of welfare recipients;

(5) the extent of unemployment and the availability of jobs for residents;

(6) the need for financing for small businesses, nonprofit organizations, or microenterprises to upgrade social and economic conditions;

(7) the development or redevelopment strategy of the political subdivision for the area and any plans, or financial commitment to undertake improvements there; and

(8) other standards that the Department considers relevant as set forth in regulations, including standards established for other State or federal programs.]

~~6-306.~~ **6-305.**

(a) (1) A small business, nonprofit organization, or microenterprise may apply for financial assistance under the Business Development Program.

(2) The Department shall review each application.

(b) An applicant may qualify for financial assistance for a project in a [designated neighborhood] **SUSTAINABLE COMMUNITY** if the application demonstrates that:

(1) the project has significant commitments for financing from other private and nonState public sources that are sufficient to complete the project with the money from the Fund;

(2) the financial assistance from the Fund is the minimum amount necessary to make the project financially feasible;

(3) the project is ready to proceed when it receives financial assistance from the Business Development Program; and

(4) the political subdivision has adopted a resolution, or its authorized designee has delivered a letter to the Business Development Program, that expresses support for the project.

(c) Financial assistance under the Business Development Program may be provided to a small business, nonprofit organization, or microenterprise as:

(1) a grant;

(2) a loan;

(3) a reduction in the principal obligation of or interest rate on a loan or portion of a loan;

(4) a prepayment of interest on a subordinate or superior loan or portion of a loan;

(5) an assurance;

(6) a guarantee; or

(7) any other form of credit enhancement.

~~SUBTITLE 9. SUSTAINABLE COMMUNITIES TAX CREDIT PROGRAM.~~~~5-901.~~

~~(A) (1) THE GENERAL ASSEMBLY FINDS THAT THE STATE MUST HAVE SUSTAINABLE COMMUNITIES IN ORDER TO:~~

~~(I) PRESERVE AND PROTECT THE STATE'S NATURAL RESOURCES; AND~~

~~(II) ACHIEVE THE STATE'S ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY IN § 5-7A-01 OF THIS TITLE.~~

~~(2) THE GENERAL ASSEMBLY FINDS THAT SUSTAINABLE COMMUNITIES ARE PLACES WHERE PUBLIC AND PRIVATE INVESTMENTS AND PARTNERSHIPS ACHIEVE:~~

~~(I) DEVELOPMENT OF A HEALTHY LOCAL ECONOMY;~~

~~(II) PROTECTION AND APPRECIATION OF HISTORIC AND CULTURAL RESOURCES;~~

~~(III) A MIX OF LAND USES;~~

~~(IV) AFFORDABLE AND SUSTAINABLE HOUSING AND JOB OPTIONS; AND~~

~~(V) GROWTH AND DEVELOPMENT PRACTICES THAT PROTECT THE ENVIRONMENT AND CONSERVE AIR, WATER, AND ENERGY RESOURCES, ENCOURAGE WALKABILITY AND RECREATIONAL OPPORTUNITIES, AND WHERE AVAILABLE, CREATE ACCESS TO TRANSIT.~~

~~(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE SUSTAINABLE COMMUNITIES TAX CREDIT PROGRAM:~~

~~(1) BE USED TO CREATE, ENHANCE, SUPPORT, AND REVITALIZE SUSTAINABLE COMMUNITIES ACROSS THE STATE; AND~~

~~(2) BE COORDINATED WITH OTHER STATE PROGRAMS, SUCH AS THE COMMUNITY LEGACY AND NEIGHBORHOOD BUSINESS DEVELOPMENT PROGRAMS ESTABLISHED UNDER TITLE 6 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE, IN ORDER TO MAXIMIZE THE STATE'S INVESTMENT IN SUSTAINABLE COMMUNITIES.~~

~~5-902.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “BUSINESS ENTITY” MEANS:~~

~~(1) A PERSON CONDUCTING OR OPERATING A TRADE OR BUSINESS IN THE STATE; OR~~

~~(2) AN ORGANIZATION OPERATING IN MARYLAND THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.~~

~~(C) “CERTIFIED HERITAGE AREA” HAS THE MEANING STATED IN § 13-1101 OF THE FINANCIAL INSTITUTIONS ARTICLE.~~

~~(D) (1) “CERTIFIED HISTORIC STRUCTURE” MEANS A STRUCTURE THAT IS LOCATED IN THE STATE AND IS:~~

~~(I) LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES;~~

~~(II) DESIGNATED AS A HISTORIC PROPERTY UNDER LOCAL LAW AND DETERMINED BY THE DIRECTOR TO BE ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES;~~

~~(III) 1. LOCATED IN A HISTORIC DISTRICT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR IN A LOCAL HISTORIC DISTRICT THAT THE DIRECTOR DETERMINES IS ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES; AND~~

~~2. CERTIFIED BY THE DIRECTOR AS CONTRIBUTING TO THE SIGNIFICANCE OF THE DISTRICT; OR~~

~~(IV) LOCATED IN A CERTIFIED HERITAGE AREA AND CERTIFIED BY THE MARYLAND HERITAGE AREAS AUTHORITY AS CONTRIBUTING TO THE SIGNIFICANCE OF THE CERTIFIED HERITAGE AREA.~~

~~(2) “CERTIFIED HISTORIC STRUCTURE” DOES NOT INCLUDE A STRUCTURE THAT IS OWNED BY THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR THE FEDERAL GOVERNMENT.~~

~~(E) "CERTIFIED REHABILITATION" MEANS A COMPLETED REHABILITATION OF:~~

~~(1) A CERTIFIED HISTORIC STRUCTURE THAT THE DIRECTOR CERTIFIES IS A SUBSTANTIAL REHABILITATION IN CONFORMANCE WITH THE REHABILITATION STANDARDS OF THE UNITED STATES SECRETARY OF THE INTERIOR; OR~~

~~(2) A QUALIFIED REHABILITATED STRUCTURE.~~

~~(F) "COMMERCIAL REHABILITATION" MEANS A REHABILITATION OF A STRUCTURE OTHER THAN A SINGLE FAMILY, OWNER OCCUPIED RESIDENCE.~~

~~(G) "DIRECTOR" MEANS THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST.~~

~~(H) "FINANCIAL ASSISTANCE" MEANS ACTION BY THE STATE OR A STATE UNIT TO AWARD GRANTS, LOANS, LOAN GUARANTEES, OR INSURANCE TO A PUBLIC OR PRIVATE ENTITY TO FINANCE, WHOLLY OR PARTLY, A PROJECT THAT INVOLVES OR MAY RESULT IN BUILDING CONSTRUCTION, BUILDING ALTERATION, OR LAND DISTURBANCE.~~

~~(I) "HIGH PERFORMANCE BUILDING" MEANS A BUILDING THAT:~~

~~(1) MEETS OR EXCEEDS THE CURRENT VERSION OF THE U.S. GREEN BUILDING COUNCIL'S LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) GREEN BUILDING RATING SYSTEM GOLD RATING; OR~~

~~(2) ACHIEVES AT LEAST A COMPARABLE NUMERIC RATING ACCORDING TO A NATIONALLY RECOGNIZED, ACCEPTED, AND APPROPRIATE NUMERIC SUSTAINABLE DEVELOPMENT RATING SYSTEM, GUIDELINE, OR STANDARD APPROVED BY THE SECRETARIES OF BUDGET AND MANAGEMENT AND GENERAL SERVICES UNDER § 3-602.1 OF THIS ARTICLE.~~

~~(J) (1) "HISTORIC PROPERTY" MEANS A DISTRICT, SITE, BUILDING, STRUCTURE, MONUMENT, OR OBJECT SIGNIFICANT TO:~~

~~(i) THE PREHISTORY OR HISTORY OF THE STATE; OR~~

~~(ii) THE UPLAND OR UNDERWATER ARCHEOLOGY, ARCHITECTURE, ENGINEERING, OR CULTURE OF THE STATE.~~

~~(2) "HISTORIC PROPERTY" INCLUDES RELATED ARTIFACTS, RECORDS, AND REMAINS.~~

~~(K) "INITIAL CREDIT CERTIFICATE" MEANS A CERTIFICATE THAT GUARANTEES THE BUSINESS ENTITY A TAX CREDIT UNDER THE PROVISIONS OF THIS SUBTITLE.~~

~~(L) "LOCAL HISTORIC DISTRICT" MEANS A DISTRICT THAT THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION, OR THE MAYOR AND CITY COUNCIL OF BALTIMORE, HAS DESIGNATED UNDER LOCAL LAW AS HISTORIC.~~

~~(M) "MAIN STREET MARYLAND COMMUNITY" MEANS:~~

~~(1) A COMMERCIAL AREA IN A LOCAL JURISDICTION DESIGNATED BY THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT AS A MAIN STREET MARYLAND COMMUNITY UNDER THE MAIN STREET MARYLAND PROGRAM ON OR BEFORE JANUARY 1, 2010; OR~~

~~(2) A COMMERCIAL AREA IN BALTIMORE CITY DESIGNATED AS A MAIN STREET BY THE MAYOR OF BALTIMORE CITY ON OR BEFORE JANUARY 1, 2010.~~

~~(N) "MAIN STREET MARYLAND PROGRAM" MEANS THE MARYLAND MAIN STREET DESIGNATION PROGRAM FOR LOCAL JURISDICTIONS ESTABLISHED IN THE CODE OF MARYLAND REGULATIONS (COMAR).~~

~~(O) "MAPLE STREET COMMUNITY" MEANS A RESIDENTIAL AREA IN A LOCAL JURISDICTION DESIGNATED BY THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT UNDER COMAR AS PART OF THE MAIN STREET MARYLAND PROGRAM ON OR BEFORE JANUARY 1, 2010.~~

~~(P) "NATIONAL REGISTER STRUCTURE" MEANS A STRUCTURE THAT IS:~~

~~(1) LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES;~~
~~OR~~

~~(2) LOCATED IN A HISTORIC DISTRICT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES AND CERTIFIED BY THE DIRECTOR AS CONTRIBUTING TO THE SIGNIFICANCE OF THE DISTRICT.~~

~~(Q) "POLITICAL SUBDIVISION" MEANS A COUNTY OR MUNICIPAL CORPORATION OF THE STATE.~~

~~(R) "PROGRAM" MEANS THE SUSTAINABLE COMMUNITIES TAX CREDIT PROGRAM.~~

~~(S) "QUALIFIED REHABILITATION EXPENDITURE" MEANS ANY AMOUNT THAT:~~

~~(1) IS PROPERLY CHARGEABLE TO A CAPITAL ACCOUNT;~~

~~(2) IS EXPENDED IN THE REHABILITATION OF A STRUCTURE THAT BY THE END OF THE CALENDAR YEAR IN WHICH THE CERTIFIED REHABILITATION IS COMPLETED IS A CERTIFIED HISTORIC STRUCTURE OR A QUALIFIED REHABILITATED STRUCTURE;~~

~~(3) IS EXPENDED IN COMPLIANCE WITH A PLAN OF PROPOSED REHABILITATION THAT HAS BEEN APPROVED BY THE DIRECTOR; AND~~

~~(4) IS NOT FUNDED, FINANCED, OR OTHERWISE REIMBURSED BY ANY:~~

~~(I) STATE OR LOCAL GRANT;~~

~~(II) GRANT MADE FROM THE PROCEEDS OF TAX EXEMPT BONDS ISSUED BY THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR AN INSTRUMENTALITY OF THE STATE OR OF A POLITICAL SUBDIVISION OF THE STATE;~~

~~(III) STATE TAX CREDIT OTHER THAN THE TAX CREDIT UNDER THIS SUBTITLE; OR~~

~~(IV) OTHER FINANCIAL ASSISTANCE FROM THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, OTHER THAN A LOAN THAT MUST BE REPAID AT AN INTEREST RATE THAT IS GREATER THAN THE INTEREST RATE ON GENERAL OBLIGATION BONDS ISSUED BY THE STATE AT THE MOST RECENT BOND SALE PRIOR TO THE TIME THE LOAN IS MADE.~~

~~(T) (1) "QUALIFIED REHABILITATED STRUCTURE" MEANS A BUILDING:~~

~~(I) THAT:~~

~~1. IS LOCATED IN A TRANSIT-ORIENTED DEVELOPMENT AND IS A COMMERCIAL REHABILITATION; OR~~

~~2. IS LOCATED IN A MAIN STREET MARYLAND COMMUNITY, A MAPLE STREET COMMUNITY, OR IN FISCAL YEAR 2012, A SUSTAINABLE COMMUNITY;~~

~~(H) THAT WILL BE SUBSTANTIALLY REHABILITATED UNDER THE PROGRAM; AND~~

~~(HH) THAT MEETS THE REQUIREMENTS SET FORTH IN § 5-904 OF THIS SUBTITLE.~~

~~(2) “QUALIFIED REHABILITATED STRUCTURE” DOES NOT INCLUDE A CERTIFIED HISTORIC STRUCTURE.~~

~~(U) (1) “SINGLE FAMILY, OWNER OCCUPIED RESIDENCE” MEANS A STRUCTURE OCCUPIED BY THE OWNER AND THE OWNER’S IMMEDIATE FAMILY AS THEIR PRIMARY OR SECONDARY RESIDENCE.~~

~~(2) “SINGLE FAMILY, OWNER OCCUPIED RESIDENCE” INCLUDES A RESIDENTIAL UNIT IN A COOPERATIVE PROJECT OWNED BY OR LEASED TO A COOPERATIVE HOUSING CORPORATION, AS DEFINED IN § 5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE, AND LEASED FOR EXCLUSIVE OCCUPANCY TO, AND OCCUPIED BY, A MEMBER OF THE CORPORATION AND THE MEMBER’S IMMEDIATE FAMILY UNDER A PROPRIETARY LEASE.~~

~~(V) “SMART GROWTH SUBCABINET” MEANS THE SMART GROWTH SUBCABINET ESTABLISHED UNDER TITLE 9, SUBTITLE 14 OF THE STATE GOVERNMENT ARTICLE.~~

~~(W) “STATE UNIT” HAS THE MEANING STATED IN § 11-101 OF THE STATE GOVERNMENT ARTICLE.~~

~~(X) “SUSTAINABLE COMMUNITY” HAS THE MEANING STATED IN § 6-201 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.~~

~~(Y) (1) “SUBSTANTIAL REHABILITATION” MEANS REHABILITATION OF A STRUCTURE FOR WHICH THE QUALIFIED REHABILITATION EXPENDITURES, DURING THE 24 MONTH PERIOD SELECTED BY THE INDIVIDUAL OR BUSINESS ENTITY ENDING WITH OR WITHIN THE TAXABLE YEAR, EXCEED:~~

~~(I) FOR SINGLE FAMILY, OWNER OCCUPIED RESIDENTIAL PROPERTY, \$5,000;~~

~~(II) FOR COMMERCIAL PROPERTY LOCATED IN A MAIN STREET MARYLAND COMMUNITY, THE GREATER OF 50% OF THE ADJUSTED BASIS OF THE STRUCTURE OR \$25,000; OR~~

~~(HH) FOR ALL OTHER COMMERCIAL PROPERTY, THE GREATER OF THE ADJUSTED BASIS OF THE STRUCTURE OR \$25,000.~~

~~(Z) "TRANSIT-ORIENTED DEVELOPMENT" MEANS TRANSIT-ORIENTED DEVELOPMENT AS DEFINED IN § 7-101 OF THE TRANSPORTATION ARTICLE THAT IS LOCATED WITHIN ONE HALF MILE OF A TRANSIT STATION ON A LIGHT RAIL OR HEAVY RAIL LINE.~~

~~(AA) "TRUST" MEANS THE MARYLAND HISTORICAL TRUST ESTABLISHED UNDER SUBTITLE 5A OF THIS TITLE.~~

~~5-903.~~

~~(A) THE DIRECTOR SHALL ADOPT REGULATIONS TO:~~

~~(1) ESTABLISH PROCEDURES AND STANDARDS FOR CERTIFYING HISTORIC STRUCTURES AND REHABILITATIONS UNDER THIS SECTION;~~

~~(2) FOR COMMERCIAL REHABILITATIONS, ESTABLISH A RATING SYSTEM, BASED ON PAST PRACTICES AND TO FUND THE HIGHEST QUALITY REHABILITATION PROJECTS THAT WILL PROVIDE A STIMULUS FOR REVITALIZATION BEYOND THE INDIVIDUAL PROJECT, THAT FAVORS THE AWARD OF TAX CREDITS FOR REHABILITATION PROJECTS THAT:~~

~~(I) ARE LOCATED IN JURISDICTIONS THAT HAVE BEEN HISTORICALLY UNDERREPRESENTED IN THE AWARD OF TAX CREDITS FOR COMMERCIAL REHABILITATIONS, BASED ON THE NUMBER OF NATIONAL REGISTER STRUCTURES IN EACH JURISDICTION;~~

~~(II) ARE CONSISTENT WITH AND ADVANCE GROWTH AND DEVELOPMENT POLICIES AND PROGRAMS OF THE STATE;~~

~~(III) ARE LOCATED IN AREAS TARGETED BY THE STATE FOR ADDITIONAL REVITALIZATION AND ECONOMIC DEVELOPMENT OPPORTUNITIES DUE TO THE FOCUSING OF STATE RESOURCES AND INCENTIVES;~~

~~(IV) ARE LOCATED IN SUSTAINABLE COMMUNITIES;~~

~~(V) ARE LOCATED IN AREAS WHERE LOCAL JURISDICTIONS HAVE IMPLEMENTED REGULATORY STREAMLINING OR OTHER DEVELOPMENT INCENTIVES IN PRIORITY FUNDING AREAS THAT HAVE BEEN CERTIFIED BY THE SMART GROWTH SUBCABINET IN ACCORDANCE WITH § 9-1406 OF THE STATE GOVERNMENT ARTICLE;~~

~~(VI) INCLUDE AFFORDABLE AND WORKFORCE HOUSING OPTIONS; AND~~

~~(VII) ARE QUALIFIED REHABILITATED STRUCTURES MORE THAN 50 YEARS OLD;~~

~~(3) FOR COMMERCIAL REHABILITATIONS, ESTABLISH AN APPLICATION PROCESS FOR THE AWARD OF INITIAL CREDIT CERTIFICATES FOR SUSTAINABLE COMMUNITIES TAX CREDITS CONSISTENT WITH THE REQUIREMENTS OF THIS SUBTITLE;~~

~~(4) FOR REHABILITATIONS, ESTABLISH CRITERIA, CONSISTENT WITH THE REQUIREMENTS OF THIS SUBSECTION, FOR EVALUATING PLANS OF PROPOSED REHABILITATION THAT HAVE BEEN DETERMINED BY THE DIRECTOR TO:~~

~~(I) FOR CERTIFIED HISTORIC STRUCTURES, CONFORM TO THE REHABILITATION STANDARDS OF THE UNITED STATES SECRETARY OF THE INTERIOR; AND~~

~~(II) FOR REHABILITATIONS OF THE EXTERIORS OF QUALIFIED REHABILITATED STRUCTURES, BE COMPATIBLE WITH THE REHABILITATION STANDARDS OF THE UNITED STATES SECRETARY OF THE INTERIOR IF THE STRUCTURE IS LOCATED IN, OR ADVERSELY AFFECTS:~~

~~1. DESIGNATED HISTORIC DISTRICTS; OR~~

~~2. DISTRICTS DETERMINED BY THE DIRECTOR TO BE ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES;~~

~~(5) FOR COMMERCIAL REHABILITATIONS, DETERMINE WHETHER THE CERTIFIED REHABILITATION IS A HIGH PERFORMANCE BUILDING;~~

~~(6) FOR COMMERCIAL REHABILITATIONS, ESTABLISH A REQUIRED EXTERNAL MARKER OR, AT LEAST, AN INTERNAL MARKER FOR THE REHABILITATION PROJECTS THAT IDENTIFIES THAT THE REHABILITATION WAS FUNDED BY MARYLAND SUSTAINABLE COMMUNITIES TAX CREDITS; AND~~

~~(7) AS PROVIDED IN SUBSECTION (B)(1) AND (2) OF THIS SECTION, CHARGE A REASONABLE FEE TO CERTIFY HISTORIC REHABILITATIONS AND QUALIFIED REHABILITATED STRUCTURES UNDER THIS SUBTITLE.~~

~~(B) (1) THE DIRECTOR SHALL SET THE LEVEL OF THE FEE UNDER SUBSECTION (A)(7) OF THIS SECTION SO THAT THE PROJECTED PROCEEDS~~

~~FROM THE FEE WILL COVER THE COSTS TO THE TRUST OF ADMINISTERING THE CREDIT UNDER THIS SUBTITLE AND THE FEDERAL HISTORIC PRESERVATION TAX CREDIT.~~

~~(2) THE FEE CHARGED MAY NOT EXCEED 2% OF THE AMOUNT OF:~~

~~(I) THE INITIAL CREDIT CERTIFICATE ISSUED FOR A COMMERCIAL REHABILITATION; OR~~

~~(II) THE QUALIFIED REHABILITATION EXPENDITURES FOR A SINGLE FAMILY, OWNER OCCUPIED RESIDENTIAL REHABILITATION.~~

~~(3) IF THE FEE FOR A COMMERCIAL REHABILITATION IS NOT RECEIVED BY THE TRUST WITHIN 120 DAYS AFTER THE TRUST SENDS NOTICE THAT THE FEE IS DUE, THE RESERVATION OF AN AWARD FOR AN INITIAL CREDIT CERTIFICATE FOR THE REHABILITATION SHALL EXPIRE.~~

~~(C) THE DIRECTOR SHALL CONSULT WITH THE SMART GROWTH SUBCABINET ON THE RATING SYSTEM REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION.~~

~~5-904.~~

~~A BUILDING IS A QUALIFIED REHABILITATED STRUCTURE IF, IN THE REHABILITATION PROCESS:~~

~~(1) 50% OR MORE OF THE EXISTING EXTERNAL WALLS OF THE BUILDING ARE RETAINED IN PLACE AS EXTERNAL WALLS;~~

~~(2) 75% OR MORE OF THE EXISTING EXTERNAL WALLS OF THE BUILDING ARE RETAINED IN PLACE AS INTERNAL OR EXTERNAL WALLS; AND~~

~~(3) 75% OR MORE OF THE INTERNAL STRUCTURAL FRAMEWORK OF THE BUILDING IS RETAINED IN PLACE.~~

~~5-905.~~

~~(A) (1) THE DIRECTOR MAY ACCEPT AN APPLICATION FOR APPROVAL OF PLANS OF A PROPOSED REHABILITATION IF THE PROPOSED REHABILITATION MEETS THE REQUIREMENTS FOR ELIGIBILITY UNDER THE PROGRAM.~~

~~(2) IF THE PLANS OF A PROPOSED REHABILITATION MEET THE ELIGIBILITY REQUIREMENTS OF THE PROGRAM, THE DIRECTOR SHALL ACCEPT~~

~~APPLICATIONS FOR APPROVAL OF PLANS FOR REHABILITATION IN THE ORDER IN WHICH THEY ARE RECEIVED BY THE TRUST.~~

~~(3) THE DIRECTOR MAY NOT ACCEPT AN APPLICATION FOR APPROVAL OF PLANS OF A PROPOSED REHABILITATION IF:~~

~~(I) ANY SUBSTANTIAL PART OF THE PROPOSED REHABILITATION WORK HAS BEGUN; OR~~

~~(II) THE APPLICANT FOR A COMMERCIAL REHABILITATION HAS PREVIOUSLY SUBMITTED THREE OR MORE APPLICATIONS FOR COMMERCIAL REHABILITATIONS WITH TOTAL PROPOSED REHABILITATIONS EXCEEDING \$500,000 IN THAT YEAR.~~

~~(4) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, FOR A COMMERCIAL REHABILITATION, THE DIRECTOR MAY MAKE AN AWARD OF AN INITIAL CREDIT CERTIFICATE CONSISTENT WITH THE REQUIREMENTS OF THIS SUBTITLE.~~

~~(5) PRIOR TO MAKING AWARDS OF AN INITIAL CREDIT CERTIFICATE, THE DIRECTOR SHALL NOTIFY THE SMART GROWTH SUBCABINET OF THE APPLICATIONS AND PROPOSED AWARDS.~~

~~(B) THE DIRECTOR MAY NOT CERTIFY A COMPLETED REHABILITATION FOR THE CERTIFIED REHABILITATION UNDER THIS SUBTITLE UNLESS THE INDIVIDUAL OR BUSINESS ENTITY SEEKING CERTIFICATION STATES UNDER OATH THE AMOUNT OF THE INDIVIDUAL'S OR BUSINESS ENTITY'S QUALIFIED REHABILITATION EXPENDITURES.~~

~~(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, FOR THE TAXABLE YEAR IN WHICH A CERTIFIED REHABILITATION IS COMPLETED, AN INDIVIDUAL OR BUSINESS ENTITY MAY CLAIM A TAX CREDIT IN AN AMOUNT EQUAL TO:~~

~~(I) 20% OF THE INDIVIDUAL'S OR BUSINESS ENTITY'S QUALIFIED REHABILITATION EXPENDITURES FOR A SINGLE FAMILY, OWNER OCCUPIED RESIDENTIAL CERTIFIED HISTORIC STRUCTURE REHABILITATION; OR~~

~~(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, 20% OF THE INDIVIDUAL'S OR BUSINESS ENTITY'S QUALIFIED REHABILITATION EXPENDITURES FOR ANY OTHER REHABILITATION.~~

~~(2) FOR THE TAXABLE YEAR IN WHICH A CERTIFIED COMMERCIAL REHABILITATION IS COMPLETED, AN INDIVIDUAL OR BUSINESS ENTITY MAY CLAIM A TAX CREDIT IN AN AMOUNT EQUAL TO 25% OF THE INDIVIDUAL'S OR BUSINESS ENTITY'S QUALIFIED REHABILITATION EXPENDITURES IF THE CERTIFIED REHABILITATION IS A CERTIFIED HISTORIC STRUCTURE AND A HIGH PERFORMANCE BUILDING.~~

~~(3) FOR THE TAXABLE YEAR IN WHICH A CERTIFIED REHABILITATION IS COMPLETED, AN INDIVIDUAL OR BUSINESS ENTITY MAY CLAIM A TAX CREDIT IN AN AMOUNT EQUAL TO 10% OF THE INDIVIDUAL'S OR BUSINESS ENTITY'S QUALIFIED REHABILITATION EXPENDITURES IF THE CERTIFIED REHABILITATION IS A QUALIFIED REHABILITATED STRUCTURE.~~

~~(4) (i) FOR ANY COMMERCIAL REHABILITATION, THE STATE TAX CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED THE LESSER OF:~~

~~1. \$2,000,000; OR~~

~~2. THE MAXIMUM AMOUNT SPECIFIED UNDER THE INITIAL CREDIT CERTIFICATE ISSUED FOR THE REHABILITATION.~~

~~(ii) FOR A REHABILITATION OTHER THAN A COMMERCIAL REHABILITATION, THE STATE TAX CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED \$50,000.~~

~~(iii) FOR THE PURPOSES OF THE LIMITATION UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH, THE FOLLOWING SHALL BE TREATED AS A SINGLE COMMERCIAL REHABILITATION:~~

~~1. THE PHASED REHABILITATION OF THE SAME STRUCTURE OR PROPERTY;~~

~~2. THE SEPARATE REHABILITATION OF DIFFERENT COMPONENTS OF THE SAME STRUCTURE OR PROPERTY; OR~~

~~3. THE REHABILITATION OF MULTIPLE STRUCTURES THAT ARE FUNCTIONALLY RELATED TO SERVE AN OVERALL PURPOSE.~~

~~(5) (i) SUBJECT TO SUBPARAGRAPH (ii) OF THIS PARAGRAPH, THE INITIAL CREDIT CERTIFICATE FOR A PROPOSED COMMERCIAL REHABILITATION SHALL EXPIRE AND THE CREDIT UNDER THIS SECTION MAY NOT BE CLAIMED IF:~~

~~1. WITHIN 18 MONTHS AFTER THE INITIAL CREDIT CERTIFICATE WAS ISSUED, THE APPLICANT HAS NOT NOTIFIED THE TRUST, IN WRITING, THAT THE COMMERCIAL REHABILITATION HAS BEGUN; OR~~

~~2. WITHIN 30 MONTHS AFTER THE INITIAL CREDIT CERTIFICATE WAS ISSUED, THE COMMERCIAL REHABILITATION IS NOT COMPLETED.~~

~~(H) FOR REASONABLE CAUSE, THE DIRECTOR MAY POSTPONE THE 30-MONTH EXPIRATION DATE FOR AN INITIAL CREDIT CERTIFICATE FOR A COMMERCIAL REHABILITATION.~~

~~(6) IF THE TAX CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE YEAR EXCEEDS THE TOTAL TAX OTHERWISE PAYABLE BY THE BUSINESS ENTITY OR THE INDIVIDUAL FOR THAT TAXABLE YEAR, THE INDIVIDUAL OR BUSINESS ENTITY MAY:~~

~~(I) APPLY THE EXCESS AS A CREDIT FOR SUCCEEDING TAXABLE YEARS UNTIL THE EARLIER OF:~~

~~1. THE FULL AMOUNT OF THE CREDIT IS USED; OR~~

~~2. THE EXPIRATION OF THE TENTH TAXABLE YEAR AFTER THE TAXABLE YEAR IN WHICH THE REHABILITATION IS COMPLETED; OR~~

~~(II) CLAIM A REFUND IN THE AMOUNT OF THE EXCESS IF:~~

~~1. THE REHABILITATION IS A SINGLE-FAMILY, OWNER-OCCUPIED RESIDENCE;~~

~~2. THE REHABILITATION IS A COMMERCIAL REHABILITATION AND THE QUALIFIED REHABILITATION EXPENDITURES FOR THE REHABILITATION DO NOT EXCEED \$250,000; OR~~

~~3. THE BUSINESS ENTITY IS A NONPROFIT CORPORATION AND THE QUALIFIED REHABILITATION AND THE QUALIFIED EXPENDITURES DO NOT EXCEED \$250,000.~~

~~(E) THE STATE CREDIT ALLOWED UNDER THIS SECTION MAY BE ALLOCATED AMONG THE PARTNERS, MEMBERS, OR SHAREHOLDERS OF AN ENTITY IN ANY MANNER AGREED TO BY THOSE PERSONS IN WRITING.~~

~~(F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, THE DIRECTOR MAY NOT ISSUE INITIAL CREDIT CERTIFICATES UNDER THIS SUBTITLE THAT:~~

~~(I) IN THE AGGREGATE EXCEED \$50,000,000; AND~~

~~(H) 1. EXCEED \$20,000,000 IN FISCAL YEAR 2011;~~

~~2. EXCEED \$15,000,000 IN FISCAL YEAR 2012; AND~~

~~3. EXCEED \$15,000,000 IN FISCAL YEAR 2013.~~

~~(2) THE DIRECTOR MAY NOT ISSUE INITIAL CREDIT CERTIFICATES TO QUALIFIED REHABILITATED STRUCTURES THAT EXCEED 40% OF THE TOTAL CREDIT CERTIFICATES ISSUED IN A FISCAL YEAR.~~

~~(3) THE AMOUNT OF RESERVATIONS FOR INITIAL CREDIT CERTIFICATE AWARDS AND ISSUED INITIAL CREDIT CERTIFICATES THAT EXPIRE PRIOR TO OCTOBER 1, 2013, UNDER THE PROVISIONS OF § 5-903(B)(3) OF THIS SUBTITLE AND SUBSECTION (C)(5) OF THIS SECTION MAY NOT BE INCLUDED IN THE AGGREGATE AMOUNT OF INITIAL CREDIT CERTIFICATES ISSUED.~~

~~(4) IF THE INITIAL CREDIT CERTIFICATES ISSUED IN ANY FISCAL YEAR DO NOT EXCEED THE AMOUNTS UNDER PARAGRAPH (1)(H) OF THIS SUBSECTION, THE AMOUNT NOT AWARDED SHALL BE CARRIED OVER TO AND AVAILABLE FOR AWARD IN THE NEXT FISCAL YEAR.~~

~~(5) THE DIRECTOR MAY NOT ISSUE AN INITIAL CREDIT CERTIFICATE UNDER THIS SUBTITLE BEFORE OCTOBER 1, 2010, OR AFTER SEPTEMBER 30, 2013.~~

~~5-906.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) (I) "DISPOSITION" OR "DISPOSE" MEANS A TRANSFER OF LEGAL TITLE OR, IN THE CASE OF A LEASEHOLD, THE LEASEHOLD INTEREST.~~

~~(H) "DISPOSITION" OR "DISPOSE" INCLUDES A SALE IN A SALE AND LEASEBACK TRANSACTION, A TRANSFER UPON THE FORECLOSURE OF A SECURITY INTEREST, AND A GIFT.~~

~~(III) “DISPOSITION” OR “DISPOSE” DOES NOT INCLUDE A TRANSFER OF TITLE OR THE LEASEHOLD INTEREST TO A CREDITOR UPON CREATION OF A SECURITY INTEREST.~~

~~(3) “DISQUALIFYING WORK” MEANS WORK THAT:~~

~~(I) IS PERFORMED ON A CERTIFIED REHABILITATION; AND~~

~~(II) IF PERFORMED AS PART OF THE REHABILITATION CERTIFIED UNDER THIS SECTION, WOULD HAVE MADE THE REHABILITATION INELIGIBLE FOR CERTIFICATION.~~

~~(B) THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE RECAPTURED AS PROVIDED IN SUBSECTION (C) OF THIS SECTION IF, DURING THE TAXABLE YEAR IN WHICH A CERTIFIED REHABILITATION IS COMPLETED OR ANY OF THE 4 TAXABLE YEARS SUCCEEDING THE TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION IS COMPLETED:~~

~~(1) ANY DISQUALIFYING WORK IS PERFORMED ON A CERTIFIED REHABILITATION; OR~~

~~(2) FOR A COMMERCIAL REHABILITATION, THE CERTIFIED REHABILITATION IS COMPLETE AND HAS BEEN DISPOSED OF.~~

~~(C) (1) (I) IF DISPOSITION OCCURS OR DISQUALIFYING WORK IS PERFORMED DURING THE TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION WAS COMPLETED, 100% OF THE CREDIT SHALL BE RECAPTURED.~~

~~(II) IF DISPOSITION OCCURS OR DISQUALIFYING WORK IS PERFORMED DURING THE FIRST FULL YEAR SUCCEEDING THE TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION WAS COMPLETED, 80% OF THE CREDIT SHALL BE RECAPTURED.~~

~~(III) IF DISPOSITION OCCURS OR DISQUALIFYING WORK IS PERFORMED DURING THE SECOND FULL YEAR SUCCEEDING THE TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION WAS COMPLETED, 60% OF THE CREDIT SHALL BE RECAPTURED.~~

~~(IV) IF DISPOSITION OCCURS OR DISQUALIFYING WORK IS PERFORMED DURING THE THIRD FULL YEAR SUCCEEDING THE TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION WAS COMPLETED, 40% OF THE CREDIT SHALL BE RECAPTURED.~~

~~(v) IF DISPOSITION OCCURS OR DISQUALIFYING WORK IS PERFORMED DURING THE FOURTH FULL YEAR SUCCEEDING THE TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION WAS COMPLETED, 20% OF THE CREDIT SHALL BE RECAPTURED.~~

~~(2) THE INDIVIDUAL OR BUSINESS ENTITY THAT CLAIMED THE TAX CREDIT SHALL PAY THE AMOUNT TO BE RECAPTURED, AS DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AS TAXES PAYABLE TO THE STATE FOR THE TAXABLE YEAR IN WHICH THE DISPOSITION OCCURS OR THE DISQUALIFYING WORK IS PERFORMED.~~

~~5-907.~~

~~(A) THE COMPTROLLER MAY DETERMINE, UNDER THE PROCESS FOR RETURN EXAMINATION AND AUDIT UNDER §§ 13-301 AND 13-302 OF THE TAX GENERAL ARTICLE:~~

~~(1) THE AMOUNT OF REHABILITATION EXPENDITURES USED IN CALCULATING THE CREDIT;~~

~~(2) WHETHER SUCH EXPENDITURES ARE QUALIFIED REHABILITATION EXPENDITURES UNDER THIS SECTION; AND~~

~~(3) WHETHER THE CREDIT IS ALLOWABLE AS CLAIMED.~~

~~(B) THE AUTHORITY OF THE COMPTROLLER TO EXAMINE AND AUDIT A TAX RETURN DOES NOT LIMIT THE AUTHORITY OF THE DIRECTOR TO DETERMINE WHETHER A REHABILITATION QUALIFIES AS A CERTIFIED REHABILITATION OR WHETHER A CERTIFICATE OF COMPLETION FOR THE CERTIFIED REHABILITATION HAS BEEN PROPERLY ISSUED.~~

~~(C) THE COMPTROLLER MAY ADOPT REGULATIONS TO REQUIRE THAT AN ENTITY, OTHER THAN A CORPORATION, CLAIM THE TAX CREDIT ON THE TAX RETURN FILED BY THAT ENTITY.~~

~~5-908.~~

~~(A) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE CREDIT UNDER THIS SUBTITLE MAY BE CLAIMED FOR THE YEAR A CERTIFIED REHABILITATION IS COMPLETED, ONLY IF THE DIRECTOR HAS, BY THE TIME THE RETURN IS FILED, ISSUED A CERTIFICATE OF COMPLETION FOR THE CERTIFIED REHABILITATION.~~

~~(2) A TAXPAYER CLAIMING THE CREDIT MAY AMEND A RETURN FOR THE YEAR THE CERTIFIED REHABILITATION WAS COMPLETED TO ACCOUNT FOR A CERTIFICATE ISSUED SUBSEQUENT TO THE FILING OF THE ORIGINAL RETURN.~~

~~(3) AN AMENDED RETURN SHALL BE FILED WITHIN THE PERIOD ALLOWED UNDER THE TAX GENERAL ARTICLE FOR FILING REFUND CLAIMS.~~

~~(4) THE PROVISIONS OF THIS SUBSECTION DO NOT EXTEND THE PERIOD IN WHICH A CERTIFIED REHABILITATION MUST BE COMPLETED TO BE ELIGIBLE FOR A TAX CREDIT UNDER THIS SUBTITLE.~~

~~(5) AN AMENDED RETURN MAY ACCOUNT FOR AN AMENDED CERTIFICATION ISSUED BY THE DIRECTOR FOR A CERTIFIED REHABILITATION.~~

~~(B) A REFUND PAYABLE UNDER § 5-905(C)(6)(II) OF THIS SUBTITLE:~~

~~(1) OPERATES TO REDUCE THE INCOME TAX REVENUE FROM CORPORATIONS IF THE PERSON ENTITLED TO THE REFUND IS A CORPORATION SUBJECT TO THE INCOME TAX UNDER TITLE 10 OF THE TAX GENERAL ARTICLE;~~

~~(2) OPERATES TO REDUCE INSURANCE PREMIUM TAX REVENUES IF THE PERSON ENTITLED TO THE REFUND IS SUBJECT TO TAXATION UNDER TITLE 6 OF THE INSURANCE ARTICLE; AND~~

~~(3) OPERATES TO REDUCE THE INCOME TAX REVENUE FROM INDIVIDUALS IF THE PERSON ENTITLED TO THE REFUND IS:~~

~~(I) AN INDIVIDUAL SUBJECT TO THE INCOME TAX UNDER TITLE 10 OF THE TAX GENERAL ARTICLE; OR~~

~~(II) AN ORGANIZATION EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.~~

~~5-909.~~

~~(A) ON OR BEFORE DECEMBER 15 OF EACH YEAR, THE DIRECTOR SHALL REPORT TO THE GOVERNOR, THE SMART GROWTH SUBCABINET, AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON:~~

~~(1) THE INITIAL CREDIT CERTIFICATES AWARDED FOR COMMERCIAL REHABILITATIONS UNDER THIS SECTION DURING THAT FISCAL YEAR;~~

~~(2) THE TAX CREDITS AWARDED FOR CERTIFIED REHABILITATIONS COMPLETED IN THE PRECEDING FISCAL YEAR;~~

~~(3) WHETHER THE TAX CREDITS AWARDED FOR CERTIFIED REHABILITATIONS COMPLETED IN THE PRECEDING FISCAL YEAR WERE LOCATED IN:~~

~~(I) A MAIN STREET MARYLAND COMMUNITY OR MAPLE STREET COMMUNITY;~~

~~(II) A TRANSIT-ORIENTED DEVELOPMENT;~~

~~(III) A SUSTAINABLE COMMUNITY;~~

~~(IV) A LOCAL HISTORIC DISTRICT; OR~~

~~(V) A NATIONAL REGISTER DISTRICT; AND~~

~~(4) TO THE EXTENT POSSIBLE AND IN CONSULTATION WITH THE DEPARTMENTS OF HOUSING AND COMMUNITY DEVELOPMENT AND TRANSPORTATION, WHETHER THE CERTIFIED REHABILITATIONS COMPLETED IN THE PRECEDING FISCAL YEAR CONTRIBUTED TO THE REVITALIZATION OF A COMMUNITY.~~

~~(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE FOR EACH INITIAL CREDIT CERTIFICATE AWARDED DURING THE FISCAL YEAR FOR A COMMERCIAL REHABILITATION:~~

~~(1) THE NAME OF THE OWNER OR DEVELOPER OF THE COMMERCIAL REHABILITATION;~~

~~(2) THE NAME AND ADDRESS OF THE PROPOSED OR CERTIFIED REHABILITATION AND THE COUNTY WHERE THE PROJECT IS LOCATED;~~

~~(3) THE DATES OF RECEIPT AND APPROVAL BY THE DIRECTOR OF ALL APPLICATIONS REGARDING THE PROJECT, INCLUDING APPLICATIONS:~~

~~(I) FOR CERTIFICATION THAT A STRUCTURE OR PROPERTY WILL QUALIFY AS A CERTIFIED HISTORIC STRUCTURE; AND~~

~~(H) FOR APPROVAL OF THE PLAN OF PROPOSED REHABILITATION; AND~~

~~(4) THE MAXIMUM AMOUNT OF THE CREDIT STATED IN THE INITIAL CREDIT CERTIFICATE FOR THE PROJECT AND THE ESTIMATED REHABILITATION EXPENDITURES STATED IN THE APPLICATION FOR APPROVAL OF THE PLAN OF PROPOSED REHABILITATION;~~

~~(C) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE FOR EACH CERTIFIED COMMERCIAL REHABILITATION COMPLETED DURING THE PRECEDING FISCAL YEAR:~~

~~(1) THE NAME OF THE OWNER OR DEVELOPER OF THE COMMERCIAL REHABILITATION;~~

~~(2) THE NAME AND ADDRESS OF THE CERTIFIED REHABILITATION AND THE COUNTY WHERE THE PROJECT IS LOCATED;~~

~~(3) THE DATES OF RECEIPT AND APPROVAL BY THE DIRECTOR OF ALL APPLICATIONS REGARDING THE PROJECT; AND~~

~~(4) (I) THE MAXIMUM AMOUNT OF THE CREDIT STATED IN THE INITIAL CREDIT CERTIFICATE FOR THE PROJECT AND THE ESTIMATED REHABILITATION EXPENDITURES STATED IN THE APPLICATION FOR APPROVAL OF THE PLAN OF PROPOSED REHABILITATION; AND~~

~~(II) THE ACTUAL QUALIFIED REHABILITATION EXPENDITURES AND THE FINAL AMOUNT OF THE CREDIT FOR WHICH THE PROJECT QUALIFIED.~~

~~(D) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL SUMMARIZE FOR EACH CATEGORY OF CERTIFIED REHABILITATIONS:~~

~~(1) THE TOTAL NUMBER OF APPLICANTS FOR:~~

~~(I) CERTIFICATION THAT A STRUCTURE OR PROPERTY WILL QUALIFY AS A CERTIFIED HISTORIC STRUCTURE;~~

~~(II) APPROVAL OF PLANS OF PROPOSED REHABILITATIONS;~~
OR

~~(III) CERTIFICATION OF THE COMPLETED REHABILITATIONS;~~

~~(2) THE NUMBER OF PROPOSED PROJECTS FOR WHICH PLANS OF PROPOSED REHABILITATION WERE APPROVED; AND~~

~~(3) THE TOTAL ESTIMATED REHABILITATION EXPENDITURES STATED IN APPROVED APPLICATIONS FOR APPROVAL OF PLANS OF PROPOSED REHABILITATION AND THE TOTAL QUALIFIED REHABILITATION EXPENDITURES FOR COMPLETED REHABILITATIONS CERTIFIED.~~

~~(E) THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE PROVIDED IN THE AGGREGATE AND SEPARATELY FOR EACH OF THE FOLLOWING CATEGORIES OF CERTIFIED REHABILITATIONS:~~

~~(1) SINGLE FAMILY, OWNER OCCUPIED RESIDENTIAL STRUCTURES; AND~~

~~(2) COMMERCIAL REHABILITATIONS.~~

~~5-910.~~

~~(A) THERE IS A MARYLAND DEPARTMENT OF PLANNING SUSTAINABLE COMMUNITIES TAX CREDIT ADMINISTRATION FUND THAT IS A CONTINUING, NONLAPSING SPECIAL FUND THAT IS NOT SUBJECT TO § 7-302 OF THIS ARTICLE.~~

~~(B) THE PROCEEDS FROM THE FEE CHARGED UNDER THIS SUBTITLE SHALL BE DEPOSITED IN THE FUND, TO BE USED ONLY FOR THE PURPOSES OF PAYING THE COSTS OF ADMINISTERING THE CREDIT UNDER THIS SUBTITLE AND THE FEDERAL HISTORIC TAX CREDIT.~~

~~(C) THE STATE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

~~5-911.~~

~~(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE PROVISIONS OF THIS SUBTITLE AND THE TAX CREDIT AUTHORIZED UNDER THIS SUBTITLE SHALL TERMINATE AS OF OCTOBER 1, 2013.~~

~~(B) ON AND AFTER OCTOBER 1, 2013, THE TAX CREDIT AUTHORIZED UNDER THIS SECTION MAY BE CLAIMED FOR:~~

~~(1) A REHABILITATION PROJECT, OTHER THAN A COMMERCIAL REHABILITATION, FOR WHICH AN APPLICATION FOR APPROVAL OF A PLAN OF~~

~~PROPOSED REHABILITATION WAS RECEIVED BY THE DIRECTOR ON OR BEFORE OCTOBER 1, 2013; OR~~

~~(2) A COMMERCIAL REHABILITATION FOR WHICH AN INITIAL CREDIT CERTIFICATE HAS BEEN AWARDED UNDER § 5-905 OF THIS SUBTITLE.~~

~~(c) THE DIRECTOR SHALL CONTINUE TO REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY AS REQUIRED UNDER § 5-909 OF THIS SUBTITLE FOR AS LONG AS ANY REHABILITATION PROJECT FOR WHICH THE TAX CREDIT MAY BE CLAIMED REMAINS INCOMPLETE.~~

Article – State Government

9-1406.

(b) The Subcabinet consists of:

(12) the Secretary of Transportation; [and]

(13) a representative of the Governor's office;

(14) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;

(15) THE SECRETARY OF LABOR, LICENSING, AND REGULATION;

AND

(16) THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION.

(h) (1) The Subcabinet shall:

[(1)] (I) provide a forum for discussion of interdepartmental issues relating to activities that affect growth, development, neighborhood conservation, and resource management;

[(2)] (II) work together using all available resources to promote the understanding of smart growth;

(III) WORK TOGETHER TO CREATE, ENHANCE, SUPPORT, AND REVITALIZE SUSTAINABLE COMMUNITIES ACROSS THE STATE;

(IV) ~~AFTER RECEIVING A REQUEST FROM A LOCAL JURISDICTION, CERTIFY THAT THE LOCAL JURISDICTION HAS IMPLEMENTED REGULATORY STREAMLINING OR OTHER DEVELOPMENT INCENTIVES IN PRIORITY FUNDING AREAS FOR THE PURPOSE OF THE RATING SYSTEM IN THE~~

~~SUSTAINABLE COMMUNITIES TAX CREDIT PROGRAM UNDER TITLE 5 OF THE
STATE FINANCE AND PROCUREMENT ARTICLE;~~

~~(v)~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
MAKE RECOMMENDATIONS TO:

1. THE DEPARTMENT OF BUSINESS AND ECONOMIC
DEVELOPMENT IN ACCORDANCE WITH § 5-1304 OF THE ECONOMIC
DEVELOPMENT ARTICLE;

2. THE DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT IN ACCORDANCE WITH § 6-206 OF THE HOUSING AND
COMMUNITY DEVELOPMENT ARTICLE;

3. THE DEPARTMENT OF PLANNING IN
ACCORDANCE WITH § 5-904 OF THE STATE FINANCE AND PROCUREMENT
ARTICLE; AND

4. THE DEPARTMENT OF TRANSPORTATION IN
ACCORDANCE WITH § 7-101 OF THE TRANSPORTATION ARTICLE;

[(3)] ~~(vi)~~ (v) in coordination with State agencies, evaluate and
report annually to the Governor and, in accordance with § 2-1246 of this article, to the
General Assembly on the implementation of the State's smart growth policy; and

[(4)] ~~(vii)~~ (vi) perform other duties assigned by the Governor.

(2) THE FAILURE OF THE SUBCABINET TO MAKE A
RECOMMENDATION UNDER PARAGRAPH ~~(1)(v)~~ (1)(iv) OF THIS SUBSECTION
MAY NOT BE CONSTRUED AS PROHIBITING A DEPARTMENT TO ACT IN
ACCORDANCE WITH THE DEPARTMENT'S AUTHORITY UNDER STATE LAW.

Article – Transportation

SUBTITLE 7. SUSTAINABLE COMMUNITIES.

2-701.

(A) THE GENERAL ASSEMBLY FINDS THAT THE STATE MUST HAVE
SUSTAINABLE COMMUNITIES IN ORDER TO:

(1) PRESERVE AND PROTECT THE STATE'S NATURAL RESOURCES;
AND

(2) ACHIEVE THE STATE'S ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY IN § 5-7A-01 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(B) THE GENERAL ASSEMBLY FINDS THAT SUSTAINABLE COMMUNITIES ARE PLACES WHERE PUBLIC AND PRIVATE INVESTMENTS AND PARTNERSHIPS ACHIEVE:

(1) DEVELOPMENT OF A HEALTHY LOCAL ECONOMY;

(2) PROTECTION AND APPRECIATION OF HISTORIC AND CULTURAL RESOURCES;

(3) A MIX OF LAND USES;

(4) AFFORDABLE AND SUSTAINABLE HOUSING AND JOB OPTIONS;
AND

(5) GROWTH AND DEVELOPMENT PRACTICES THAT PROTECT THE ENVIRONMENT AND CONSERVE AIR, WATER, AND ENERGY RESOURCES, ENCOURAGE WALKABILITY AND RECREATIONAL OPPORTUNITIES, AND, WHERE AVAILABLE, CREATE ACCESS TO TRANSIT.

2-702.

IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT SHALL:

(1) CONSIDER SUSTAINABLE COMMUNITIES AS IT CONSIDERS ANNUAL REVISIONS UNDER THE CONSOLIDATED TRANSPORTATION PROGRAM IN § 2-103.1(B) THROUGH (F) OF THIS TITLE; AND

(2) TWICE A YEAR CONSULT WITH THE SMART GROWTH SUBCABINET ESTABLISHED UNDER § 9-1406 OF THE STATE GOVERNMENT ARTICLE ON HOW THE DEPARTMENT MAY WORK COOPERATIVELY TO MAKE MUTUAL INVESTMENTS TOWARDS CREATING AND SUPPORTING SUSTAINABLE COMMUNITIES ACROSS THE STATE.

2-703.

SUBJECT TO THE LIMITATIONS IMPOSED BY THIS SUBTITLE, THE DEPARTMENT MAY EXERCISE ALL POWERS REASONABLY NECESSARY TO ACHIEVE THE PURPOSES OF THIS SUBTITLE, INCLUDING THE AUTHORITY TO:

(1) **ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE;**

(2) **APPLY FOR AND RECEIVE GRANTS, GIFTS, PAYMENTS, LOANS, ADVANCES, APPROPRIATIONS, PROPERTY, AND SERVICES FROM THE FEDERAL GOVERNMENT AND THE STATE, ANY OF THE AGENCIES OR POLITICAL SUBDIVISIONS OF THE FEDERAL GOVERNMENT AND THE STATE, OR OTHER PUBLIC OR PRIVATE PERSON; AND**

(3) **ENTER INTO AGREEMENTS AND CONTRACT FOR:**

(I) **ANY STUDIES, PLANS, DEMONSTRATIONS, OR PROJECTS;**

(II) **PLANNING, ENGINEERING, AND TECHNICAL SERVICES;**
OR

(III) **ANY PURPOSE NECESSARY FOR OR INCIDENTAL TO THE PERFORMANCE OF ITS DUTIES AND THE EXERCISE OF ITS POWERS UNDER THIS SUBTITLE.**

7-101.

(m) "Transit-oriented development" means a mix of private or public parking facilities, commercial and residential structures, and uses, improvements, and facilities customarily appurtenant to such facilities and uses, that:

(1) Is part of a deliberate development plan or strategy involving:

(i) Property that is adjacent to the passenger boarding and alighting location of a planned or existing transit station; or

(ii) Property, any part of which is located within one-half mile of the passenger boarding and alighting location of a planned or existing transit station;

(2) Is planned to maximize the use of transit, walking, and bicycling by residents and employees; and

(3) Is designated as a transit-oriented development by:

(i) The Secretary [in consultation with the secretaries of Business and Economic Development, General Services, Housing and Community Development, the Environment, and Planning], **AFTER CONSIDERING A**

RECOMMENDATION OF THE SMART GROWTH SUBCABINET ESTABLISHED UNDER § 9-1406 OF THE STATE GOVERNMENT ARTICLE; and

(ii) The local government or multicounty agency with land use and planning responsibility for the relevant area.

~~Article – Insurance~~

~~6-105.2.~~

~~A person subject to the tax imposed under this subtitle may claim a credit against the tax for a certified rehabilitation as provided under [§ 5A-303] TITLE 5, SUBTITLE 9 of the State Finance and Procurement Article.~~

~~Article – Tax – General~~

~~10-704.5.~~

~~(a) An individual or corporation may claim a credit against the State income tax for a certified rehabilitation as provided under [§ 5A-303] TITLE 5, SUBTITLE 9 of the State Finance and Procurement Article.~~

~~(b) An individual or corporation that is not otherwise required to file an income tax return, including a corporation exempt from income tax under § 501(c)(3) of the Internal Revenue Code:~~

~~(1) may file a return to claim a refund of the credit under this section;~~
~~and~~

~~(2) shall file a return if the individual or corporation is subject to the recapture of the credit under this section as provided under [§ 5A-303] TITLE 5, SUBTITLE 9 of the State Finance and Procurement Article.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5A-303 of the Article – State Finance and Procurement of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:~~

Article – State Finance and Procurement

~~[5A-303.] 1.~~

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Business entity” means:

(i) a person conducting or operating a trade or business in the State; or

(ii) an organization operating in Maryland that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(3) “Certified heritage area” has the meaning stated in § 13–1101 of the Financial Institutions Article.

(4) (i) “Certified ~~heritage~~ **HISTORIC** structure” means a structure that is located in the State and is:

1. listed in the National Register of Historic Places;

2. designated as a historic property under local law and determined by the Director to be eligible for listing on the National Register of Historic Places;

3. A. located in a historic district listed on the National Register of Historic Places or in a local historic district that the Director determines is eligible for listing on the National Register of Historic Places; and

B. certified by the Director as contributing to the significance of the district; or

4. located in a certified heritage area and certified by the Maryland Heritage Areas Authority as contributing to the significance of the certified heritage area.

(ii) “Certified ~~heritage~~ **HISTORIC** structure” does not include a structure that is owned by the State, a political subdivision of the State, or the federal government.

(5) “Certified rehabilitation” means a completed rehabilitation of:

(I) a certified ~~heritage~~ **HISTORIC** structure that the Director certifies is a substantial rehabilitation in conformance with the rehabilitation standards of the United States Secretary of the Interior; **OR**

(II) A QUALIFIED REHABILITATED STRUCTURE.

(6) “Commercial rehabilitation” means a rehabilitation of a structure other than a single-family, owner-occupied residence.

(7) “Director” means the Director of the Maryland Historical Trust.

(8) “FINANCIAL ASSISTANCE” MEANS ACTION BY THE STATE OR A STATE UNIT TO AWARD GRANTS, LOANS, LOAN GUARANTEES, OR INSURANCE TO A PUBLIC OR PRIVATE ENTITY TO FINANCE, WHOLLY OR PARTLY, A PROJECT THAT INVOLVES OR MAY RESULT IN BUILDING CONSTRUCTION, BUILDING ALTERATION, OR LAND DISTURBANCE.

(9) “HIGH PERFORMANCE BUILDING” MEANS A BUILDING THAT:

(I) MEETS OR EXCEEDS THE CURRENT VERSION OF THE U.S. GREEN BUILDING COUNCIL’S LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) GREEN BUILDING RATING SYSTEM GOLD RATING; OR

(II) ACHIEVES AT LEAST A COMPARABLE NUMERIC RATING ACCORDING TO A NATIONALLY RECOGNIZED, ACCEPTED, AND APPROPRIATE NUMERIC SUSTAINABLE DEVELOPMENT RATING SYSTEM, GUIDELINE, OR STANDARD APPROVED BY THE SECRETARIES OF BUDGET AND MANAGEMENT AND GENERAL SERVICES UNDER § 3-602.1 OF THIS ARTICLE.

(10) (I) “HISTORIC PROPERTY” MEANS A DISTRICT, SITE, BUILDING, STRUCTURE, MONUMENT, OR OBJECT SIGNIFICANT TO:

1. THE PREHISTORY OR HISTORY OF THE STATE; OR

2. THE UPLAND OR UNDERWATER ARCHEOLOGY, ARCHITECTURE, ENGINEERING, OR CULTURE OF THE STATE.

(II) “HISTORIC PROPERTY” INCLUDES RELATED ARTIFACTS, RECORDS, AND REMAINS.

~~(8)~~ (11) “Local historic district” means a district that the governing body of a county or municipal corporation, or the Mayor and City Council of Baltimore, has designated under local law as historic.

(12) “MAIN STREET MARYLAND COMMUNITY” MEANS:

(I) A COMMERCIAL AREA IN A LOCAL JURISDICTION DESIGNATED BY THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT AS A MAIN STREET MARYLAND COMMUNITY UNDER THE MAIN STREET MARYLAND PROGRAM ON OR BEFORE JANUARY 1, 2010; OR

(II) A COMMERCIAL AREA IN BALTIMORE CITY DESIGNATED AS A MAIN STREET BY THE MAYOR OF BALTIMORE CITY ON OR BEFORE JANUARY 1, 2010.

(13) “MAIN STREET MARYLAND PROGRAM” MEANS THE MARYLAND MAIN STREET DESIGNATION PROGRAM FOR LOCAL JURISDICTIONS ESTABLISHED IN THE CODE OF MARYLAND REGULATIONS (COMAR).

~~(9)~~ **(14)** “National register structure” means a structure that is:

- (i) listed on the National Register of Historic Places; or
- (ii) located in a historic district listed on the National Register of Historic Places and certified by the Director as contributing to the significance of the district.

(15) “POLITICAL SUBDIVISION” MEANS A COUNTY OR MUNICIPAL CORPORATION OF THE STATE.

~~(10)~~ **(16)** “Qualified rehabilitation expenditure” means any amount that:

- (i) is properly chargeable to a capital account;
- (ii) is expended in the rehabilitation of a structure that by the end of the calendar year in which the certified rehabilitation is completed is a certified ~~heritage~~ **HISTORIC** structure **OR A QUALIFIED REHABILITATED STRUCTURE**;

(iii) is expended in compliance with a plan of proposed rehabilitation that has been approved by the Director; and

- (iv) is not funded, financed, or otherwise reimbursed by any:
 - 1. State or local grant;
 - 2. grant made from the proceeds of tax-exempt bonds issued by the State, a political subdivision of the State, or an instrumentality of the State or of a political subdivision of the State;
 - 3. State tax credit other than the tax credit under this section; or
 - 4. other financial assistance from the State or a political subdivision of the State, other than a loan that must be repaid at an interest rate that is greater than the interest rate on general obligation bonds issued by the State at the most recent bond sale prior to the time the loan is made.

(17) (I) “QUALIFIED REHABILITATED STRUCTURE” MEANS A BUILDING, OTHER THAN A SINGLE-FAMILY, OWNER-OCCUPIED RESIDENCE, THAT:

1. A. IS LOCATED IN A MAIN STREET MARYLAND COMMUNITY; OR

B. BEGINNING IN FISCAL 2012, IS LOCATED IN A MAIN STREET MARYLAND COMMUNITY OR A SUSTAINABLE COMMUNITY;

2. WILL BE SUBSTANTIALLY REHABILITATED; AND

3. MEETS THE REQUIREMENTS SET FORTH IN SUBSECTION (B)(7) OF THIS SECTION.

(II) “QUALIFIED REHABILITATED STRUCTURE” DOES NOT INCLUDE A CERTIFIED HISTORIC STRUCTURE.

(18) (I) “SINGLE-FAMILY, OWNER-OCCUPIED RESIDENCE” MEANS A STRUCTURE OR A PORTION OF A STRUCTURE OCCUPIED BY THE OWNER AND THE OWNER’S IMMEDIATE FAMILY AS THEIR PRIMARY OR SECONDARY RESIDENCE.

(II) “SINGLE-FAMILY, OWNER-OCCUPIED RESIDENCE” INCLUDES A RESIDENTIAL UNIT IN A COOPERATIVE PROJECT OWNED BY OR LEASED TO A COOPERATIVE HOUSING CORPORATION, AS DEFINED IN § 5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE, AND LEASED FOR EXCLUSIVE OCCUPANCY TO, AND OCCUPIED BY, A MEMBER OF THE CORPORATION AND THE MEMBER’S IMMEDIATE FAMILY UNDER A PROPRIETARY LEASE.

(19) “SMART GROWTH SUBCABINET” MEANS THE SMART GROWTH SUBCABINET ESTABLISHED UNDER TITLE 9, SUBTITLE 14 OF THE STATE GOVERNMENT ARTICLE.

(20) “STATE UNIT” HAS THE MEANING STATED IN § 11-101 OF THE STATE GOVERNMENT ARTICLE.

~~(14)~~ (21) “Substantial rehabilitation” means rehabilitation of a structure for which the qualified rehabilitation expenditures, during the 24-month period selected by the individual or business entity ending with or within the taxable year, exceed:

(i) for SINGLE-FAMILY, owner-occupied residential property, \$5,000; ~~or~~

(II) FOR A QUALIFIED REHABILITATED STRUCTURE LOCATED IN A MAIN STREET MARYLAND COMMUNITY, THE GREATER OF:

1. 50% OF THE ADJUSTED BASIS OF THE STRUCTURE; OR

2. \$25,000; OR

~~(ii)~~ (III) for all other property, the greater of:

1. the adjusted basis of the structure; or

2. ~~\$5,000~~ \$25,000.

(22) "SUSTAINABLE COMMUNITY" HAS THE MEANING STATED IN § 6-201 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(b) (1) The Director, IN CONSULTATION WITH THE SMART GROWTH SUBCABINET, shall adopt regulations to:

(i) establish procedures and standards for certifying ~~heritage~~ HISTORIC structures and rehabilitations under this section;

(ii) for commercial rehabilitations, establish an application process for the award of initial credit certificates for Maryland ~~heritage structure~~ SUSTAINABLE COMMUNITIES ~~rehabilitation~~ tax credits consistent with the requirements of this subsection;

(iii) for commercial rehabilitations, establish criteria, consistent with the requirements of this subsection, for evaluating, comparing, and rating plans of proposed rehabilitation that have been determined by the Director ~~to~~:

1. FOR CERTIFIED HISTORIC STRUCTURES, TO conform with the rehabilitation standards of the United States Secretary of the Interior;

2. FOR REHABILITATIONS OF THE EXTERIORS OF QUALIFIED REHABILITATED STRUCTURES, TO BE COMPATIBLE WITH THE REHABILITATION STANDARDS OF THE UNITED STATES SECRETARY OF THE INTERIOR IF THE STRUCTURE IS LOCATED IN, OR ADVERSELY AFFECTS:

A. A DESIGNATED HISTORIC DISTRICT; OR

B. A DISTRICT DETERMINED BY THE DIRECTOR TO BE ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES;
and

(iv) for commercial rehabilitations, establish a competitive award process for the award of initial credit certificates for Maryland ~~heritage structure rehabilitation~~ SUSTAINABLE COMMUNITIES tax credits that FAVORS THE AWARD OF TAX CREDITS FOR REHABILITATION PROJECTS THAT:

1. ~~favours the award of tax credits for rehabilitation projects that~~ ARE located in jurisdictions that have been historically underrepresented in the award of tax credits for commercial rehabilitations, based on the number of national register structures in each jurisdiction;

2. ~~favours the award of tax credits for rehabilitation projects that~~ are consistent with and promote current growth and development policies and programs of the State; ~~and~~

~~3. A. favours the award of tax credits for structures that are listed in the National Register of Historic Places or are designated as historic properties under local law and determined by the Director to be eligible for listing in the National Register of Historic Places; or~~

~~B. favours the award of tax credits for structures that are contributing buildings with historic significance and are located in historic districts listed in the National Register of Historic Places.~~

3. ARE LOCATED IN AREAS TARGETED BY THE STATE FOR ADDITIONAL REVITALIZATION AND ECONOMIC DEVELOPMENT OPPORTUNITIES DUE TO THE FOCUSING OF STATE RESOURCES AND INCENTIVES;

4. BEGINNING IN FISCAL 2012, ARE LOCATED IN SUSTAINABLE COMMUNITIES;

5. ARE LOCATED IN AREAS WHERE THE POLITICAL SUBDIVISION HAS IMPLEMENTED REGULATORY STREAMLINING OR OTHER DEVELOPMENT INCENTIVES THAT FOSTER REDEVELOPMENT AND REVITALIZATION IN PRIORITY FUNDING AREAS, AS DEFINED IN TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND THE APPROPRIATE LOCAL GOVERNING BODY OR THE PLANNING BOARD OR COMMISSION, IF DESIGNATED BY THE LOCAL GOVERNING BODY, HAS CERTIFIED TO THE SMART GROWTH SUBCABINET THOSE REGULATORY STREAMLINING OR OTHER DEVELOPMENT INCENTIVES;

6. INCLUDE AFFORDABLE AND WORKFORCE HOUSING OPTIONS; AND

7. ARE QUALIFIED REHABILITATED STRUCTURES MORE THAN 50 YEARS OLD;

(V) FOR COMMERCIAL REHABILITATIONS, DETERMINE WHETHER THE CERTIFIED REHABILITATION IS A HIGH PERFORMANCE BUILDING;

(VI) FOR COMMERCIAL REHABILITATIONS, ESTABLISH A REQUIRED EXTERNAL MARKER OR, AT A MINIMUM, AN INTERNAL MARKER FOR THE REHABILITATION PROJECTS THAT IDENTIFIES THAT THE REHABILITATION WAS FUNDED BY MARYLAND SUSTAINABLE COMMUNITIES TAX CREDITS; AND

(VII) AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, CHARGE A REASONABLE FEE TO CERTIFY HISTORIC STRUCTURES AND QUALIFIED REHABILITATED STRUCTURES UNDER THIS SUBTITLE.

(2) The Director may not certify that a rehabilitation is a certified rehabilitation eligible for a tax credit provided under this section unless the individual or business entity seeking certification states under oath the amount of the individual's or business entity's qualified rehabilitation expenditures.

(3) Each year, the Director may accept applications for approval of plans of proposed commercial rehabilitations and for the award of initial credit certificates for the fiscal year that begins July 1 of that year.

(4) For commercial rehabilitations, the Director may not accept an application for approval of plans of proposed rehabilitation if:

(i) any substantial part of the proposed rehabilitation work has begun; or

(ii) the applicant for a commercial rehabilitation has previously submitted three or more applications for commercial rehabilitations with total proposed rehabilitations exceeding \$500,000 in that year.

(5) **(I)** Except as provided in subsection (d)(3)(iii) of this section, not more than 75% of the total credit amounts under initial credit certificates issued for any fiscal year may be issued for projects in a single county or Baltimore City.

(II) NOT MORE THAN 10% OF THE TOTAL CREDIT AMOUNTS UNDER INITIAL CREDIT CERTIFICATES ISSUED FOR ANY FISCAL YEAR MAY BE ISSUED FOR PROJECTS THAT ARE QUALIFIED REHABILITATED STRUCTURES.

(6) (i) The Director shall adopt regulations to charge a reasonable fee to certify ~~heritage~~ **HISTORIC** structures and rehabilitations under this section.

(ii) The Director shall set the level of the fee so that the projected proceeds from the fee will cover the costs to the Trust of administering the credit under this section and the federal historic tax credit.

(iii) The fee charged may not exceed 1% of the amount of the initial credit certificate issued for a commercial rehabilitation project or the amount of the credit for which a single-family, owner-occupied rehabilitation would be eligible based on the greater of the estimated or final qualified rehabilitation expenditures for the rehabilitation.

(IV) IF THE FEE CHARGED FOR A COMMERCIAL REHABILITATION IS NOT RECEIVED BY THE TRUST WITHIN 120 DAYS AFTER THE TRUST SENDS NOTICE THAT THE FEE IS DUE, THE INITIAL CREDIT CERTIFICATE FOR THE REHABILITATION SHALL EXPIRE.

~~(iv)~~ **(V)** The proceeds from the fee shall be deposited in a special fund, to be used only for the purposes of paying the costs of administering the credit under this section and the federal historic tax credit.

~~(v)~~ **(VI)** Any unused balance of the fund at the end of each fiscal year shall be transferred to the Reserve Fund established under subsection (d) of this section and shall increase the amount of the initial credit certificates that the Trust may issue for the following fiscal year.

(7) FOR A BUILDING TO BE A QUALIFIED REHABILITATED STRUCTURE, AFTER THE REHABILITATION PROCESS:

(I) 50% OR MORE OF THE EXISTING EXTERNAL WALLS OF THE BUILDING MUST BE RETAINED IN PLACE AS EXTERNAL WALLS;

(II) 75% OR MORE OF THE EXISTING EXTERNAL WALLS OF THE BUILDING MUST BE RETAINED IN PLACE AS INTERNAL OR EXTERNAL WALLS; AND

(III) 75% OR MORE OF THE INTERNAL STRUCTURAL FRAMEWORK OF THE BUILDING MUST BE RETAINED IN PLACE.

(c) (1) **(I)** Except as otherwise provided in this section, for the taxable year in which a certified rehabilitation is completed, an individual or business entity may claim a tax credit in an amount equal to 20% of the individual's or business entity's qualified rehabilitation expenditures for the rehabilitation.

(II) AN INDIVIDUAL OR BUSINESS ENTITY MAY CLAIM A TAX CREDIT IN AN AMOUNT EQUAL TO 25% OF THE INDIVIDUAL'S OR BUSINESS

ENTITY'S QUALIFIED REHABILITATION EXPENDITURES IF THE CERTIFIED REHABILITATION IS A CERTIFIED HISTORIC STRUCTURE AND A HIGH PERFORMANCE BUILDING.

(III) AN INDIVIDUAL OR BUSINESS ENTITY MAY CLAIM A TAX CREDIT IN AN AMOUNT EQUAL TO 10% OF THE INDIVIDUAL'S OR BUSINESS ENTITY'S QUALIFIED REHABILITATION EXPENDITURES IF THE CERTIFIED REHABILITATION IS A QUALIFIED REHABILITATED STRUCTURE.

(2) (i) For any commercial rehabilitation, the State tax credit allowed under this section may not exceed the lesser of:

1. \$3,000,000; or
2. the maximum amount specified under the initial credit certificate issued for the rehabilitation.

(ii) For a rehabilitation other than a commercial rehabilitation, the State tax credit allowed under this section may not exceed \$50,000.

(iii) For the purposes of the limitation under subparagraph (i) of this paragraph, the following shall be treated as a single commercial rehabilitation:

1. the phased rehabilitation of the same structure or property;
2. the separate rehabilitation of different components of the same structure or property; or
3. the rehabilitation of multiple structures that are functionally related to serve an overall purpose.

(3) (i) Subject to subparagraph (ii) of this paragraph, the initial credit certificate for a proposed commercial rehabilitation shall expire and the credit under this section may not be claimed if:

1. WITHIN 18 MONTHS AFTER THE INITIAL CREDIT CERTIFICATE WAS ISSUED, THE APPLICANT HAS NOT NOTIFIED THE TRUST, IN WRITING, THAT THE COMMERCIAL REHABILITATION HAS BEGUN; OR

2. the commercial rehabilitation is not completed within 30 months after the initial credit certificate was issued.

(ii) For reasonable cause, the Director may postpone the **30-MONTH** expiration date for an initial credit certificate for a commercial rehabilitation.

(4) If the tax credit allowed under this section in any taxable year exceeds the total tax otherwise payable by the business entity or the individual for that taxable year, the individual or business entity may claim a refund in the amount of the excess.

(d) (1) In this subsection, “Reserve Fund” means the ~~Heritage Structure Rehabilitation~~ **SUSTAINABLE COMMUNITIES** Tax Credit Reserve Fund established under paragraph (2) of this subsection.

(2) (i) There is a ~~Heritage Structure Rehabilitation~~ **SUSTAINABLE COMMUNITIES** Tax Credit Reserve Fund that is a continuing, nonlapsing special fund that is not subject to § 7-302 of ~~[this article]~~ **THE STATE FINANCE AND PROCUREMENT ARTICLE**.

(ii) The money in the Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall be credited to the General Fund.

(3) (i) Subject to the provisions of this subsection, the Director shall issue an initial credit certificate for each commercial rehabilitation for which a plan of proposed rehabilitation is approved.

(ii) An initial credit certificate issued under this subsection shall state the maximum amount of credit under this section for which the commercial rehabilitation may qualify.

(iii) 1. Except as otherwise provided in this subparagraph and in subsection ~~(b)(6)(v)~~ **(B)(6)(VI)** of this section, for any fiscal year, the Director may not issue initial credit certificates for credit amounts in the aggregate totaling more than the amount appropriated to the Reserve Fund for that fiscal year in the State budget as approved by the General Assembly.

2. If the aggregate credit amounts under initial credit certificates issued in a fiscal year total less than the amount appropriated to the Reserve Fund for that fiscal year as a result of the limitation under subsection ~~(b)(5)~~ **(B)(5)(I)** of this section, any excess amount may be issued under initial credit certificates for projects in a county or Baltimore City in the same fiscal year, without regard to the limitation under subsection ~~(b)(5)~~ **(B)(5)(I)** of this section.

3. Subject to subparagraph 2 of this subparagraph, if the aggregate credit amounts under initial credit certificates issued in a fiscal year total less than the amount appropriated to the Reserve Fund for that fiscal year, any excess amount shall remain in the Reserve Fund and may be issued under initial credit certificates for the next fiscal year.

4. For any fiscal year, if funds are transferred from the Reserve Fund under the authority of any provision of law other than paragraph (4) of this subsection, the maximum credit amounts in the aggregate for which the Director may issue initial credit certificates shall be reduced by the amount transferred.

(iv) For each of fiscal years ~~2009 and 2010~~ **2011, 2012, 2013, AND 2014**, the Governor shall include in the budget bill an appropriation to the Reserve Fund.

(v) Notwithstanding the provisions of § 7-213 of ~~{this article}~~ **THE STATE FINANCE AND PROCUREMENT ARTICLE**, the Governor may not reduce an appropriation to the Reserve Fund in the State budget as approved by the General Assembly.

(vi) The Director may not issue an initial credit certificate for any fiscal year after fiscal year ~~2010~~ **2014**.

(4) (i) Except as provided in this paragraph, money appropriated to the Reserve Fund shall remain in the Fund.

(ii) 1. Within 15 days after the end of each calendar quarter, the Trust shall notify the Comptroller as to each commercial rehabilitation completed and certified during the quarter:

A. the maximum credit amount stated in the initial credit certificate for the project; and

B. the final certified credit amount for the project.

2. On notification that a project has been certified, the Comptroller shall transfer an amount equal to the maximum credit amount stated in the initial credit certificate for the project from the Reserve Fund to the General Fund.

(iii) 1. On or before October 1 of each year, the Trust shall notify the Comptroller as to the maximum credit amount stated in the initial credit certificate for each commercial rehabilitation for which the initial credit certificate has expired under subsection (c)(3) of this section as of the end of the prior fiscal year.

2. On notification that the initial credit certificate for a project has expired under subsection (c)(3) of this section, the Comptroller shall transfer an amount equal to the maximum credit amount stated in the initial credit certificate for the project from the Reserve Fund to the General Fund.

(e) (1) **(I)** In this subsection, ~~“disqualifying work” means work that:~~
THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) 1. “DISPOSE OF” MEANS TO TRANSFER LEGAL TITLE OR, IN THE CASE OF A LEASEHOLD, THE LEASEHOLD INTEREST.

2. “DISPOSE OF” INCLUDES TO SELL IN A SALE-AND-LEASEBACK TRANSACTION, TO TRANSFER ON THE FORECLOSURE OF A SECURITY INTEREST, OR TO TRANSFER BY GIFT.

3. “DISPOSE OF” DOES NOT INCLUDE TO TRANSFER TITLE OR THE LEASEHOLD INTEREST TO A CREDITOR ON CREATION OF A SECURITY INTEREST.

(III) “DISQUALIFYING WORK” MEANS WORK THAT:

~~(i)~~ **1.** is performed on a certified ~~heritage structure for which a rehabilitation has been certified under this section~~ **REHABILITATION**; and

~~(ii)~~ **2.** if performed as part of the rehabilitation certified under this section, would have made the rehabilitation ineligible for certification.

(2) The credit allowed under this section shall be recaptured as provided in paragraph (3) of this subsection if, during the taxable year in which a certified rehabilitation is completed or any of the 4 taxable years succeeding the taxable year in which the certified rehabilitation is completed;

(I) any disqualifying work is performed on the certified ~~heritage structure for which the certified rehabilitation has been completed~~ **REHABILITATION**; **OR**

(II) FOR A COMMERCIAL REHABILITATION, THE CERTIFIED REHABILITATION IS COMPLETE AND HAS BEEN DISPOSED OF.

(3) (i) 1. If the disqualifying work is performed **OR THE CERTIFIED REHABILITATION IS DISPOSED OF** during the taxable year in which the certified rehabilitation was completed, 100% of the credit shall be recaptured.

2. If the disqualifying work is performed **OR THE CERTIFIED REHABILITATION IS DISPOSED OF** during the first full year succeeding the taxable year in which the certified rehabilitation was completed, 80% of the credit shall be recaptured.

3. If the disqualifying work is performed **OR THE CERTIFIED REHABILITATION IS DISPOSED OF** during the second full year succeeding the taxable year in which the certified rehabilitation was completed, 60% of the credit shall be recaptured.

4. If the disqualifying work is performed OR THE CERTIFIED REHABILITATION IS DISPOSED OF during the third full year succeeding the taxable year in which the certified rehabilitation was completed, 40% of the credit shall be recaptured.

5. If the disqualifying work is performed OR THE CERTIFIED REHABILITATION IS DISPOSED OF during the fourth full year succeeding the taxable year in which the certified rehabilitation was completed, 20% of the credit shall be recaptured.

(ii) The individual or business entity that claimed the tax credit shall pay the amount to be recaptured as determined under subparagraph (i) of this paragraph as taxes payable to the State for the taxable year in which the disqualifying work is performed OR THE CERTIFIED REHABILITATION IS DISPOSED OF.

(f) (1) The Comptroller may determine, under the process for return examination and audit under §§ 13-301 and 13-302 of the Tax – General Article:

(i) the amount of rehabilitation expenditures used in calculating the credit;

(ii) whether such expenditures are qualified rehabilitation expenditures under this section; and

(iii) whether the credit is allowable as claimed.

(2) The authority of the Comptroller to examine and audit a tax return does not limit the authority of the Director to determine whether a rehabilitation qualifies as a certified rehabilitation or whether a certificate of certified rehabilitation has been properly issued.

(3) The Comptroller may adopt regulations to require that an entity other than a corporation claim the tax credit on the tax return filed by that entity.

(4) (i) Except as otherwise provided in this paragraph, the credit under this section may be claimed for the year a certified rehabilitation is completed, only if the Director has, by the time the return is filed, issued a certificate of completion for the certified rehabilitation.

(ii) A taxpayer claiming the credit may amend a return for the year the certified rehabilitation was completed to account for a certificate issued subsequent to the filing of the original return.

(iii) An amended return shall be filed within the period allowed under the Tax – General Article for filing refund claims.

(iv) The provisions of this paragraph do not extend the period in which a certified rehabilitation must be completed to be eligible for a tax credit under this section.

(v) An amended return may account for an amended certification issued by the Director for a certified rehabilitation.

(g) A refund payable under subsection (c) of this section:

(1) operates to reduce the income tax revenue from corporations if the person entitled to the refund is a corporation subject to the income tax under Title 10 of the Tax – General Article;

(2) operates to reduce insurance premium tax revenues if the person entitled to the refund is subject to taxation under Title 6 of the Insurance Article; and

(3) operates to reduce the income tax revenue from individuals if the person entitled to the refund is:

(i) an individual subject to the income tax under Title 10 of the Tax – General Article; or

(ii) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(h) (1) On or before December 15 of each fiscal year, the Director shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, on:

(i) the initial credit certificates awarded for commercial rehabilitations under this section for that fiscal year; ~~and~~

(ii) the tax credits awarded for certified rehabilitations completed in the preceding fiscal year; AND

(III) WHETHER THE TAX CREDITS AWARDED FOR CERTIFIED REHABILITATIONS COMPLETED IN THE PRECEDING FISCAL YEAR WERE LOCATED IN:

- 1. A MAIN STREET MARYLAND COMMUNITY;**
- 2. BEGINNING IN FISCAL 2012, A SUSTAINABLE COMMUNITY;**
- 3. A LOCAL HISTORIC DISTRICT; OR**

4. A NATIONAL REGISTER DISTRICT.

(2) The report required under paragraph (1) of this subsection shall include for each initial credit certificate awarded for the fiscal year for a commercial rehabilitation:

(i) the name of the owner or developer of the commercial rehabilitation;

(ii) the name and address of the proposed or certified rehabilitation and the county where the project is located;

(iii) the dates of receipt and approval by the Director of all applications regarding the project, including applications:

1. for certification that a structure or property will qualify as a certified ~~heritage~~ **HISTORIC** structure **OR A QUALIFIED REHABILITATED STRUCTURE**; and

2. for approval of the proposed rehabilitation; and

(iv) the maximum amount of the credit stated in the initial credit certificate for the project and the estimated rehabilitation expenditures stated in the application for approval of the plan of proposed rehabilitation.

(3) The report required under paragraph (1) of this subsection shall include for each certified commercial rehabilitation completed during the preceding fiscal year:

(i) the name of the owner or developer of the commercial rehabilitation;

(ii) the name and address of the certified rehabilitation and the county where the project is located;

(iii) the dates of receipt and approval by the Director of all applications regarding the project; and

(iv) 1. the maximum amount of the credit stated in the initial credit certificate for the project and the estimated rehabilitation expenditures stated in the application for approval of the plan of proposed rehabilitation; and

2. the actual qualified rehabilitation expenditures and the final amount of the credit for which the project qualified.

(4) The report required under paragraph (1) of this subsection shall summarize for each category of certified rehabilitations:

(i) the total number of applicants for:

1. certification that a structure or property will qualify as a certified ~~heritage~~ **HISTORIC** structure **OR A QUALIFIED REHABILITATED STRUCTURE;**

2. approval of plans of proposed rehabilitations; or

3. certification of the completed rehabilitations;

(ii) the number of proposed projects for which plans of proposed rehabilitation were approved; and

(iii) the total estimated rehabilitation expenditures stated in approved applications for approval of plans of proposed rehabilitation and the total qualified rehabilitation expenditures for completed rehabilitations certified.

(5) The information required under paragraph (4) of this subsection shall be provided in the aggregate and separately for each of the following categories of certified rehabilitations:

(i) owner-occupied single family residential structures; and

(ii) commercial rehabilitations.

(i) (1) Subject to the provisions of this subsection, the provisions of this section and the tax credit authorized under this section shall terminate as of July 1, ~~2010~~ **2014**.

(2) On and after July 1, ~~2010~~ **2014**:

(i) the tax credit authorized under this section may be claimed for:

1. a rehabilitation project, other than a commercial rehabilitation, for which an application for approval of a plan of proposed rehabilitation was received by the Director on or before June 30, ~~2010~~ **2014**; or

2. a commercial rehabilitation for which an initial credit certificate has been awarded under subsection (d) of this section; and

(ii) the Director shall continue to report to the Governor and the General Assembly as required under subsection (h) of this section for as long as any rehabilitation project for which the tax credit may be claimed remains incomplete.

~~(J) THE STATE CREDIT ALLOWED UNDER THIS SECTION MAY BE ALLOCATED AMONG THE PARTNERS, MEMBERS, OR SHAREHOLDERS OF AN ENTITY IN ANY MANNER AGREED TO BY THOSE PERSONS IN WRITING.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That:~~

~~(a) Title 5, Subtitle 9 of the State Finance and Procurement Article, as enacted by Section 1 of this Act, shall be applicable to:~~

~~(1) Any project for rehabilitation of a single family, owner occupied residence for which an application for approval of a plan of proposed rehabilitation is received by the Director of the Maryland Historical Trust on or after July 1, 2010; and~~

~~(2) Any commercial rehabilitation project for which an application of a plan of proposed rehabilitation is approved by the Director of the Maryland Historical Trust on or after July 1, 2010.~~

~~(b) Former § 5A-303 of the State Finance and Procurement Article, as amended and transferred to the Session Laws by Section 2 of this Act, shall continue to be applicable to:~~

~~(1) Any project for rehabilitation of a single family, owner occupied residence for which an application for approval of a plan of proposed rehabilitation is received by the Director of the Maryland Historical Trust on or before June 30, 2010; and~~

~~(2) Any commercial rehabilitation project for which an application of a plan of proposed rehabilitation is approved by the Director of the Maryland Historical Trust on or before June 30, 2010.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That any unencumbered funds in the Heritage Structure Rehabilitation Tax Credit Reserve Fund established under former § 5A-303 of the State Finance and Procurement Article, as amended and transferred to the Session Laws by Section 2 of this Act, shall revert to the General Fund on June 30, 2014.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That subsection (j) of Section 2 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any commercial rehabilitation project for which an application of a plan of proposed rehabilitation is approved by the Director of the Maryland Historical Trust on or after January 1, 2005.~~

~~SECTION 6. 2. AND BE IT FURTHER ENACTED, That any community legacy area and community legacy plan approved by the Community Legacy Board prior to the effective date of this Act January 1, 2008 shall be considered a sustainable community and a sustainable plan for 18 months for 24 months after the effective date of this Act, and any community legacy area approved by the Community Legacy Board~~

on or after January 1, 2008, shall be considered a sustainable community for 36 months after the effective date of this Act.

SECTION ~~7~~ 3. AND BE IT FURTHER ENACTED, That within ~~18 months after the effective date~~ the time periods specified in Section 2 of this Act, a sponsor shall submit an updated application and plan to the Secretary to redesignate any previously approved community legacy area ~~and community legacy plan~~ to a sustainable community ~~and sustainable community plan~~ in accordance with ~~§ 6-205 §§ 6-204 and 6-205~~ of the Housing and Community Development Article for projects to be eligible for financial assistance under ~~§§ 6-205 and 6-207~~ § 6-206 of the Housing and Community Development Article, as enacted by Section 1 of this Act.

SECTION ~~8~~ 4. AND BE IT FURTHER ENACTED, That any designated neighborhood approved by the Secretary of Housing and Community Development prior to the effective date of this Act shall be considered a sustainable community for ~~18~~ 24 months after the effective date of this Act.

SECTION ~~9~~ 5. AND BE IT FURTHER ENACTED, That within ~~18~~ 24 months after the effective date of this Act, a sponsor shall file an application to redesignate any approved designated neighborhood as a sustainable community under §§ 6-204 and 6-205 ~~and 6-206~~ of the Housing and Community Development Article for projects to be eligible for financial assistance under § 6-305(b) ~~6-306(b)~~ of the Housing and Community Development Article, as enacted by Section 1 of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That a sponsor of a proposed sustainable community may use, and is encouraged to use, a current or recently updated community legacy area plan or another revitalization plan as a basis for an application to redesignate any community legacy area as a sustainable community.

SECTION ~~10~~ 7. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 488

(House Bill 474)

AN ACT concerning

Smart, Green, and Growing – Maryland Sustainable Growth Commission

FOR the purpose of repealing the Task Force on the Future for Growth and Development in Maryland; establishing the Maryland Sustainable Growth Commission; establishing the membership and the charge of the Commission;

providing for the terms of the members; requiring the Governor to designate the chair and the vice chair of the Commission; authorizing the Commission to adopt rules of procedure; requiring the Commission to submit an annual report of its activities on or before a certain date; providing for the termination of certain provisions of this Act; and generally relating to the Maryland Sustainable Growth Commission.

BY repealing

Chapter 381 of the Acts of the General Assembly of 2006, as amended by
Chapter 626 of the Acts of the General Assembly of 2007
Section 4

BY adding to

Article – State Finance and Procurement
Section 5–701 through 5–707 to be under the new subtitle “Subtitle 7. Maryland
Sustainable Growth Commission”
Annotated Code of Maryland
(2009 Replacement Volume)

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

**Chapter 381 of the Acts of 2006, as amended by Chapter 626 of the Acts of
2007**

[SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Future for Growth and Development in
Maryland.

(b) (1) The Task Force consists of the following members:

(i) two members of the House Environmental Matters
Committee, appointed by the Speaker of the House;

(ii) two members of the Senate Education, Health, and
Environmental Affairs Committee, appointed by the President of the Senate;

(iii) the Secretary of Planning, or the Secretary's designee;

(iv) the Secretary of the Environment, or the Secretary's
designee;

(v) the Secretary of Transportation, or the Secretary's designee;

(vi) the Secretary of Housing and Community Development, or
the Secretary's designee;

(vii) the Chair of the Base Realignment and Closure Subcabinet, or the Chair's designee;

(viii) the Executive Director of the Rural Maryland Council, or the Executive Director's designee;

(ix) the Director of the University of Maryland's National Center for Smart Growth, or the Director's designee;

(x) four representatives of local government:

1. two designated by the Maryland Municipal League, with one representing a rural county; and

2. two designated by the Maryland Association of Counties, with one representing a rural county; and

(xi) the following members, appointed by the Governor:

1. one representative of the environmental community;

2. one representative of the State Builders Association;

3. one representative of the agricultural community; and

4. three representatives of citizens organizations that address affordable housing, transportation, and smart growth.

(2) If the Governor appoints a regulated lobbyist to serve as a member of the Task Force, the lobbyist:

(i) is not subject to § 15–504(d) of the State Government Article with respect to that service; and

(ii) is not subject to § 15–703(f)(3) of the State Government Article as a result of that service.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of Planning shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study current land use policies and their impact on growth in the State;

(2) study current trends and challenges for municipal corporations and counties as they relate to growth, including population and demographic changes;

(3) analyze the capabilities of municipal corporations and counties to plan for future growth and development;

(4) analyze the impacts of county development proximate to municipal corporate limits on municipal infrastructure, water resources, and sensitive areas;

(5) analyze the impacts of municipal growth and development on county infrastructure, water resources, and sensitive areas;

(6) identify regional growth and development issues;

(7) study mechanisms to facilitate joint planning to coordinate growth and development between municipal corporations and counties;

(8) examine the impact of § 1.03(e) and § 3.05(f) of Article 66B of the Code on a local government's ability to establish a floating zone on a property or grant piecemeal rezoning of a specific property;

(9) determine methods to assess the cumulative impacts of proposed development on infrastructure, including water, sewer, roads, and utilities, and on transportation, fire and safety resources, health systems, educational systems, and environmental resources on a regional scale;

(10) (i) determine the parameters for a State development plan, State transportation plan, State housing plan; and

(ii) determine how these plans work together with local land use plans;

(11) identify infrastructure needed for smart growth development consistent with population growth;

(12) assess mechanisms to fund the construction and maintenance of smart growth infrastructure;

(13) make recommendations to implement law or regulations that further best management practices as they relate to future growth and development in the State; and

(14) serve as an advisory board to the Governor's Smart Growth Subcabinet, providing advice and guidance at least twice annually through December 31, 2010.

(g) On or before December 1, 2008, the Task Force shall report its findings and recommendations to the Speaker of the House, the President of the Senate, the House Environmental Matters Committee, the Senate Education, Health, and Environmental Affairs Committee, and the Governor, in accordance with § 2-1246 of the State Government Article.]

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

Article – State Finance and Procurement

SUBTITLE 7. MARYLAND SUSTAINABLE GROWTH COMMISSION.

5-701.

IN THIS SUBTITLE, “COMMISSION” MEANS THE MARYLAND SUSTAINABLE GROWTH COMMISSION.

5-702.

THERE IS A MARYLAND SUSTAINABLE GROWTH COMMISSION.

5-703.

(A) (1) THE COMMISSION CONSISTS OF THE FOLLOWING ~~30~~ MEMBERS:

(I) TWO MEMBERS OF THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE;

(II) TWO MEMBERS OF THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(III) AS EX OFFICIO MEMBERS:

1. THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;

2. THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;

3. THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;

4. THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

5. THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;

6. THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

7. THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S DESIGNEE;

~~7.~~ 8. THE SUPERINTENDENT OF THE MARYLAND STATE DEPARTMENT OF EDUCATION, OR THE SUPERINTENDENT'S DESIGNEE;

~~8.~~ 9. THE CHAIR OF THE BASE REALIGNMENT AND CLOSURE SUBCABINET, OR THE CHAIR'S DESIGNEE;

~~9.~~ 10. THE EXECUTIVE DIRECTOR OF THE RURAL MARYLAND COUNCIL, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

~~10.~~ 11. THE DIRECTOR OF THE UNIVERSITY OF MARYLAND'S NATIONAL CENTER FOR SMART GROWTH, OR THE DIRECTOR'S DESIGNEE;

(IV) FOUR REPRESENTATIVES OF LOCAL GOVERNMENT:

1. TWO DESIGNATED BY THE MARYLAND MUNICIPAL LEAGUE; AND

2. TWO DESIGNATED BY THE MARYLAND ASSOCIATION OF COUNTIES;

(V) APPOINTED BY THE GOVERNOR:

1. ONE REPRESENTATIVE OF THE SMART GROWTH COMMUNITY;
2. ONE REPRESENTATIVE OF THE ENVIRONMENTAL COMMUNITY;
3. ONE REPRESENTATIVE OF THE RESIDENTIAL BUILDING AND DEVELOPMENT COMMUNITY;
4. ONE REPRESENTATIVE OF THE COMMERCIAL BUILDING AND DEVELOPMENT COMMUNITY;
5. ONE REPRESENTATIVE OF THE AGRICULTURAL COMMUNITY;
6. ONE REPRESENTATIVE OF A CITIZEN ORGANIZATION THAT ADDRESSES HOUSING;
7. ONE REPRESENTATIVE OF A CITIZEN ORGANIZATION THAT ADDRESSES TRANSPORTATION;
8. ONE REPRESENTATIVE FROM WESTERN MARYLAND;
9. ONE REPRESENTATIVE FROM SOUTHERN MARYLAND;
10. ~~ONE REPRESENTATIVE~~ THREE REPRESENTATIVES FROM THE WASHINGTON METROPOLITAN AREA;
11. ~~ONE REPRESENTATIVE~~ THREE REPRESENTATIVES FROM THE BALTIMORE METROPOLITAN AREA; AND
12. ONE REPRESENTATIVE FROM THE EASTERN SHORE.

(2) (I) THE MEMBERS REPRESENTING A REGION OF THE STATE SHALL HAVE KNOWLEDGE OF SMART GROWTH AND PLANNING ISSUES.

(II) OF THE THREE MEMBERS REPRESENTING THE WASHINGTON METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR REGIONAL GOVERNMENT.

(III) OF THE THREE MEMBERS REPRESENTING THE BALTIMORE METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR REGIONAL GOVERNMENT.

(IV) OF THE MEMBERS APPOINTED BY THE GOVERNOR, ONE SHALL BE AN ARCHITECT THAT:

1. IS LICENSED TO PRACTICE IN THE STATE; AND

2. IS A RESIDENT OF THE STATE.

(B) (1) EXCEPT FOR EX OFFICIO MEMBERS OR THEIR DESIGNEES, THE TERM OF A MEMBER IS 5 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(C) IF THE GOVERNOR APPOINTS A REGULATED LOBBYIST TO SERVE AS A MEMBER OF THE COMMISSION, THE LOBBYIST:

(1) IS NOT SUBJECT TO § 15-504(D) OF THE STATE GOVERNMENT ARTICLE WITH RESPECT TO THAT SERVICE; AND

(2) IS NOT SUBJECT TO § 15-703(F)(3) OF THE STATE GOVERNMENT ARTICLE AS A RESULT OF THAT SERVICE.

(D) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

5-704.

(A) THE GOVERNOR SHALL DESIGNATE THE CHAIR AND THE VICE CHAIR OF THE COMMISSION.

(B) THE COMMISSION MAY ADOPT RULES OF PROCEDURE.

5-705.

THE DEPARTMENT OF PLANNING SHALL PROVIDE STAFF FOR THE COMMISSION.

5-706.

THE COMMISSION SHALL:

(1) ASSESS AND ADVISE ON THE PROGRESS OF STATE, REGIONAL, AND LOCAL PLANNING IN MARYLAND IN ACHIEVING THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY, AS DEFINED IN § 5-7A-01 OF THIS TITLE;

(2) MAKE RECOMMENDATIONS ~~FOR~~ ON THE ADEQUACY, COORDINATION, AND IMPLEMENTATION OF FUNDING MECHANISMS AND OTHER STATE ASSISTANCE FOR PLANNING ACTIVITIES AND INFRASTRUCTURE AND LAND PRESERVATION NEEDS, CONSISTENT WITH THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;

(3) PROMOTE PLANNING COORDINATION AND INTERJURISDICTIONAL COOPERATION AMONG THE STATE AND LOCAL JURISDICTIONS AND RECOMMEND MECHANISMS TO FACILITATE VOLUNTARY JOINT PLANNING;

(4) ADVISE ON THE CONTENT AND PREPARATION OF THE STATE DEVELOPMENT PLAN, STATE TRANSPORTATION PLAN, AND STATE HOUSING PLAN AND THE IMPLEMENTATION OF THESE PLANS, INCLUDING THE RELATIONSHIP OF THESE PLANS WITH LOCAL LAND USE PLANS;

(5) PROMOTE AND MAKE RECOMMENDATIONS REGARDING EFFICIENT AND PREDICTABLE MODEL STATE AND LOCAL DEVELOPMENT REGULATIONS TO ACHIEVE THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;

(6) EVALUATE THE CONTINUING VIABILITY AND EFFECTIVENESS OF THE STATE AND LOCAL GOVERNMENT SMART GROWTH INDICATORS

CONTAINED IN ARTICLE 66B, § 3.10 OF THE CODE, AND MAKE RECOMMENDATIONS FOR AMENDMENTS OR ADDITIONS TO THE INDICATORS;

~~(7) REVIEW THE ANNUAL REPORTS SUBMITTED BY COUNTIES AND MUNICIPAL CORPORATIONS IN ACCORDANCE WITH ARTICLE 66B, § 3.09 OF THE CODE, WITH RESPECT TO PROGRESS IN ACHIEVING THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;~~

~~(8)~~ (8) REVIEW THE REPORTS OF LOCAL JURISDICTIONS ON ADEQUATE PUBLIC FACILITIES DEVELOPMENT RESTRICTIONS REQUIRED BY ARTICLE 66B, § 10.01 OF THE CODE, AND ASSESS WHETHER AND TO WHAT EXTENT ADEQUATE PUBLIC FACILITIES ORDINANCES ~~HAVE A DETRIMENTAL EFFECT ON SMART GROWTH~~ AFFECT THE ACHIEVEMENT OF THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;

~~(9)~~ (8) DEVELOP AND ASSIST IN THE IMPLEMENTATION OF EDUCATIONAL AND OUTREACH PROGRAMS ABOUT SMART GROWTH;

~~(10)~~ (9) REVIEW PERIODICALLY THE EDUCATIONAL REQUIREMENTS FOR MEMBERS OF PLANNING BOARDS AND COMMISSIONS AND BOARDS OF APPEALS REQUIRED BY ARTICLE 66B, §§ 3.02 AND 4.07 OF THE CODE, AND EVALUATE COMPLIANCE RATES FOR THE MEMBERS;

~~(11)~~ (10) MAKE RECOMMENDATIONS FOR CHANGES IN STATE LAW, REGULATIONS, POLICIES, AND PROCEDURES, IF ANY, THAT THE COMMISSION BELIEVES ARE NECESSARY TO ACHIEVE THE STATE'S ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY; AND

~~(12)~~ (11) SERVE AS AN ADVISORY BOARD TO THE GOVERNOR'S SMART GROWTH SUBCABINET, PROVIDING ADVICE AND GUIDANCE.

5-707.

ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSION SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON ITS ACTIVITIES AND RECOMMENDATIONS TO:

- (1) THE SPEAKER OF THE HOUSE;
- (2) THE PRESIDENT OF THE SENATE;
- (3) THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE;

(4) THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE; AND

(5) THE GOVERNOR.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. Section 2 of this Act shall remain effective for a period of 10 years and 6 months and, at the end of December 31, 2020, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 489

(Senate Bill 278)

AN ACT concerning

Smart, Green, and Growing – Maryland Sustainable Growth Commission

FOR the purpose of repealing the Task Force on the Future for Growth and Development in Maryland; establishing the Maryland Sustainable Growth Commission; establishing the membership and the charge of the Commission; providing for the terms of the members; requiring the Governor to designate the chair and the vice chair of the Commission; authorizing the Commission to adopt rules of procedure; requiring the Commission to submit an annual report of its activities on or before a certain date; providing for the termination of certain provisions of this Act; and generally relating to the Maryland Sustainable Growth Commission.

BY repealing

Chapter 381 of the Acts of the General Assembly of 2006, as amended by
Chapter 626 of the Acts of the General Assembly of 2007
Section 4

BY adding to

Article – State Finance and Procurement
Section 5–701 through 5–707 to be under the new subtitle “Subtitle 7. Maryland
Sustainable Growth Commission”
Annotated Code of Maryland
(2009 Replacement Volume)

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

**Chapter 381 of the Acts of 2006, as amended by Chapter 626 of the Acts of
2007**

[SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Future for Growth and Development in Maryland.

(b) (1) The Task Force consists of the following members:

(i) two members of the House Environmental Matters Committee, appointed by the Speaker of the House;

(ii) two members of the Senate Education, Health, and Environmental Affairs Committee, appointed by the President of the Senate;

(iii) the Secretary of Planning, or the Secretary's designee;

(iv) the Secretary of the Environment, or the Secretary's designee;

(v) the Secretary of Transportation, or the Secretary's designee;

(vi) the Secretary of Housing and Community Development, or the Secretary's designee;

(vii) the Chair of the Base Realignment and Closure Subcabinet, or the Chair's designee;

(viii) the Executive Director of the Rural Maryland Council, or the Executive Director's designee;

(ix) the Director of the University of Maryland's National Center for Smart Growth, or the Director's designee;

(x) four representatives of local government:

1. two designated by the Maryland Municipal League, with one representing a rural county; and

2. two designated by the Maryland Association of Counties, with one representing a rural county; and

(xi) the following members, appointed by the Governor:

1. one representative of the environmental community;

2. one representative of the State Builders Association;
3. one representative of the agricultural community; and
4. three representatives of citizens organizations that address affordable housing, transportation, and smart growth.

(2) If the Governor appoints a regulated lobbyist to serve as a member of the Task Force, the lobbyist:

(i) is not subject to § 15–504(d) of the State Government Article with respect to that service; and

(ii) is not subject to § 15–703(f)(3) of the State Government Article as a result of that service.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of Planning shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study current land use policies and their impact on growth in the State;

(2) study current trends and challenges for municipal corporations and counties as they relate to growth, including population and demographic changes;

(3) analyze the capabilities of municipal corporations and counties to plan for future growth and development;

(4) analyze the impacts of county development proximate to municipal corporate limits on municipal infrastructure, water resources, and sensitive areas;

(5) analyze the impacts of municipal growth and development on county infrastructure, water resources, and sensitive areas;

(6) identify regional growth and development issues;

(7) study mechanisms to facilitate joint planning to coordinate growth and development between municipal corporations and counties;

(8) examine the impact of § 1.03(e) and § 3.05(f) of Article 66B of the Code on a local government's ability to establish a floating zone on a property or grant piecemeal rezoning of a specific property;

(9) determine methods to assess the cumulative impacts of proposed development on infrastructure, including water, sewer, roads, and utilities, and on transportation, fire and safety resources, health systems, educational systems, and environmental resources on a regional scale;

(10) (i) determine the parameters for a State development plan, State transportation plan, State housing plan; and

(ii) determine how these plans work together with local land use plans;

(11) identify infrastructure needed for smart growth development consistent with population growth;

(12) assess mechanisms to fund the construction and maintenance of smart growth infrastructure;

(13) make recommendations to implement law or regulations that further best management practices as they relate to future growth and development in the State; and

(14) serve as an advisory board to the Governor's Smart Growth Subcabinet, providing advice and guidance at least twice annually through December 31, 2010.

(g) On or before December 1, 2008, the Task Force shall report its findings and recommendations to the Speaker of the House, the President of the Senate, the House Environmental Matters Committee, the Senate Education, Health, and Environmental Affairs Committee, and the Governor, in accordance with § 2-1246 of the State Government Article.]

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

Article – State Finance and Procurement

SUBTITLE 7. MARYLAND SUSTAINABLE GROWTH COMMISSION.

IN THIS SUBTITLE, “COMMISSION” MEANS THE MARYLAND SUSTAINABLE GROWTH COMMISSION.

5–702.

THERE IS A MARYLAND SUSTAINABLE GROWTH COMMISSION.

5–703.

(A) (1) THE COMMISSION CONSISTS OF THE FOLLOWING ~~30~~ MEMBERS:

(I) TWO MEMBERS OF THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE;

(II) TWO MEMBERS OF THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(III) AS EX OFFICIO MEMBERS:

1. THE SECRETARY OF PLANNING, OR THE SECRETARY’S DESIGNEE;

2. THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY’S DESIGNEE;

3. THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE;

4. THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY’S DESIGNEE;

5. THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY’S DESIGNEE;

6. THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR THE SECRETARY’S DESIGNEE;

7. THE SECRETARY OF AGRICULTURE, OR THE SECRETARY’S DESIGNEE;

~~7.~~ 8. THE SUPERINTENDENT OF THE MARYLAND STATE DEPARTMENT OF EDUCATION, OR THE SUPERINTENDENT’S DESIGNEE;

~~8.~~ 9. THE CHAIR OF THE BASE REALIGNMENT AND CLOSURE SUBCABINET, OR THE CHAIR'S DESIGNEE;

~~9.~~ 10. THE EXECUTIVE DIRECTOR OF THE RURAL MARYLAND COUNCIL, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

~~10.~~ 11. THE DIRECTOR OF THE UNIVERSITY OF MARYLAND'S NATIONAL CENTER FOR SMART GROWTH, OR THE DIRECTOR'S DESIGNEE;

(IV) FOUR REPRESENTATIVES OF LOCAL GOVERNMENT:

1. TWO DESIGNATED BY THE MARYLAND MUNICIPAL LEAGUE; AND

2. TWO DESIGNATED BY THE MARYLAND ASSOCIATION OF COUNTIES;

(V) APPOINTED BY THE GOVERNOR:

1. ONE REPRESENTATIVE OF THE SMART GROWTH COMMUNITY;

2. ONE REPRESENTATIVE OF THE ENVIRONMENTAL COMMUNITY;

3. ONE REPRESENTATIVE OF THE RESIDENTIAL BUILDING AND DEVELOPMENT COMMUNITY;

4. ONE REPRESENTATIVE OF THE COMMERCIAL BUILDING AND DEVELOPMENT COMMUNITY;

5. ONE REPRESENTATIVE OF THE AGRICULTURAL COMMUNITY;

6. ONE REPRESENTATIVE OF A RURAL COMMUNITY;

~~6.~~ 7. ONE REPRESENTATIVE OF A CITIZEN ORGANIZATION THAT ADDRESSES HOUSING;

~~7.~~ 8. ONE REPRESENTATIVE OF A CITIZEN ORGANIZATION THAT ADDRESSES TRANSPORTATION;

~~§. 9.~~ ONE REPRESENTATIVE FROM WESTERN MARYLAND;

~~9. 10.~~ ONE REPRESENTATIVE FROM SOUTHERN MARYLAND;

~~10. 11.~~ ~~ONE REPRESENTATIVE~~ THREE REPRESENTATIVES FROM THE WASHINGTON METROPOLITAN AREA;

~~11. 12.~~ ~~ONE REPRESENTATIVE~~ THREE REPRESENTATIVES FROM THE BALTIMORE METROPOLITAN AREA; AND

~~12. 13.~~ ONE REPRESENTATIVE FROM THE EASTERN SHORE.

(2) (I) THE MEMBERS REPRESENTING A REGION OF THE STATE SHALL HAVE KNOWLEDGE OF SMART GROWTH AND PLANNING ISSUES.

(II) OF THE THREE MEMBERS REPRESENTING THE WASHINGTON METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR REGIONAL GOVERNMENT.

(III) OF THE THREE MEMBERS REPRESENTING THE BALTIMORE METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR REGIONAL GOVERNMENT.

(IV) OF THE MEMBERS APPOINTED BY THE GOVERNOR, ONE SHALL BE AN ARCHITECT THAT:

1. IS LICENSED TO PRACTICE IN THE STATE; AND

2. IS A RESIDENT OF THE STATE.

(B) (1) EXCEPT FOR EX OFFICIO MEMBERS OR THEIR DESIGNEES, THE TERM OF A MEMBER IS 5 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(C) IF THE GOVERNOR APPOINTS A REGULATED LOBBYIST TO SERVE AS A MEMBER OF THE COMMISSION, THE LOBBYIST:

(1) IS NOT SUBJECT TO § 15-504(D) OF THE STATE GOVERNMENT ARTICLE WITH RESPECT TO THAT SERVICE; AND

(2) IS NOT SUBJECT TO § 15-703(F)(3) OF THE STATE GOVERNMENT ARTICLE AS A RESULT OF THAT SERVICE.

(D) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

5-704.

(A) THE GOVERNOR SHALL DESIGNATE THE CHAIR AND THE VICE CHAIR OF THE COMMISSION.

(B) THE COMMISSION MAY ADOPT RULES OF PROCEDURE.

5-705.

THE DEPARTMENT OF PLANNING SHALL PROVIDE STAFF FOR THE COMMISSION.

5-706.

THE COMMISSION SHALL:

(1) ASSESS AND ADVISE ON THE PROGRESS OF STATE, REGIONAL, AND LOCAL PLANNING IN MARYLAND IN ACHIEVING THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY, AS DEFINED IN § 5-7A-01 OF THIS TITLE;

(2) MAKE RECOMMENDATIONS ~~FOR~~ ON THE ADEQUACY, COORDINATION, AND IMPLEMENTATION OF FUNDING MECHANISMS AND OTHER STATE ASSISTANCE FOR PLANNING ACTIVITIES AND INFRASTRUCTURE AND LAND PRESERVATION NEEDS, CONSISTENT WITH THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;

(3) PROMOTE PLANNING COORDINATION AND INTERJURISDICTIONAL COOPERATION AMONG THE STATE AND LOCAL JURISDICTIONS AND RECOMMEND MECHANISMS TO FACILITATE VOLUNTARY JOINT PLANNING;

(4) ADVISE ON THE CONTENT AND PREPARATION OF THE STATE DEVELOPMENT PLAN, STATE TRANSPORTATION PLAN, AND STATE HOUSING PLAN AND THE IMPLEMENTATION OF THESE PLANS, INCLUDING THE RELATIONSHIP OF THESE PLANS WITH LOCAL LAND USE PLANS;

(5) PROMOTE AND MAKE RECOMMENDATIONS REGARDING EFFICIENT AND PREDICTABLE MODEL STATE AND LOCAL DEVELOPMENT REGULATIONS TO ACHIEVE THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;

(6) EVALUATE THE CONTINUING VIABILITY AND EFFECTIVENESS OF THE STATE AND LOCAL GOVERNMENT SMART GROWTH INDICATORS CONTAINED IN ARTICLE 66B, § 3.10 OF THE CODE, AND MAKE RECOMMENDATIONS FOR AMENDMENTS OR ADDITIONS TO THE INDICATORS;

~~(7) REVIEW THE ANNUAL REPORTS SUBMITTED BY COUNTIES AND MUNICIPAL CORPORATIONS IN ACCORDANCE WITH ARTICLE 66B, § 3.09 OF THE CODE, WITH RESPECT TO PROGRESS IN ACHIEVING THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;~~

~~(8)~~ REVIEW THE REPORTS OF LOCAL JURISDICTIONS ON ADEQUATE PUBLIC FACILITIES DEVELOPMENT RESTRICTIONS REQUIRED BY ARTICLE 66B, § 10.01 OF THE CODE, AND ASSESS WHETHER AND TO WHAT EXTENT ADEQUATE PUBLIC FACILITIES ORDINANCES ~~HAVE A DETRIMENTAL EFFECT ON SMART GROWTH~~ AFFECT THE ACHIEVEMENT OF THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;

~~(9)~~ (8) DEVELOP AND ASSIST IN THE IMPLEMENTATION OF EDUCATIONAL AND OUTREACH PROGRAMS ABOUT SMART GROWTH;

~~(10)~~ (9) REVIEW PERIODICALLY THE EDUCATIONAL REQUIREMENTS FOR MEMBERS OF PLANNING BOARDS AND COMMISSIONS AND BOARDS OF APPEALS REQUIRED BY ARTICLE 66B, §§ 3.02 AND 4.07 OF THE CODE, AND EVALUATE COMPLIANCE RATES FOR THE MEMBERS;

~~(11)~~ (10) MAKE RECOMMENDATIONS FOR CHANGES IN STATE LAW, REGULATIONS, POLICIES, AND PROCEDURES, IF ANY, THAT THE

COMMISSION BELIEVES ARE NECESSARY TO ACHIEVE THE STATE'S ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY; AND

~~(12)~~ (11) SERVE AS AN ADVISORY BOARD TO THE GOVERNOR'S SMART GROWTH SUBCABINET, PROVIDING ADVICE AND GUIDANCE.

5-707.

ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSION SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON ITS ACTIVITIES AND RECOMMENDATIONS TO:

- (1) THE SPEAKER OF THE HOUSE;
- (2) THE PRESIDENT OF THE SENATE;
- (3) THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE;
- (4) THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE; AND
- (5) THE GOVERNOR.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. Section 2 of this Act shall remain effective for a period of 10 years and 6 months and, at the end of December 31, 2020, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 490

(House Bill 469)

AN ACT concerning

Motor Vehicle Excise Tax – Tax Credit For Electric Vehicles

FOR the purpose of repealing a certain obsolete credit against the motor vehicle excise tax for certain qualified hybrid vehicles and certain qualified electric vehicles; allowing a credit against the motor vehicle excise tax for certain qualified plug-in electric drive vehicles for a certain period; transferring certain money from the Strategic Energy Investment Fund to the Transportation Trust Fund

~~in a certain fiscal year years; requiring the Governor to transfer money from the Strategic Energy Investment Fund to the Transportation Trust Fund in certain fiscal years; and generally relating to a motor vehicle excise tax credit for certain qualified plug-in electric drive vehicles.~~

BY repealing

Article – Transportation

Section 13–815

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

BY adding to

Article – Transportation

Section 13–815

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 13–815 of Article – Transportation of the Annotated Code of Maryland be repealed.

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

Article – Transportation

13–815.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “EXCISE TAX” MEANS THE TAX IMPOSED UNDER § 13–809 OF THIS SUBTITLE.

(3) “QUALIFIED PLUG-IN ELECTRIC DRIVE VEHICLE” MEANS A ~~4-WHEELED~~ MOTOR VEHICLE THAT:

(I) IS MADE BY A MANUFACTURER;

(II) IS MANUFACTURED PRIMARILY FOR USE ON PUBLIC STREETS, ROADS, AND HIGHWAYS;

(III) HAS NOT BEEN MODIFIED FROM ORIGINAL MANUFACTURER SPECIFICATIONS;

(IV) IS ACQUIRED FOR USE OR LEASE BY THE TAXPAYER AND NOT FOR RESALE;

(V) IS RATED AT NOT MORE THAN 8,500 POUNDS UNLOADED GROSS VEHICLE WEIGHT;

(VI) HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 55 MILES PER HOUR;

(VII) IS PROPELLED TO A SIGNIFICANT EXTENT BY AN ELECTRIC MOTOR THAT DRAWS ELECTRICITY FROM A BATTERY THAT:

1. ~~HAS FOR A 4-WHEELED MOTOR VEHICLE, HAS A~~ CAPACITY OF NOT LESS THAN 4 KILOWATT HOURS; ~~AND~~

2. FOR A 2-WHEELED OR 3-WHEELED MOTOR VEHICLE, HAS A CAPACITY OF NOT LESS THAN 2.5 KILOWATT HOURS; AND

~~2.~~ 3. IS CAPABLE OF BEING RECHARGED FROM AN EXTERNAL SOURCE OF ELECTRICITY; AND

(VIII) IS ~~ACQUIRED~~ TITLED BY THE TAXPAYER ON OR AFTER OCTOBER 1, 2010, BUT BEFORE JULY 1, 2013.

(B) (1) A CREDIT IS ALLOWED AGAINST THE EXCISE TAX IMPOSED FOR A QUALIFIED PLUG-IN ELECTRIC DRIVE VEHICLE.

(2) SUBJECT TO THE LIMITATIONS UNDER SUBSECTIONS (C) THROUGH (E) OF THIS SECTION, THE CREDIT ALLOWED UNDER THIS SECTION EQUALS 100% OF THE EXCISE TAX IMPOSED FOR A VEHICLE.

(C) THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED \$2,000.

(D) THE CREDIT ALLOWED UNDER THIS SECTION IS LIMITED TO THE ACQUISITION OF:

(1) ONE VEHICLE PER INDIVIDUAL; AND

(2) 10 VEHICLES PER BUSINESS ENTITY.

(E) A CREDIT MAY NOT BE CLAIMED UNDER THIS SECTION:

(1) FOR A VEHICLE UNLESS THE VEHICLE IS REGISTERED IN THE STATE; ~~OR~~

(2) UNLESS THE ~~OWNER~~ MANUFACTURER HAS ALREADY CONFORMED TO ANY APPLICABLE STATE OR FEDERAL LAWS OR REGULATIONS GOVERNING CLEAN-FUEL VEHICLE OR ELECTRIC VEHICLE PURCHASES APPLICABLE DURING THE CALENDAR YEAR IN WHICH THE VEHICLE IS TITLED; OR

(3) FOR A VEHICLE THAT WAS ORIGINALLY REGISTERED IN ANOTHER STATE.

(F) THE MOTOR VEHICLE ADMINISTRATION SHALL ADMINISTER THE CREDIT UNDER THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, ~~for fiscal year 2011, \$279,000~~ the following amounts shall be transferred from the Strategic Energy Investment Fund established under § 9-20B-05 of the State Government Article to the Transportation Trust Fund to offset a reduction in revenues from the vehicle excise tax credit for qualified plug-in electric drive vehicles established under Section 2 of this Act:

(1) for fiscal year 2011, \$279,000;

(2) for fiscal year 2012, \$939,600; and

(3) for fiscal year 2013, \$1,287,000.

~~SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal years 2012 and 2013 only, the Governor shall include in the annual budget bill a transfer of funds from the Strategic Energy Investment Fund established under § 9-20B-05 of the State Government Article to the Transportation Trust Fund in an amount estimated to offset the reduction in revenues from the vehicle excise tax credit for qualified plug-in electric drive vehicles established under Section 2 of this Act.~~

SECTION ~~5~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

AN ACT concerning

High Occupancy Vehicle (HOV) Lanes – Use by Plug-In Vehicles

FOR the purpose of ~~requiring the State Highway Administration, when designating a portion of a highway as a restricted use High Occupancy Vehicle (HOV) lane, to place traffic control devices indicating that the HOV lane may be used by certain plug-in vehicles~~ authorizing the use of a high occupancy vehicle (HOV) lane by certain plug-in vehicles under certain circumstances; requiring the Motor Vehicle Administration, the State Highway Administration, and the Department of State Police to consult to design a certain permit; authorizing the operator of a plug-in vehicle that has a certain permit affixed to it in accordance with certain guidelines to be in an HOV lane; authorizing the Motor Vehicle Administration to charge a certain fee for issuing a certain permit; authorizing the Motor Vehicle Administration, on the recommendation of the State Highway Administration, to limit the number of permits issued under this Act for a certain purpose; requiring the Motor Vehicle Administration and the State Highway Administration jointly to make a certain report to the Governor and the General Assembly by on or before a certain date each year; defining certain terms; providing for the termination of this Act; and generally relating to the designation of HOV lanes by the State Highway Administration and the use of HOV lanes by plug-in vehicles.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 11-167, ~~21-201(a), and 25-105~~ and 21-201(a)(1)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

BY adding to

Article – Transportation

Section 25-108

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

11-167.

“Traffic control device” means any sign, signal, marking, or device that:

- (1) Is not inconsistent with the Maryland Vehicle Law; and

(2) Is placed by authority of an authorized public body or official to regulate, warn, or guide traffic.

21–201.

(a) (1) Subject to the exceptions granted in this title to the driver of an emergency vehicle, the driver of any vehicle, unless otherwise directed by a police officer, shall obey the instructions of any traffic control device applicable to the vehicle and placed in accordance with the Maryland Vehicle Law.

~~(2) The driver of a vehicle approaching an intersection controlled by a traffic control device may not drive across private property or leave the roadway for the purpose of avoiding the instructions of a traffic control device.~~

~~25–105.~~

~~(a) On every highway under its jurisdiction, the State Highway Administration shall place and maintain those traffic control devices that it considers necessary to carry out the provisions of the Maryland Vehicle Law or to regulate, warn, or guide traffic. Each of these traffic control devices shall conform to the manual and specifications of the State Highway Administration.~~

~~(b) A local authority may place or maintain a traffic control device on a highway under the jurisdiction of the State Highway Administration only with the permission and under the direction of the State Highway Administration.~~

25–108.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “HOV LANE” MEANS A ~~HIGH OCCUPANCY VEHICLE~~ HIGH OCCUPANCY VEHICLE LANE, THE USE OF WHICH IS RESTRICTED BY A TRAFFIC CONTROL DEVICE DURING SPECIFIC TIMES TO VEHICLES CARRYING AT LEAST A SPECIFIED NUMBER OF OCCUPANTS.

(3) “PLUG-IN VEHICLE” MEANS A ~~4-WHEELED~~ MOTOR VEHICLE THAT:

(I) IS MADE BY A MANUFACTURER;

(II) IS MANUFACTURED PRIMARILY FOR USE ON PUBLIC STREETS, ROADS, AND HIGHWAYS;

(III) HAS NOT BEEN MODIFIED FROM ORIGINAL MANUFACTURER SPECIFICATIONS;

(IV) IS RATED AT NOT MORE THAN 8,500 POUNDS UNLOADED GROSS VEHICLE WEIGHT;

(V) HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 65 MILES PER HOUR; AND

(VI) IS PROPELLED TO A SIGNIFICANT EXTENT BY AN ELECTRIC MOTOR THAT DRAWS ELECTRICITY FROM A BATTERY THAT:

1. HAS A CAPACITY OF NOT LESS THAN 4 KILOWATT HOURS FOR 4-WHEELED MOTOR VEHICLES AND NOT LESS THAN 2.5 KILOWATT HOURS FOR 2-WHEELED OR 3-WHEELED MOTOR VEHICLES; AND

2. IS CAPABLE OF BEING RECHARGED FROM AN EXTERNAL SOURCE OF ELECTRICITY.

(B) WHENEVER THE STATE HIGHWAY ADMINISTRATION ~~PLACES A TRAFFIC CONTROL DEVICE ON A HIGHWAY DESIGNATING~~ DESIGNATES A PORTION OF ~~THE A~~ HIGHWAY AS AN HOV LANE, ~~THE TRAFFIC CONTROL DEVICE SHALL ALSO INDICATE THAT~~ THE HOV LANE MAY BE USED AT ALL TIMES BY PLUG-IN VEHICLES THAT HAVE OBTAINED A PERMIT FROM THE ADMINISTRATION UNDER THIS SECTION, REGARDLESS OF THE NUMBER OF PASSENGERS IN THE VEHICLE.

(C) (1) THE ADMINISTRATION, THE STATE HIGHWAY ADMINISTRATION, AND THE DEPARTMENT OF STATE POLICE SHALL CONSULT TO DESIGN A PERMIT TO DESIGNATE A VEHICLE AS A PLUG-IN VEHICLE AUTHORIZED TO USE AN HOV LANE.

(2) ~~A PLUG-IN VEHICLE THAT HAS A PERMIT AFFIXED TO IT IN ACCORDANCE WITH ADMINISTRATION GUIDELINES MAY BE OPERATED IN AN HOV LANE.~~

~~(3)~~ THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED \$20, FOR ISSUING A PERMIT UNDER THIS SUBSECTION.

(3) THE ADMINISTRATION, ON THE RECOMMENDATION OF THE STATE HIGHWAY ADMINISTRATION, MAY LIMIT THE NUMBER OF PERMITS ISSUED TO ENSURE HOV LANE OPERATIONS ARE NOT DEGRADED TO AN UNACCEPTABLE LEVEL.

(D) ~~BY~~ ON OR BEFORE JANUARY 1 OF EACH YEAR, THE ADMINISTRATION AND THE STATE HIGHWAY ADMINISTRATION JOINTLY SHALL

REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE EFFECT ~~THAT THE USE OF HOV LANES BY PLUG-IN VEHICLES HAS ON THE OPERATION OF THE HOV LANES~~ OF THE USE OF THE PLUG-IN VEHICLE PERMITS ISSUED UNDER THIS SECTION ON THE OPERATION OF HOV LANES IN THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010. It shall remain effective for a period of 2 3 years and, at the end of September 30, ~~2012~~ 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 492

(Senate Bill 602)

AN ACT concerning

~~Vehicle Laws~~ **High Occupancy Vehicle (HOV) Lanes – Use by Plug-In Vehicles**

FOR the purpose of ~~requiring the State Highway Administration when designating a portion of a highway as a restricted use, high occupancy vehicle (HOV) lane, to place traffic control devices indicating that the HOV lane may be used by certain plug-in vehicles~~ authorizing the use of a high occupancy vehicle (HOV) lane by certain plug-in vehicles under certain circumstances; requiring the Motor Vehicle Administration, the State Highway Administration, and the Department of State Police to consult to design a certain permit; authorizing the Motor Vehicle Administration to charge a certain fee for issuing a certain permit; authorizing the *Motor Vehicle Administration, on the recommendation of the* State Highway ~~Administrator~~ Administration, to limit the number of permits issued under this Act for ~~certain reasons~~ a certain purpose; requiring the Motor Vehicle Administration and the State Highway Administration jointly to make a certain report to the Governor and the General Assembly on or before a certain date each year; defining certain terms; providing for the termination of this Act; and generally relating to ~~the designation of HOV lanes by the State Highway Administration and~~ the use of HOV lanes by plug-in vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11-167 and 21-201(a)(1)

Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to

Article – Transportation

Section 25–108

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

11–167.

“Traffic control device” means any sign, signal, marking, or device that:

(1) Is not inconsistent with the Maryland Vehicle Law; and

(2) Is placed by authority of an authorized public body or official to regulate, warn, or guide traffic.

21–201.

(a) (1) Subject to the exceptions granted in this title to the driver of an emergency vehicle, the driver of any vehicle, unless otherwise directed by a police officer, shall obey the instructions of any traffic control device applicable to the vehicle and placed in accordance with the Maryland Vehicle Law.

25–108.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “HOV LANE” MEANS A HIGH OCCUPANCY VEHICLE LANE, THE USE OF WHICH IS RESTRICTED BY A TRAFFIC CONTROL DEVICE DURING SPECIFIED TIMES TO VEHICLES CARRYING AT LEAST A SPECIFIED NUMBER OF OCCUPANTS.

(3) “PLUG-IN VEHICLE” MEANS A ~~4-WHEELED~~ MOTOR VEHICLE THAT:

(I) IS MADE BY A MANUFACTURER;

(II) IS MANUFACTURED PRIMARILY FOR USE ON PUBLIC STREETS, ROADS, AND HIGHWAYS;

(III) HAS NOT BEEN MODIFIED FROM ORIGINAL MANUFACTURER SPECIFICATIONS;

(IV) IS RATED AT NOT MORE THAN 8,500 POUNDS UNLOADED GROSS VEHICLE WEIGHT;

(V) HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 65 MILES PER HOUR; AND

(VI) IS PROPELLED TO A SIGNIFICANT EXTENT BY AN ELECTRIC MOTOR THAT DRAWS ELECTRICITY FROM A BATTERY THAT:

1. HAS A CAPACITY OF NOT LESS THAN 4 KILOWATT-HOURS FOR 4-WHEELED MOTOR VEHICLES AND NOT LESS THAN 2.5 KILOWATT-HOURS FOR 2-WHEELED OR 3-WHEELED MOTOR VEHICLES; AND

2. IS CAPABLE OF BEING RECHARGED FROM AN EXTERNAL SOURCE OF ELECTRICITY.

(B) ~~WHENEVER THE STATE HIGHWAY ADMINISTRATION PLACES A TRAFFIC CONTROL DEVICE ON A HIGHWAY DESIGNATING~~ DESIGNATES A PORTION OF ~~THE A~~ A HIGHWAY AS AN HOV LANE, ~~THE TRAFFIC CONTROL DEVICE SHALL ALSO INDICATE THAT~~ THE HOV LANE MAY BE USED AT ALL TIMES BY PLUG-IN VEHICLES THAT HAVE OBTAINED A PERMIT FROM THE ADMINISTRATION UNDER THIS SECTION, REGARDLESS OF THE NUMBER OF PASSENGERS IN THE VEHICLE.

(C) (1) THE ADMINISTRATION, THE STATE HIGHWAY ADMINISTRATION, AND THE DEPARTMENT OF STATE POLICE SHALL CONSULT TO DESIGN A PERMIT TO DESIGNATE A VEHICLE AS A PLUG-IN VEHICLE AUTHORIZED TO USE AN HOV LANE.

(2) THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED \$20, FOR ISSUING A PERMIT UNDER THIS SECTION.

(3) THE ADMINISTRATION, ON THE RECOMMENDATION OF THE STATE HIGHWAY ~~ADMINISTRATOR~~ ADMINISTRATION, MAY LIMIT THE NUMBER OF PERMITS ISSUED TO ENSURE HOV LANE OPERATIONS ARE NOT DEGRADED TO AN UNACCEPTABLE LEVEL.

(D) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE ADMINISTRATION AND THE STATE HIGHWAY ADMINISTRATION JOINTLY SHALL REPORT TO THE ~~GENERAL ASSEMBLY~~ GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE EFFECT OF THE USE OF THE PLUG-IN VEHICLE PERMITS ISSUED UNDER THIS SECTION ON THE OPERATION OF HOV LANES IN THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010. It shall remain effective for a period of ~~2~~ 3 years and, at the end of September 30, ~~2012~~ 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 493

(House Bill 464)

AN ACT concerning

Maryland Clean Energy Incentive Act of 2010

FOR the purpose of extending a certain credit against the State income tax for electricity produced by certain facilities from certain qualified energy resources until a certain date; extending the period in which the Maryland Energy Administration may issue certain qualifying certifications; altering certain requirements for certain credit certificates; prohibiting the Administration from issuing initial credit certificates for less than a certain amount; providing for the refund of the credit under certain circumstances; and generally relating to a certain income tax credit for electricity produced from qualified energy resources.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10-720

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

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

Article – Tax – General

10-720.

(a) (1) In this section the following words have the meanings indicated.

(2) “Administration” means the Maryland Energy Administration.

(3) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, “qualified energy resources” has the meaning stated in § 45(c)(1) of the Internal Revenue Code.

(ii) “Qualified energy resources” includes any solid, nonhazardous, cellulosic waste material that is segregated from other waste materials and is derived from:

1. any of the following forest-related resources, not including old-growth timber:

A. mill residues, except sawdust and wood shavings;

B. forest thinnings;

C. slash; or

D. brush;

2. waste pallets, crates, and dunnage and landscape or right-of-way trimmings; or

3. agricultural sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

(iii) “Qualified energy resources” includes methane gas or other combustible gases resulting from the decomposition of organic materials from an agricultural operation, or from a landfill or wastewater treatment plant using one or a combination of the following processes:

1. anaerobic decomposition; or

2. thermal decomposition.

(4) “Qualified Maryland facility” means a facility located in the State that:

(i) primarily uses qualified energy resources to produce electricity and is originally placed in service on or after January 1, 2006, but before January 1, [2011] **2016**; or

(ii) produces electricity from a qualified energy resource that is co-fired with coal and initially begins co-firing a qualified energy resource on or after January 1, 2006, but before January 1, [2011] **2016**, regardless of when the original facility was placed in service.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, an individual or corporation that receives an initial credit certificate from the Administration may claim a credit against the State income tax for a taxable year in an amount equal to 0.85 cents for each kilowatt hour of electricity:

(i) produced by the individual or corporation from qualified energy resources at a qualified Maryland facility during the 5-year period specified in the initial credit certificate; and

(ii) sold by the individual or corporation to a person other than a related person, within the meaning of § 45 of the Internal Revenue Code, during the taxable year.

(2) If the electricity is produced from a qualified energy resource that is co-fired at a facility that produces electricity from coal, the credit is 0.5 cents for each kilowatt hour of electricity produced from the qualified energy resource instead of 0.85 cents.

(3) The annual tax credit under this subsection may not exceed one-fifth of the maximum amount of credit stated in the initial credit certificate.

(c) (1) Subject to the provisions of this subsection, on application by a taxpayer, the Administration shall issue an initial credit certificate if the taxpayer has demonstrated that the taxpayer will within the next 12 months produce electricity from qualified energy resources at a qualified Maryland facility.

(2) The initial credit certificate issued under this subsection shall:

(i) state the maximum amount of credit that may be claimed by the taxpayer **FOR ELECTRICITY PRODUCED** over a 5-year period;

(ii) state the earliest tax year for which the credit may be claimed; and

(iii) ~~expire after the 5th consecutive tax year beginning with the earliest tax year for which the credit may be claimed~~ **STATE THE 5-YEAR PERIOD DURING WHICH ELECTRICITY PRODUCED FROM QUALIFIED ENERGY RESOURCES AT THE QUALIFIED MARYLAND FACILITY QUALIFIES FOR THE CREDIT.**

(3) The maximum amount of credit stated in the initial credit certificate shall:

of:

(i) for an energy producer, be in an amount equal to the lesser

1. the product of multiplying 5 times the taxpayer's estimated annual tax credit, based on estimated annual energy production, as certified by the Administration; or

2. \$2,500,000.

(4) The Administration may not issue initial credit certificates for maximum credit amounts in the aggregate totaling more than \$25,000,000.

(5) The Administration shall approve all applications that qualify for an initial credit certificate under this subsection on a first-come, first-served basis.

(6) If a taxpayer over a 3-year period does not claim on average at least 10% of the maximum credit amount stated in the initial credit certificate, the Administration at its discretion may cancel an amount of the taxpayer's initial credit certificate equal to the product of multiplying:

(i) the amount of the credit on average that was not claimed over the 3-year period; and

(ii) the remaining number of tax years that the taxpayer is eligible to take the credit.

(7) An applicant for an initial credit certificate or a taxpayer whose credits have been canceled under paragraph (6) of this subsection, may appeal a decision by the Administration to the Office of Administrative Hearings in accordance with Title 10, Subtitle 2 of the State Government Article.

(8) The Administration may not issue an initial credit certificate after December 31, [2010] **2015**.

(9) THE ADMINISTRATION MAY NOT ISSUE INITIAL CREDIT CERTIFICATES FOR CREDIT AMOUNTS LESS THAN \$1,000.

(d) If the credit allowed under this section in any taxable year exceeds the State income tax, ~~any unused credit may be carried forward and applied for succeeding taxable years until the earlier of:~~

~~(1) the full amount of the credit is used; or~~

~~(2) the expiration of the 10th taxable year after the taxable year in which the credit arose~~ **OTHERWISE PAYABLE BY THE CORPORATION OR**

**INDIVIDUAL FOR THAT TAXABLE YEAR, THE CORPORATION OR THE INDIVIDUAL
MAY CLAIM A REFUND IN THE AMOUNT OF THE EXCESS.**

(e) (1) On January 1, 2007, and each year thereafter, the Administration shall provide to the Comptroller a list of all taxpayers in the prior tax year that have been issued an initial credit certificate and shall specify for each taxpayer the earliest tax year for which the credit may be claimed and the maximum amount of credit allowed.

(2) (i) On or before October 1, 2007, and each year thereafter, the Comptroller and the Administration jointly shall submit to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly a written report regarding:

1. the number of certifications and taxpayers claiming the credit under this section;

2. the name and physical location of each taxpayer issued an initial credit certificate;

3. the maximum credit amount approved for each taxpayer;

4. the geographical distribution of the credits claimed;
and

5. any other available information the Administration determines to be meaningful and appropriate.

(ii) The Comptroller shall ensure that the information is presented and classified in a manner consistent with the confidentiality of tax return information.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 494

(Senate Bill 277)

AN ACT concerning

Renewable Energy Portfolio Standard – Solar Energy

FOR the purpose of altering a certain renewable energy portfolio standard in certain years for electricity derived from solar energy; altering certain compliance fees for a shortfall from the requirement for solar energy in meeting a certain standard; ~~requiring the Public Service Commission for certain years to grant a waiver of up to certain percentages of the total Tier 1 solar energy requirement of the renewable energy portfolio standard to a certain electric cooperative in a certain manner;~~ requiring the Public Service Commission to include certain information in certain reports to the General Assembly; providing for the application of this Act; providing for the effective date of this Act; and generally relating to the renewable energy portfolio standard and solar energy.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–703 and 7–705(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–705(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Public Utility Companies

7–703.

(a) (1) (i) The Commission shall implement a renewable energy portfolio standard that, except as provided under paragraph (2) of this subsection, applies to all retail electricity sales in the State by electricity suppliers.

(ii) If the standard becomes applicable to electricity sold to a customer after the start of a calendar year, the standard does not apply to electricity sold to the customer during that portion of the year before the standard became applicable.

(2) A renewable energy portfolio standard may not apply to electricity sales at retail by any electricity supplier:

(i) in excess of 300,000,000 kilowatt–hours of industrial process load to a single customer in a year;

(ii) to residential customers in a region of the State in which electricity prices for residential customers are subject to a freeze or cap contained in a settlement agreement entered into under § 7-505 of this title until the freeze or cap has expired; or

(iii) to a customer served by an electric cooperative under an electricity supplier purchase agreement that existed on October 1, 2004, until the expiration of the agreement.

(b) ~~The EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,~~
~~THE~~ The renewable energy portfolio standard shall be as follows:

(1) in 2006, 1% from Tier 1 renewable sources and 2.5% from Tier 2 renewable sources;

(2) in 2007, 1% from Tier 1 renewable sources and 2.5% from Tier 2 renewable sources;

(3) in 2008, 2.005% from Tier 1 renewable sources, including at least 0.005% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(4) in 2009, 2.01% from Tier 1 renewable sources, including at least 0.01% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(5) in 2010, 3.025% from Tier 1 renewable sources, including at least 0.025% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(6) in 2011, 5.0% from Tier 1 renewable sources, including at least [0.04%] **0.05%** derived from solar energy, and 2.5% from Tier 2 renewable sources;

(7) in 2012, 6.5% from Tier 1 renewable sources, including at least [0.06%] ~~0.12%~~ **0.1%** derived from solar energy, and 2.5% from Tier 2 renewable sources;

(8) in 2013, 8.2% from Tier 1 renewable sources, including at least [0.1%] ~~0.22%~~ **0.2%** derived from solar energy, and 2.5% from Tier 2 renewable sources;

(9) in 2014, 10.3% from Tier 1 renewable sources, including at least [0.15%] ~~0.36%~~ **0.3%** derived from solar energy, and 2.5% from Tier 2 renewable sources;

(10) in 2015, 10.5% from Tier 1 renewable sources, including at least [0.25%] ~~0.5%~~ **0.4%** derived from solar energy, and 2.5% from Tier 2 renewable sources;

(11) in 2016, 12.7% from Tier 1 renewable sources, including at least [0.35%] ~~0.7%~~ 0.5% derived from solar energy, and 2.5% from Tier 2 renewable sources;

(12) in 2017, 13.1% from Tier 1 renewable sources, including at least ~~[0.55%]~~ ~~0.9%~~ derived from solar energy, and 2.5% from Tier 2 renewable sources;

(13) in 2018, 15.8% from Tier 1 renewable sources, including at least ~~[0.9%]~~ ~~1.15%~~ derived from solar energy, and 2.5% from Tier 2 renewable sources;

(14) in 2019, 17.4% from Tier 1 renewable sources, including at least ~~[1.2%]~~ ~~1.4%~~ derived from solar energy, and 0% from Tier 2 renewable sources;

(15) in 2020, 18% from Tier 1 renewable sources, including at least ~~[1.5%]~~ ~~1.65%~~ derived from solar energy, and 0% from Tier 2 renewable sources;

(16) in 2021, 18.7% from Tier 1 renewable sources, including at least 1.85% derived from solar energy, and 0% from Tier 2 renewable sources; and

(17) in 2022 and later, 20% from Tier 1 renewable sources, including at least 2% derived from solar energy, and 0% from Tier 2 renewable sources.

~~(C) (1) THIS SUBSECTION APPLIES TO RETAIL ELECTRICITY SALES BY ANY ELECTRICITY SUPPLIER TO A CUSTOMER SERVED BY AN ELECTRIC COOPERATIVE THAT IS SUBJECT TO THE RENEWABLE ENERGY PORTFOLIO STANDARD UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(2) IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION, THE COMMISSION SHALL GRANT A WAIVER TO AN ELECTRIC COOPERATIVE OF UP TO THE FOLLOWING PERCENTAGES OF THE TOTAL TIER 1 SOLAR ENERGY REQUIREMENT UNDER SUBSECTION (B)(6) THROUGH (15) OF THIS SECTION IN THE MANNER SPECIFIED UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION:~~

~~(I) IN 2011, 0.01%;~~

~~(II) IN 2012, 0.06%;~~

~~(III) IN 2013, 0.12%;~~

~~(IV) IN 2014, 0.21%;~~

~~(V) IN 2015, 0.25%;~~

~~(VI) IN 2016, 0.35%;~~

~~(VII) IN 2017, 0.45%;~~

~~(VIII) IN 2018, 0.20%;~~

~~(IX) IN 2019, 0.2%; AND~~

~~(X) IN 2020, 0.15%.~~

~~(3) THE COMMISSION SHALL GRANT AN ELECTRIC COOPERATIVE THE WAIVER SPECIFIED IN PARAGRAPH (2) OF THIS SECTION TO THE EXTENT THE ELECTRIC COOPERATIVE HAS DEMONSTRATED THAT THE ELECTRIC COOPERATIVE HAS:~~

~~(I) INVESTED IN ANY TIER 1 RENEWABLE SOURCE, AS SELECTED BY THE ELECTRIC COOPERATIVE; OR~~

~~(II) PURCHASED ENERGY FROM A TIER 1 RENEWABLE SOURCE, AS SELECTED BY THE ELECTRIC COOPERATIVE, UNDER A CONTRACT WITH A TERM OF AT LEAST 10 YEARS.~~

~~(4) THE RENEWABLE ENERGY PORTFOLIO STANDARD PERCENTAGE THAT THE COMMISSION WAIVES UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE EQUAL TO THE MEGAWATT HOURS OF ENERGY THAT THE ELECTRIC COOPERATIVE PURCHASED DURING THE PARTICULAR YEAR FROM:~~

~~(I) A TIER 1 RENEWABLE GENERATION FACILITY IN WHICH IT HAS INVESTED; OR~~

~~(II) UNDER A CONTRACT WITH A TERM OF AT LEAST 10 YEARS.~~

~~(c) (D)~~ (c) Before calculating the number of credits required to meet the percentages established under subsection (b) of this section, an electricity supplier shall exclude from its total retail electricity sales all retail electricity sales described in subsection (a)(2) of this section.

~~(d) (E)~~ (d) Subject to subsections (a) and ~~(c) (D)~~ (c) of this section, an electricity supplier shall meet the renewable energy portfolio standard by accumulating the equivalent amount of renewable energy credits that equal the percentages required under this section.

(b) If an electricity supplier fails to comply with the renewable energy portfolio standard for the applicable year, the electricity supplier shall pay into the Maryland Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article:

(1) except as provided in item (2) of this subsection, a compliance fee of:

(i) 2 cents for each kilowatt–hour of shortfall from required Tier 1 renewable sources other than the shortfall from the required Tier 1 renewable sources that is to be derived from solar energy;

(ii) the following amounts for each kilowatt–hour of shortfall from required Tier 1 renewable sources that is to be derived from solar energy:

1. 45 cents in 2008;
2. 40 cents in 2009 [and 2010] **THROUGH 2014**;
- [3. 35 cents in 2011 and 2012;
4. 30 cents in 2013 and 2014;]
- [5.] **3. [25] 35** cents in 2015 and 2016;
- [6.] **4. [20] 30** cents in 2017 and 2018;
- [7.] **5. [15] 25** cents in 2019 and 2020;
- [8.] **6. [10] 20** cents in 2021 and 2022; ~~[and]~~
- [9.] **7. [5] 15** cents in 2023 and ~~[later; and] 2024;~~
- ~~**8. 10 CENTS IN 2025 AND 2026; AND**~~
- ~~**9. 5 CENTS IN 2027 AND LATER; AND**~~

(iii) 1.5 cents for each kilowatt–hour of shortfall from required Tier 2 renewable sources; or

(2) for industrial process load:

(i) for each kilowatt–hour of shortfall from required Tier 1 renewable sources, a compliance fee of:

1. 0.8 cents in 2006, 2007, and 2008;

2. 0.5 cents in 2009 and 2010;
3. 0.4 cents in 2011 and 2012;
4. 0.3 cents in 2013 and 2014;
5. 0.25 cents in 2015 and 2016; and
6. 0.2 cents in 2017 and later; and

(ii) nothing for any shortfall from required Tier 2 renewable sources.

(e) (1) Notwithstanding the requirements of § 7-703(b) of this subtitle, if the actual or projected dollar-for-dollar cost incurred or to be incurred by an electricity supplier solely for the purchase of Tier 1 renewable energy credits derived from solar energy in any 1 year is greater than or equal to, or is anticipated to be greater than or equal to, 1% of the electricity supplier's total annual electricity sales revenues in Maryland, the electricity supplier may request that the Commission:

(i) delay by 1 year each of the scheduled percentages for solar energy under § 7-703(b) of this subtitle that would apply to the electricity supplier; and

(ii) allow the renewable energy portfolio standard for solar energy for that year to continue to apply to the electricity supplier for the following year.

(2) In making its determination under paragraph (1) of this subsection, the Commission shall consider the actual or projected dollar-for-dollar compliance costs of other electricity suppliers.

(3) If an electricity supplier makes a request under paragraph (1) of this subsection based on projected costs, the electricity supplier shall provide verifiable evidence of the projections to the Commission at the time of the request.

(4) If the Commission allows a delay under paragraph (1) of this subsection:

(i) the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay continues for each subsequent consecutive year that the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity supplier solely for the purchase of solar renewable energy credits is greater than or equal to, or is anticipated to be greater than or equal to, 1% of the electricity supplier's total annual retail electricity sales revenues in Maryland; and

(ii) the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay is increased to the next scheduled

percentage increase under § 7-703(b) of this subtitle for each year in which the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity supplier solely for the purchase of solar renewable energy credits is less than, or is anticipated to be less than, 1% of the electricity supplier's total annual retail electricity sales revenues in Maryland.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Public Service Commission shall include, in the report required under § 7-211(k) of the Public Utility Companies Article due on March 1, 2012, and March 1, 2015, the effect of this Act on the State's anticipated compliance with per capita peak demand and per capita electricity consumption targets under § 7-211 of the Public Utility Companies Article.

(b) The Commission also shall include in those reports:

(1) the effects, if any, of deploying of solar electricity generating equipment in compliance with the solar Tier 1 renewable energy portfolio standard and the use of alternative compliance fees to support Tier 1 projects in the State; and

(2) recommendations for alterations, if any, that the Commission and the Maryland Energy Administration consider desirable to the solar Tier 1 percentage requirements of the renewable energy portfolio standard in § 7-703(b) of the Public Utility Companies Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract existing before the effective date of this Act.

SECTION ~~2~~ ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2011.

Approved by the Governor, May 20, 2010.

Chapter 495

(Senate Bill 791)

AN ACT concerning

**Procurement – Multi-Year Contracts for Renewable Energy – Termination
Clauses**

FOR the purpose of authorizing the Board of Public Works, on the recommendation of the Secretary of General Services, to waive a certain requirement to include a certain termination clause in certain multi-year contracts for the procurement of energy generated from certain renewable sources; requiring the Board to consider a certain factor in determining whether to grant a certain waiver; and generally relating to the terms of multi-year procurement contracts.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–217
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – State Finance and Procurement

13–217.

(a) In this section, “multi-year contract” means a procurement contract that requires appropriations for more than 1 fiscal year.

(b) (1) A unit may enter into a multi-year contract subject to:

(i) standards established by the Board; and

(ii) regulations adopted by the primary procurement unit that is responsible for the type of procurement involved.

(2) A multi-year contract shall be subject to review and approval by that primary procurement unit.

(c) A multi-year contract may not be approved unless each unit reviewing the multi-year contract determines that:

(1) the estimated requirements of the State:

(i) cover the period of the multi-year contract;

(ii) are reasonably firm; and

(iii) are continuing; and

(2) the multi-year contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economy in State procurement.

(d) (1) If money sufficient for the continued performance of a multi-year contract is not appropriated for any fiscal year, the multi-year contract terminates automatically on the earlier of:

(i) the last day of the fiscal year for which money last was appropriated; or

(ii) the date provided in the termination clause of the procurement contract.

(2) If the multi-year contract is terminated under this subsection, the unit shall reimburse the contractor for the reasonable value of any nonrecurring costs that were:

(i) incurred as a result of the multi-year contract; but

(ii) not amortized in the price of the supplies or services delivered under the multi-year contract.

(3) The cost of termination under this subsection may be paid from any appropriation available for that purpose.

(e) **[Each] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, EACH** multi-year contract, including a lease of real property, shall include an automatic termination clause that:

(1) is not inconsistent with the requirements of subsection (d) of this section; and

(2) discharges both parties to the multi-year contract from future performance of that contract, but not from their existing obligations.

(F) (1) ON THE RECOMMENDATION OF THE SECRETARY OF GENERAL SERVICES, THE BOARD MAY WAIVE THE REQUIREMENT TO INCLUDE AN AUTOMATIC TERMINATION CLAUSE UNDER SUBSECTION (E) OF THIS SECTION FOR A MULTI-YEAR CONTRACT TO PROCURE ENERGY GENERATED FROM A TIER 1 RENEWABLE SOURCE OR A TIER 2 RENEWABLE SOURCE, AS DEFINED IN § 7-701 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

(2) IN DETERMINING WHETHER OR NOT TO GRANT A WAIVER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL CONSIDER THE EFFECT OF IMPOSING THE TERMINATION CLAUSE REQUIREMENT UNDER SUBSECTION (E) OF THIS SECTION ON THE ABILITY OF THE ENERGY SUPPLIER TO OBTAIN FINANCING FOR THE RENEWABLE ENERGY GENERATION PROJECT THAT PRODUCES THE ENERGY THAT THE STATE IS CONTRACTING TO PROCURE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 496

(House Bill 465)

AN ACT concerning

Collective Negotiations by Family Child Care Providers

FOR the purpose of establishing collective bargaining rights for certain family child care providers who participate in the Maryland Child Care Subsidy Program; requiring that there be only one appropriate bargaining unit for certain family child care providers; authorizing providers to designate an exclusive representative; requiring that certain procedures relating to the election and certification of an exclusive representative, collective bargaining process, and bargaining agreements be governed by certain provisions of the collective bargaining law for State employees; prohibiting the State Labor Relations Board from conducting a certain election within a certain period; requiring an exclusive representative to represent all family child care providers, whether or not they are members of the provider organization; providing for the scope of collective bargaining for family child care providers; authorizing collective bargaining negotiations pertaining to family child care providers to include, under certain circumstances, negotiations relating to the right of an employee organization to receive service fees from nonmembers; providing that certain family child care providers are not required to pay certain fees and are required to make certain other payments; requiring collective bargaining to include negotiations that result in the establishment of a certain fund to protect certain family child care providers under certain circumstances; specifying that the certification of certain exclusive representatives under this Act does not prevent provider organizations from appearing before or making proposals to certain State agencies at a public meeting or hearing; prohibiting a provider organization from calling or directing a strike; providing that the provisions of this Act may not alter certain roles and rights of parents with regard to family child care providers; declaring the legislative intent of the General Assembly as it relates to the application of a certain exemption to State and federal antitrust laws; providing for the application and construction of this Act; requiring that a certain provider organization certified as the majority representative in a certain election pursuant to a certain Executive Order shall continue as the exclusive representative of family child care providers without the requirement of an additional election and certification; requiring the Early Learning

Programs Section of the Maryland State Department of Education to report to certain committees of the General Assembly on or before a certain date each year through a certain year; defining certain terms; declaring that the provisions of this Act are severable; and generally relating to collective bargaining for family child care providers.

BY repealing and reenacting, without amendments,

Article – Family Law

Section 5–550(d) and 5–552(b)

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

BY adding to

Article – Family Law

Section 5–595 through 5–595.6 to be under the new part “Part XI. Collective Negotiations by Family Child Care Providers”

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

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

Article – Family Law

5–550.

(d) “Family day care provider” means an individual who cares for no more than eight children in a registered family day care home.

5–552.

(b) A family day care home is not required to be registered if the day care provider:

(1) is related to each child by blood or marriage;

(2) is a friend of each child’s parents or legal guardian and the care is provided on an occasional basis; or

(3) has received the care of the child from a child placement agency licensed by the Administration or by a local department.

PART XI. COLLECTIVE NEGOTIATIONS BY FAMILY CHILD CARE PROVIDERS.

5–595.

(A) IN THIS PART XI OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “FAMILY CHILD CARE PROVIDER” MEANS AN INDIVIDUAL WHO PARTICIPATES IN THE MARYLAND CHILD CARE SUBSIDY PROGRAM WHO IS:

(1) A REGISTERED PROVIDER AS DEFINED IN § 5-550(D) OF THIS SUBTITLE; OR

(2) EXEMPT FROM THE REGISTRATION REQUIREMENTS UNDER § 5-552(B) OF THIS SUBTITLE.

(C) “PROVIDER ORGANIZATION” MEANS AN ORGANIZATION THAT:

(1) INCLUDES FAMILY CHILD CARE PROVIDERS; AND

(2) HAS AS ONE OF ITS PURPOSES THE REPRESENTATION OF FAMILY CHILD CARE PROVIDERS IN THEIR RELATIONS WITH THE STATE.

5-595.1.

IN ACCORDING FAMILY CHILD CARE PROVIDERS AND THEIR REPRESENTATIVES RIGHTS UNDER THIS PART XI OF THIS SUBTITLE, IT IS THE LEGISLATIVE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE ACTION EXEMPTION TO THE APPLICATION OF FEDERAL AND STATE ANTITRUST LAWS BE FULLY AVAILABLE TO THE EXTENT THAT THE ACTIVITIES OF THE FAMILY CHILD CARE PROVIDERS AND THEIR REPRESENTATIVES ARE AUTHORIZED UNDER THIS TITLE.

5-595.2.

(A) THERE SHALL BE ONLY ONE APPROPRIATE BARGAINING UNIT OF FAMILY CHILD CARE PROVIDERS IN THE STATE.

(B) FAMILY CHILD CARE PROVIDERS MAY DESIGNATE, IN ACCORDANCE WITH THE PROVISIONS OF THIS PART XI OF THIS SUBTITLE, WHICH PROVIDER ORGANIZATION, IF ANY, SHALL BE THE EXCLUSIVE REPRESENTATIVE OF ALL FAMILY CHILD CARE PROVIDERS IN THE STATE.

(C) (1) THE ELECTION AND CERTIFICATION OF THE EXCLUSIVE REPRESENTATIVE OF FAMILY CHILD CARE PROVIDERS SHALL BE GOVERNED BY THE PROCEDURES SET FORTH IN TITLE 3, SUBTITLE 4 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(2) ALL ELECTIONS SHALL BE CONDUCTED BY THE STATE LABOR RELATIONS BOARD AND SUBJECT TO THE REQUIREMENTS AND LIMITATIONS OF TITLE 3, SUBTITLE 4 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(3) THE STATE LABOR RELATIONS BOARD MAY NOT CONDUCT AN ELECTION FOR AN EXCLUSIVE REPRESENTATIVE IF AN ELECTION OR CERTIFICATION OF AN EXCLUSIVE REPRESENTATIVE HAS TAKEN PLACE WITHIN THE PRECEDING 2 YEARS.

(4) A PROVIDER ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE SHALL REPRESENT ALL FAMILY CHILD CARE PROVIDERS IN THE STATE FAIRLY AND WITHOUT DISCRIMINATION, WHETHER OR NOT THE FAMILY CHILD CARE PROVIDERS ARE MEMBERS OF THE PROVIDER ORGANIZATION.

5-595.3.

(A) THE STATE DEPARTMENT OF EDUCATION SHALL DESIGNATE APPROPRIATE REPRESENTATIVES TO PARTICIPATE IN COLLECTIVE BARGAINING WITH THE PROVIDER ORGANIZATION CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE OF FAMILY CHILD CARE PROVIDERS.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS PART XI OF THIS SUBTITLE, THE PARTIES SHALL ADHERE TO THE BARGAINING PROCESS SET FORTH IN § 3-501 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(C) THE STATE DEPARTMENT OF EDUCATION SHALL NEGOTIATE IN CONSULTATION WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT REGARDING ALL MATTERS THAT REQUIRE APPROPRIATION OF STATE FUNDS.

(D) COLLECTIVE BARGAINING SHALL INCLUDE ALL MATTERS RELATED TO THE TERMS AND CONDITIONS OF PARTICIPATION BY FAMILY CHILD CARE PROVIDERS IN THE MARYLAND CHILD CARE SUBSIDY PROGRAM, INCLUDING:

- (1) REIMBURSEMENT RATES;**
- (2) BENEFITS;**
- (3) PAYMENT PROCEDURES;**
- (4) CONTRACT GRIEVANCE PROCEDURES;**
- (5) TRAINING;**

(6) MEMBER DUES DEDUCTIONS; AND

(7) OTHER TERMS AND CONDITIONS OF PARTICIPATION BY FAMILY CHILD CARE PROVIDERS IN THE MARYLAND CHILD CARE SUBSIDY PROGRAM.

(E) (1) (I) ~~COLLECTIVE~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, COLLECTIVE BARGAINING MAY INCLUDE NEGOTIATIONS RELATING TO THE RIGHT OF A PROVIDER ORGANIZATION THAT IS THE EXCLUSIVE REPRESENTATIVE TO RECEIVE SERVICE FEES FROM NONMEMBERS.

(II) THE REPRESENTATIVES OF THE STATE MAY NOT REACH AN AGREEMENT CONTAINING A SERVICE FEE PROVISION UNLESS THE REPRESENTATIVES OF THE STATE CONCLUDE THAT THE AGREEMENT AS A WHOLE WILL NOT ADVERSELY IMPACT NONMEMBER PROVIDERS.

(2) A FAMILY CHILD CARE PROVIDER WHOSE RELIGIOUS BELIEFS ARE OPPOSED TO JOINING OR FINANCIALLY SUPPORTING ANY COLLECTIVE BARGAINING ORGANIZATION IS:

(I) NOT REQUIRED TO PAY A SERVICE FEE; AND

(II) REQUIRED TO PAY AN AMOUNT OF MONEY AS DETERMINED IN COLLECTIVE BARGAINING NEGOTIATIONS, NOT TO EXCEED ANY SERVICE FEE NEGOTIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, TO ANY CHARITABLE ORGANIZATION EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND TO FURNISH TO THE STATE DEPARTMENT OF EDUCATION AND THE EXCLUSIVE REPRESENTATIVE WRITTEN PROOF OF THE PAYMENT.

(F) (1) COLLECTIVE BARGAINING SHALL INCLUDE NEGOTIATIONS THAT RESULT IN THE ESTABLISHMENT OF A FUND FOR THE PURPOSE OF PROTECTING FAMILY CHILD CARE PROVIDERS AGAINST EXTREME HARDSHIP OR LOSS OF LIVELIHOOD RESULTING FROM LATE STATE PAYMENTS.

(2) THE EXCLUSIVE REPRESENTATIVE SHALL PAY FOR A PORTION OF THE FUND.

(3) THE FUND:

(I) MAY NOT BE A STATE FUND; BUT

(II) SHALL BE ESTABLISHED AND ADMINISTERED IN CONSULTATION WITH THE STATE.

(4) ALL REVENUES, MONEY, AND ASSETS OF THE FUND BELONG SOLELY TO THE FUND AND ARE HELD BY THE FUND IN TRUST FOR FAMILY CHILD CARE PROVIDERS.

(5) THE STATE MAY NOT BORROW, APPROPRIATE, OR DIRECT PAYMENTS FROM THE REVENUES, MONEY, OR ASSETS OF THE FUND FOR ANY PURPOSE.

(6) THE FUND SHALL INCLUDE FUNDS SUFFICIENT TO MEET THE REASONABLY FORESEEABLE NEEDS OF THE FAMILY CHILD CARE PROVIDERS.

~~(F)~~ (G) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, THE REPRESENTATIVES OF THE STATE:

(1) MAY NOT BE REQUIRED TO NEGOTIATE ANY MATTER THAT IS INCONSISTENT WITH APPLICABLE LAW; AND

(2) MAY NEGOTIATE AND REACH AGREEMENT WITH REGARD TO ANY SUCH MATTER ONLY IF IT IS UNDERSTOOD THAT THE AGREEMENT WITH RESPECT TO SUCH MATTER CANNOT BECOME EFFECTIVE UNLESS THE APPLICABLE LAW IS AMENDED BY THE GENERAL ASSEMBLY.

~~(G)~~ (H) THE PARTIES SHALL REDUCE THEIR AGREEMENT TO A MEMORANDUM OF UNDERSTANDING THAT COMPLIES WITH THE PROVISIONS OF § 3-601 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

5-595.4.

THE CERTIFICATION OF AN EXCLUSIVE REPRESENTATIVE OF FAMILY CHILD CARE PROVIDERS BY THE STATE DEPARTMENT OF EDUCATION DOES NOT PREVENT THE CERTIFIED PROVIDER ORGANIZATION OR ANY OTHER ORGANIZATION OR INDIVIDUAL FROM COMMUNICATING WITH ANY STATE OFFICIAL ON MATTERS OF INTEREST, INCLUDING APPEARING BEFORE OR MAKING PROPOSALS TO THE STATE DEPARTMENT OF EDUCATION AT A PUBLIC MEETING OR HEARING OR AT ANY OTHER FORUM OF THE STATE DEPARTMENT OF EDUCATION.

5-595.5.

(A) A PROVIDER ORGANIZATION MAY NOT CALL OR DIRECT A STRIKE OR OTHER COLLECTIVE CESSATION OF THE DELIVERY OF SERVICES.

(B) THIS PART XI OF THIS SUBTITLE MAY NOT BE CONSTRUED TO GRANT ANY RIGHT, OR IMPLY THAT FAMILY CHILD CARE PROVIDERS HAVE ANY RIGHT, TO ENGAGE IN A STRIKE OR OTHER COLLECTIVE CESSATION OF THE DELIVERY OF SERVICES.

5-595.6.

(A) THIS PART XI OF THIS SUBTITLE MAY NOT BE CONSTRUED TO MAKE FAMILY CHILD CARE PROVIDERS EMPLOYEES OF THE STATE.

(B) THIS PART XI OF THIS SUBTITLE MAY NOT ALTER IN ANY WAY THE ROLE OF PARENTS IN SELECTING, DIRECTING, AND TERMINATING THE SERVICES OF FAMILY CHILD CARE PROVIDERS.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 5-595.2 of the Family Law Article as enacted by Section 1 of this Act, the provider organization certified as the majority representative of family child care providers in the election held pursuant to Executive Order 01.01.2007.14 prior to the effective date of this Act shall continue as the exclusive representative without the requirement of an additional election and certification.

SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before December 31 of each year through 2013, the Early Learning Programs Section of the Maryland State Department of Education shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article, on the status of the Maryland Child Care Subsidy Program as it relates to family child care providers.

(b) The report shall include:

(1) the number of child care providers and children participating in the Maryland Child Care Subsidy Program;

(2) the number of family child care providers who join the collective bargaining unit established under this Act and the number of children served by each of the providers; and

(3) the number of family child care providers who have used the fund required to be established under § 5-595.3(e) of the Family Law Article, as enacted by Section 1 of this Act, and the terms of eligibility for payments from the fund;

(4) recommendations on how to safeguard the funds in the fund required to be established under § 5-595.3(e) of the Family Law Article, as enacted by Section 1 of this Act, in the event that management of the fund is transferred or the fund is terminated; and

(3) (5) an analysis of any positive or negative trends resulting from the implementation of this Act.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 497

(Senate Bill 633)

AN ACT concerning

Community Services Reimbursement Rate Commission – Developmental Disabilities and Community Mental Health Services – Rate Adjustments

FOR the purpose of requiring the Community Services Reimbursement Rate Commission to ~~develop a certain update formula for determining rates paid to developmental disabilities service providers and community mental health services providers~~ determine a weighted average cost structure of certain developmental disabilities service providers and community mental health services providers in a certain manner; requiring the Commission to include in a certain existing annual report an analysis of the impact of a certain ~~update formula~~ annual inflationary cost adjustment on the financial condition of certain providers; requiring the Department of Health and Mental Hygiene to make a certain adjustment for inflation of the fees paid to certain providers ~~using a certain update formula~~ beginning in a certain fiscal year; requiring the Department to ensure that a certain annual inflationary cost adjustment is equivalent to certain other annual inflationary cost adjustments by using a certain weighted average cost structure; providing that certain annual inflationary cost adjustments used to establish a certain annual inflationary cost adjustment may not be less than a certain percentage; providing that a certain annual inflationary cost adjustment may not exceed a certain percentage; establishing the formula for the annual inflation rate adjustment for certain providers; requiring the Department to conduct a certain study in consultation

with certain stakeholders and to report its findings and recommendations to the General Assembly on or before a certain date dates; providing for the termination of this Act; and generally relating to the Community Services Reimbursement Rate Commission and provider rate adjustments.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–806, 13–809, and 16–201.2
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health – General

13–806.

(a) The Commission shall assess:

(1) The extent and amount of uncompensated care delivered by providers;

(2) The level of and changes in wages paid by providers to direct support workers, including the source of revenue for wages paid by providers;

(3) The ability of providers to operate on a solvent basis in the delivery of effective and efficient services that are in the public interest;

(4) The incentives and disincentives:

(i) Incorporated in the rate setting methodologies utilized and proposed by the Mental Hygiene Administration and the Developmental Disabilities Administration; and

(ii) In alternative methodologies;

(5) How incentives to provide quality care can be built into a rate setting methodology; and

(6) The impact of changes in regulations that impact on the costs of providers and whether the rates have been adjusted to provide for any increased costs associated with the regulatory changes.

(b) The Commission shall:

(1) ~~Develop [or refine methodologies for calculating rate update factors for rates paid by the Developmental Disabilities Administration and the Mental Hygiene Administration and recommend annual rate update factors that use the methodologies that are developed]~~ ~~AN UPDATE FORMULA THAT IS EQUIVALENT TO THE COST ADJUSTMENTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR'S PROPOSED BUDGET BY~~ DETERMINE A WEIGHTED AVERAGE COST STRUCTURE OF PROVIDERS BY:

(I) STUDYING THE CATEGORIES OF COSTS USED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT IN THE BUDGETS OF UNITS OF STATE GOVERNMENT; AND

(II) ASSESSING THE AVERAGE COST STRUCTURE OF PROVIDERS USING THE CATEGORIES OF COSTS USED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT FOR UNITS OF STATE GOVERNMENT; ~~AND~~

~~(III) DETERMINING A WEIGHTED AVERAGE FORMULA BASED ON THE AVERAGE COST STRUCTURE OF PROVIDERS TO ALIGN ANNUAL COST ADJUSTMENTS FOR PROVIDERS WITH COST ADJUSTMENTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR'S PROPOSED BUDGET;~~

(2) With respect to the Developmental Disabilities Administration, review the data reported in the Developmental Disabilities Administration annual cost reports and use the data to develop relative performance measures of providers; and

(3) Evaluate proposed regulatory changes by the Department, the Developmental Disabilities Administration, and the Mental Hygiene Administration that affect the rates paid or the rate structure.

13-809.

On or before October 1 of each year, the Commission shall issue a report to the Governor, the Secretary, and, subject to § 2-1246 of the State Government Article, the General Assembly that:

(1) Describes its findings regarding:

(i) The changes in wages paid by providers to direct care workers;

(ii) The financial condition of providers [and], the ability of providers to operate on a solvent basis in the delivery of effective and efficient services that are in the public interest, ~~AND THE IMPACT OF THE UPDATE FORMULA ANNUAL INFLATIONARY COST ADJUSTMENT AS SET FORTH IN § 13-806~~

16-201.2(C) OF THIS SUBTITLE ARTICLE, ON THE FINANCIAL CONDITION OF PROVIDERS;

(iii) The incentives and disincentives incorporated in the rate setting methodologies utilized and proposed by the Mental Hygiene Administration and the Developmental Disabilities Administration and how the methodologies might be improved;

(iv) How incentives to provide quality of care can be built into a rate setting methodology; [and]

(v) The recommended ~~methodologies for the [calculation of rate update factors and the rate update factors recommended]~~ **UPDATE FORMULA, WEIGHTED AVERAGE COST STRUCTURE OF PROVIDERS** AS SET FORTH IN § 13-806 OF THIS SUBTITLE, for the next succeeding fiscal year; AND

(VI) ANY ADDITIONAL RECOMMENDATIONS REGARDING RATE-SETTING METHODOLOGIES TO ALIGN PROVIDER RATES WITH REASONABLE COSTS;

(2) Recommends the need for any formal executive, judicial, or legislative action;

(3) Describes issues in need of future study by the Commission; and

(4) Discusses any other matter that relates to the purposes of the Commission under this subtitle.

16-201.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Community developmental disabilities services provider” means a community-based developmental disabilities program licensed by the Department.

(3) “Community mental health services provider” means a community-based mental health program approved by the Department or an individual practitioner who contracts with the Department or the appropriate core service agency.

(4) “Core service agency” has the meaning stated in § 10-1201 of this article.

(5) “Eligible individual” means a Medicaid recipient or an individual who receives developmental disabilities services or mental health services subsidized in whole or in part by the State.

(b) Notwithstanding the provisions of this subtitle, the Department shall reimburse a community developmental disabilities services provider or a community mental health services provider for approved services rendered to an eligible individual as provided in this section.

(c) (1) [Subject to the limitations of the State budget, beginning] **BEGINNING** in fiscal year [2008] **2012** and in each fiscal year thereafter, the Department shall adjust for inflation the fees paid to a community developmental disabilities services provider and a community mental health services provider for approved services rendered to an eligible individual ~~using the update [factor]~~ ~~FORMULA SET FORTH IN § 13-806 OF THIS ARTICLE~~ recommended by the ~~Community Services Reimbursement Rate Commission~~.

(2) THE DEPARTMENT SHALL ESTABLISH AN ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS THAT SHALL BE ALIGNED WITH THE ANNUAL COST ADJUSTMENTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR'S PROPOSED BUDGET.

(3) SUBJECT TO PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, THE DEPARTMENT SHALL ENSURE THAT THE ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS IS EQUIVALENT TO THE ANNUAL INFLATIONARY COST ADJUSTMENTS FOR CATEGORIES OF COSTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR'S PROPOSED BUDGET BY USING THE WEIGHTED AVERAGE COST STRUCTURE SET FORTH IN § 13-806(B)(1) OF THIS ARTICLE.

(4) THE ANNUAL INFLATIONARY COST ADJUSTMENTS FOR CATEGORIES OF COSTS FOR UNITS OF STATE GOVERNMENT USED TO ESTABLISH THE ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS MAY NOT BE LESS THAN 0%.

(5) THE ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS MAY NOT EXCEED A MAXIMUM ADJUSTMENT OF 4%.

~~(2) THE ANNUAL INFLATION RATE ADJUSTMENT FOR DEVELOPMENTAL DISABILITY AND MENTAL HEALTH COMMUNITY PROVIDERS SHALL BE EQUIVALENT TO THE COST ADJUSTMENTS FOR CATEGORIES OF COSTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR'S PROPOSED BUDGET.~~

[(2)] ~~(3)~~ (6) Annual adjustments shall be funded with due regard to the expenditures necessary to meet the needs of individuals receiving services.

[(3)] The annual rate of change for the fees may not exceed a maximum rate of 5%.]

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall:

(a) (1) conduct a study, in consultation with community services stakeholders, including the Maryland Association of Community Services and the Community Behavioral Health Association of Maryland, ~~to evaluate whether the role of the Community Services Reimbursement Rate Commission and its reporting requirements should be modified as a result of the changes in §§ 13-806, 13-809, and 16-201.2 of the Health General Article enacted by Section 1 of this Act; and for purposes of recommending a plan to develop, and a timeline to implement, a rate-setting methodology for community developmental disabilities and mental health services providers that would:~~

(i) promote the fiscally sound and efficient operation of community services providers; and

(ii) promote the highest level of quality of care for individuals with developmental disabilities and mental illness;

(2) include in the study an analysis of:

(i) the operating costs of community services providers;

(ii) the ability of community services providers to attract and retain a high quality work force;

(iii) any appropriate and feasible incentives for high quality performance of community services providers;

(iv) any capital infrastructure needs of community services providers;

(v) transportation costs of community services providers;

(vi) the appropriate future role of the Community Services Reimbursement Rate Commission and other entities involved in State rate-setting processes; and

(vii) any other issues related to the efficient and effective provision of community services; and

(b) (1) on or before December 1, 2012, report its preliminary findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article; and

~~(b)~~ (2) on or before January 1, ~~2011~~ 2013, report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010. It shall remain effective for a period of 5 years and 9 months and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 498

(House Bill 1034)

AN ACT concerning

Community Services Reimbursement Rate Commission – Developmental Disabilities and Community Mental Health Services – Rate Adjustments

FOR the purpose of requiring the Community Services Reimbursement Rate Commission to ~~develop a certain update formula for determining rates paid to developmental disabilities service providers and community mental health services providers~~ determine a weighted average cost structure of certain developmental disabilities service providers and community mental health services providers in a certain manner; requiring the Commission to include in a certain existing annual report an analysis of the impact of a certain update formula annual inflationary cost adjustment on the financial condition of certain providers; requiring the Department of Health and Mental Hygiene to make a certain adjustment for inflation of the fees paid to certain providers using a certain update formula beginning in a certain fiscal year; requiring the Department to ensure that a certain annual inflationary cost adjustment is equivalent to certain other annual inflationary cost adjustments by using a certain weighted average cost structure; providing that certain annual inflationary cost adjustments used to establish a certain annual inflationary cost adjustment may not be less than a certain percentage; providing that a certain annual inflationary cost adjustment may not exceed a certain percentage; establishing the formula for the annual inflation rate adjustment for certain providers; requiring the Department to conduct a certain study in consultation with certain stakeholders and to report its findings and recommendations to the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the Community Services Reimbursement Rate Commission and provider rate adjustments.

BY repealing and reenacting, with amendments,

Article – Health – General
Section 13–806, 13–809, and 16–201.2
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health – General

13–806.

(a) The Commission shall assess:

(1) The extent and amount of uncompensated care delivered by providers;

(2) The level of and changes in wages paid by providers to direct support workers, including the source of revenue for wages paid by providers;

(3) The ability of providers to operate on a solvent basis in the delivery of effective and efficient services that are in the public interest;

(4) The incentives and disincentives:

(i) Incorporated in the rate setting methodologies utilized and proposed by the Mental Hygiene Administration and the Developmental Disabilities Administration; and

(ii) In alternative methodologies;

(5) How incentives to provide quality care can be built into a rate setting methodology; and

(6) The impact of changes in regulations that impact on the costs of providers and whether the rates have been adjusted to provide for any increased costs associated with the regulatory changes.

(b) The Commission shall:

(1) ~~Develop [or refine methodologies for calculating rate update factors for rates paid by the Developmental Disabilities Administration and the Mental Hygiene Administration and recommend annual rate update factors that use the methodologies that are developed] AN UPDATE FORMULA THAT IS EQUIVALENT TO THE COST ADJUSTMENTS FOR UNITS OF STATE GOVERNMENT IN THE~~

GOVERNOR'S PROPOSED BUDGET BY DETERMINE A WEIGHTED AVERAGE COST STRUCTURE OF PROVIDERS BY:

(I) STUDYING THE CATEGORIES OF COSTS USED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT IN THE BUDGETS OF UNITS OF STATE GOVERNMENT; AND

(II) ASSESSING THE AVERAGE COST STRUCTURE OF PROVIDERS USING THE CATEGORIES OF COSTS USED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT FOR UNITS OF STATE GOVERNMENT; AND

~~(III) DETERMINING A WEIGHTED AVERAGE FORMULA BASED ON THE AVERAGE COST STRUCTURE OF PROVIDERS TO ALIGN ANNUAL COST ADJUSTMENTS FOR PROVIDERS WITH COST ADJUSTMENTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR'S PROPOSED BUDGET;~~

(2) With respect to the Developmental Disabilities Administration, review the data reported in the Developmental Disabilities Administration annual cost reports and use the data to develop relative performance measures of providers; and

(3) Evaluate proposed regulatory changes by the Department, the Developmental Disabilities Administration, and the Mental Hygiene Administration that affect the rates paid or the rate structure.

13-809.

On or before October 1 of each year, the Commission shall issue a report to the Governor, the Secretary, and, subject to § 2-1246 of the State Government Article, the General Assembly that:

(1) Describes its findings regarding:

(i) The changes in wages paid by providers to direct care workers;

(ii) The financial condition of providers [and], the ability of providers to operate on a solvent basis in the delivery of effective and efficient services that are in the public interest, **AND THE IMPACT OF THE UPDATE FORMULA ANNUAL INFLATIONARY COST ADJUSTMENT AS SET FORTH IN § 13-806 § 16-201.2(D) 16-201.2(C) OF THIS SUBTITLE ARTICLE, ON THE FINANCIAL CONDITION OF PROVIDERS;**

(iii) The incentives and disincentives incorporated in the rate setting methodologies utilized and proposed by the Mental Hygiene Administration

and the Developmental Disabilities Administration and how the methodologies might be improved;

(iv) How incentives to provide quality of care can be built into a rate setting methodology; [and]

(v) The recommended ~~methodologies for the [calculation of rate update factors and the rate update factors recommended]~~ **UPDATE FORMULA, WEIGHTED AVERAGE COST STRUCTURE OF PROVIDERS AS SET FORTH IN § 13-806 OF THIS SUBTITLE**, for the next succeeding fiscal year; AND

(VI) ANY ADDITIONAL RECOMMENDATIONS REGARDING RATE-SETTING METHODOLOGIES TO ALIGN PROVIDER RATES WITH REASONABLE COSTS;

(2) Recommends the need for any formal executive, judicial, or legislative action;

(3) Describes issues in need of future study by the Commission; and

(4) Discusses any other matter that relates to the purposes of the Commission under this subtitle.

16-201.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Community developmental disabilities services provider” means a community-based developmental disabilities program licensed by the Department.

(3) “Community mental health services provider” means a community-based mental health program approved by the Department or an individual practitioner who contracts with the Department or the appropriate core service agency.

(4) “Core service agency” has the meaning stated in § 10-1201 of this article.

(5) “Eligible individual” means a Medicaid recipient or an individual who receives developmental disabilities services or mental health services subsidized in whole or in part by the State.

(b) Notwithstanding the provisions of this subtitle, the Department shall reimburse a community developmental disabilities services provider or a community mental health services provider for approved services rendered to an eligible individual as provided in this section.

(c) (1) [Subject to the limitations of the State budget, beginning] **BEGINNING** in fiscal year [2008] **2012** and in each fiscal year thereafter, the Department shall adjust for inflation the fees paid to a community developmental disabilities services provider and a community mental health services provider for approved services rendered to an eligible individual ~~using the update [factor]~~ ~~**FORMULA SET FORTH IN § 13-806 OF THIS ARTICLE**~~ recommended by the ~~Community Services Reimbursement Rate Commission~~.

(2) THE DEPARTMENT SHALL ESTABLISH AN ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS THAT SHALL BE ALIGNED WITH THE ANNUAL COST ADJUSTMENTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR'S PROPOSED BUDGET.

(3) SUBJECT TO PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, THE DEPARTMENT SHALL ENSURE THAT THE ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS IS EQUIVALENT TO THE ANNUAL INFLATIONARY COST ADJUSTMENTS FOR CATEGORIES OF COSTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR'S PROPOSED BUDGET BY USING THE WEIGHTED AVERAGE COST STRUCTURE SET FORTH IN § 13-806(B)(1) OF THIS ARTICLE.

(4) THE ANNUAL INFLATIONARY COST ADJUSTMENTS FOR CATEGORIES OF COSTS FOR UNITS OF STATE GOVERNMENT USED TO ESTABLISH THE ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS MAY NOT BE LESS THAN 0%.

(5) THE ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS MAY NOT EXCEED A MAXIMUM ADJUSTMENT OF 4%.

~~(2) THE ANNUAL INFLATION RATE ADJUSTMENT FOR DEVELOPMENTAL DISABILITY AND MENTAL HEALTH COMMUNITY PROVIDERS SHALL BE EQUIVALENT TO THE COST ADJUSTMENTS FOR CATEGORIES OF COSTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR'S PROPOSED BUDGET.~~

[2] ~~(3)~~ (6) Annual adjustments shall be funded with due regard to the expenditures necessary to meet the needs of individuals receiving services.

[(3) The annual rate of change for the fees may not exceed a maximum rate of 5%.]

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall:

(a) (1) conduct a study, in consultation with community services stakeholders, including the Maryland Association of Community Services and the Community Behavioral Health Association of Maryland, for purposes of recommending a plan to develop, and a timeline to implement, a rate-setting methodology for community developmental disabilities and mental health services providers that would:

(i) promote the fiscally sound and efficient operation of community services providers; and

(ii) promote the highest level of quality of care for individuals with developmental disabilities and mental illness;

(2) include in the study an analysis of:

(i) the operating costs of community services providers;

(ii) the ability of community services providers to attract and retain a high quality work force;

(iii) any appropriate and feasible incentives for high quality performance of community services providers;

(iv) any capital infrastructure needs of community services providers;

(v) transportation costs of community services providers;

(vi) the appropriate future role of the Community Services Reimbursement Rate Commission and other entities involved in State rate-setting processes; and

(vii) any other issues related to the efficient and effective provision of community services; and

(b) (1) on or before December 1, 2012, report its preliminary findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article; and

(2) on or before January 1, 2013, report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010. It shall remain effective for a period of 5 years and 9 months and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 499

(Senate Bill 318)

AN ACT concerning

Income Tax Checkoff for Developmental Disabilities

FOR the purpose of establishing a certain income tax checkoff system for voluntary contributions to the Waiting List Equity Fund to provide certain services for individuals with developmental disabilities; requiring the Comptroller to include a checkoff on the individual income tax return; providing that the income tax checkoff system include a certain statement; requiring the Comptroller to include certain information in each individual income tax return package; requiring the Comptroller to collect and account for contributions made through the checkoff system and to credit the proceeds to the Fund after deducting the amount necessary to administer the checkoff system; providing that the Fund may consist of certain contributions from the income tax checkoff system and certain other money; providing for the application of this Act; and generally relating to an income tax checkoff system for contributions to provide certain services for individuals with developmental disabilities.

BY adding to

Article – Tax – General
Section 2–113 and 10–804(i)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General
Section 7–205(a), (b), and (c)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General
Section 7–205(d)(1)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Tax – General**2-113.**

(A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE “DEVELOPMENTAL DISABILITIES WAITING LIST EQUITY FUND CONTRIBUTION”.

(2) THE CHECKOFF SHALL STATE THAT:

(I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A JOINT RETURN, MAY CONTRIBUTE TO THE WAITING LIST EQUITY FUND THE AMOUNT DESIGNATED BY THE INDIVIDUAL; AND

(II) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF THE CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS ENTITLED; OR

2. IF THE INDIVIDUAL IS NOT ENTITLED TO A REFUND, THE INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO THE INCOME TAX TO BE PAID WITH THE RETURN.

(3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH THE WAITING LIST EQUITY FUND WAS ESTABLISHED AND THE PURPOSES FOR WHICH THE FUND MAY BE USED.

(B) THE COMPTROLLER SHALL:

(1) COLLECT THE CHECKOFF CONTRIBUTIONS AND ACCOUNT TO THE STATE TREASURER FOR THE MONEY COLLECTED;

(2) FROM THE CONTRIBUTIONS COLLECTED, DISTRIBUTE THE AMOUNT NECESSARY TO ADMINISTER THE CHECKOFF SYSTEM TO AN ADMINISTRATIVE COST ACCOUNT; AND

(3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS SUBSECTION, DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER THIS SUBSECTION TO THE WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-205 OF THE HEALTH – GENERAL ARTICLE TO BE USED TO PROVIDE COMMUNITY-BASED SERVICES TO INDIVIDUALS WHO ARE ON THE

DEVELOPMENTAL DISABILITIES ADMINISTRATION WAITING LIST AND ARE ELIGIBLE FOR, BUT NOT RECEIVING, SERVICES FROM THE ADMINISTRATION.

10–804.

(I) AN INDIVIDUAL MAY DESIGNATE A CONTRIBUTION TO THE WAITING LIST EQUITY FUND, ESTABLISHED UNDER § 7–205 OF THE HEALTH – GENERAL ARTICLE, BY THE CHECKOFF SYSTEM ON THE RETURN.

Article – Health – General

7–205.

(a) (1) There is a continuing, nonlapsing Waiting List Equity Fund in the Department of Health and Mental Hygiene.

(2) The purpose of the Waiting List Equity Fund is to ensure that:

(i) When individuals leave State residential centers, the net average cost of serving them in the State residential center, as defined in subsection (d)(2) of this section, shall follow them to community–based services; and

(ii) Any funds remaining after the individuals leaving State residential centers are served, are used to provide community–based services to individuals eligible for, but not receiving, the community–based services listed in subsection (c) of this section.

(b) Subject to the appropriation process in the annual operating budget, the Department shall use the Waiting List Equity Fund for providing community–based services to individuals eligible for, but not receiving, services from the Developmental Disabilities Administration.

(c) For individuals eligible for, but not receiving, services from the Developmental Disabilities Administration in the Department, the Waiting List Equity Fund shall be used to provide:

- (1) Individualized supported living arrangements services;
- (2) Respite care;
- (3) Individual and family support services;
- (4) Supported employment; and
- (5) Individualized community integration day services.

(d) (1) [Subject to the appropriation process in the annual operating budget, the] **THE** Waiting List Equity Fund shall consist of:

(I) SUBJECT TO THE APPROPRIATION PROCESS IN THE ANNUAL OPERATING BUDGET, funds which are equal to the cost of providing services to an individual in a State residential center for each fiscal year, or part of a fiscal year, that the individual is no longer served in a State residential center and is provided community-based services as defined in paragraph (2) of this subsection;

(II) THE NET PROCEEDS FROM CONTRIBUTIONS UNDER THE INCOME TAX CHECKOFF SYSTEM ESTABLISHED UNDER § 2-113 OF THE TAX – GENERAL ARTICLE; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010, and shall be applicable to all taxable years beginning after December 31, 2009.

Approved by the Governor, May 20, 2010.

Chapter 500

(House Bill 830)

AN ACT concerning

Income Tax Checkoff for Developmental Disabilities

FOR the purpose of establishing a certain income tax checkoff system for voluntary contributions to the Waiting List Equity Fund to provide certain services for individuals with developmental disabilities; requiring the Comptroller to include a checkoff on the individual income tax return; providing that the income tax checkoff system include a certain statement; requiring the Comptroller to include certain information in each individual income tax return package; requiring the Comptroller to collect and account for contributions made through the checkoff system and to credit the proceeds to the Fund after deducting the amount necessary to administer the checkoff system; providing that the Fund may consist of certain contributions from the income tax checkoff system and certain other money; providing for the application of this Act; and generally relating to an income tax checkoff system for contributions to provide certain services for individuals with developmental disabilities.

BY adding to

Article – Tax – General
Section 2–113 and 10–804(i)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General
Section 7–205(a), (b), and (c)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General
Section 7–205(d)(1)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Tax – General

2–113.

(A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE “DEVELOPMENTAL DISABILITIES WAITING LIST EQUITY FUND CONTRIBUTION”.

(2) THE CHECKOFF SHALL STATE THAT:

(I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A JOINT RETURN, MAY CONTRIBUTE TO THE WAITING LIST EQUITY FUND THE AMOUNT DESIGNATED BY THE INDIVIDUAL; AND

(II) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF THE CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS ENTITLED; OR

2. IF THE INDIVIDUAL IS NOT ENTITLED TO A REFUND, THE INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO THE INCOME TAX TO BE PAID WITH THE RETURN.

(3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH THE WAITING LIST EQUITY FUND WAS ESTABLISHED AND THE PURPOSES FOR WHICH THE FUND MAY BE USED.

(B) THE COMPTROLLER SHALL:

(1) COLLECT THE CHECKOFF CONTRIBUTIONS AND ACCOUNT TO THE STATE TREASURER FOR THE MONEY COLLECTED;

(2) FROM THE CONTRIBUTIONS COLLECTED, DISTRIBUTE THE AMOUNT NECESSARY TO ADMINISTER THE CHECKOFF SYSTEM TO AN ADMINISTRATIVE COST ACCOUNT; AND

(3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS SUBSECTION, DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER THIS SUBSECTION TO THE WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-205 OF THE HEALTH – GENERAL ARTICLE TO BE USED TO PROVIDE COMMUNITY-BASED SERVICES TO INDIVIDUALS WHO ARE ON THE DEVELOPMENTAL DISABILITIES ADMINISTRATION WAITING LIST AND ARE ELIGIBLE FOR, BUT NOT RECEIVING, SERVICES FROM THE ADMINISTRATION.

10-804.

(I) AN INDIVIDUAL MAY DESIGNATE A CONTRIBUTION TO THE WAITING LIST EQUITY FUND, ESTABLISHED UNDER § 7-205 OF THE HEALTH – GENERAL ARTICLE, BY THE CHECKOFF SYSTEM ON THE RETURN.

Article – Health – General

7-205.

(a) (1) There is a continuing, nonlapsing Waiting List Equity Fund in the Department of Health and Mental Hygiene.

(2) The purpose of the Waiting List Equity Fund is to ensure that:

(i) When individuals leave State residential centers, the net average cost of serving them in the State residential center, as defined in subsection (d)(2) of this section, shall follow them to community-based services; and

(ii) Any funds remaining after the individuals leaving State residential centers are served, are used to provide community-based services to individuals eligible for, but not receiving, the community-based services listed in subsection (c) of this section.

(b) Subject to the appropriation process in the annual operating budget, the Department shall use the Waiting List Equity Fund for providing community-based services to individuals eligible for, but not receiving, services from the Developmental Disabilities Administration.

(c) For individuals eligible for, but not receiving, services from the Developmental Disabilities Administration in the Department, the Waiting List Equity Fund shall be used to provide:

- (1) Individualized supported living arrangements services;
- (2) Respite care;
- (3) Individual and family support services;
- (4) Supported employment; and
- (5) Individualized community integration day services.

(d) (1) [Subject to the appropriation process in the annual operating budget, the] **THE** Waiting List Equity Fund shall consist of:

(I) SUBJECT TO THE APPROPRIATION PROCESS IN THE ANNUAL OPERATING BUDGET, funds which are equal to the cost of providing services to an individual in a State residential center for each fiscal year, or part of a fiscal year, that the individual is no longer served in a State residential center and is provided community-based services as defined in paragraph (2) of this subsection;

(II) THE NET PROCEEDS FROM CONTRIBUTIONS UNDER THE INCOME TAX CHECKOFF SYSTEM ESTABLISHED UNDER § 2-113 OF THE TAX – GENERAL ARTICLE; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010, and shall be applicable to all taxable years beginning after December 31, 2009.

Approved by the Governor, May 20, 2010.

Chapter 501**(Senate Bill 465)**

AN ACT concerning

**Developmental Disabilities Administration – Recipient ~~Reevaluations~~
Appeals**

FOR the purpose of ~~requiring a recipient of certain services from the Developmental Disabilities Administration to be reevaluated under certain circumstances to determine the needs of and funding levels required by the recipient~~ requiring the Secretary of Health and Mental Hygiene to provide notice and an opportunity for a Medicaid fair hearing under certain circumstances; requiring the Secretary to provide certain notice within a certain time period to a recipient of services under certain circumstances; authorizing certain individuals to request the reevaluation; authorizing a recipient who has been denied a reevaluation to request a hearing in accordance with a certain provision of law appeal a certain decision; and generally relating to reevaluations of appeals by recipients of services from the Developmental Disabilities Administration.

BY ~~adding to~~ repealing and reenacting, with amendments,
Article – Health – General
Section ~~7-404.1~~ 7-406 and 7-1006
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health – General

~~7-404.1.~~

~~(A) ON REQUEST, A RECIPIENT OF SERVICES UNDER THIS TITLE SHALL BE REEVALUATED TO DETERMINE THE NEEDS OF AND FUNDING LEVELS REQUIRED BY THE RECIPIENT IF:~~

~~(1) A CHANGE HAS OCCURRED IN:~~

~~(i) THE PHYSICAL OR MENTAL HEALTH STATUS OF THE RECIPIENT; OR~~

~~(ii) THE SUPPORT SERVICES NEEDED BY THE RECIPIENT;~~
AND

~~(2) THE CHANGE IS NOT EXPECTED TO BE RESOLVED OR STABILIZED WITHOUT A MODIFICATION IN THE LEVEL OF SUPPORT SERVICES.~~

~~(B) A REEVALUATION MAY BE REQUESTED BY:~~

~~(1) THE RECIPIENT;~~

~~(2) A PARENT, ADULT SIBLING, ADULT CHILD, OR OTHER FAMILY MEMBER OF THE RECIPIENT WITH KNOWLEDGE OF THE RECIPIENT'S NEEDS AND SERVICES;~~

~~(3) THE GUARDIAN OF THE RECIPIENT;~~

~~(4) THE SURROGATE DECISION MAKER OF THE RECIPIENT; OR~~

~~(5) A SERVICE COORDINATOR.~~

~~(C) IF A RECIPIENT IS DENIED A REEVALUATION UNDER THIS SECTION, THE RECIPIENT MAY REQUEST A HEARING IN ACCORDANCE WITH § 7-406 OF THIS SUBTITLE.~~

7-406.

(a) IF A RECIPIENT OF MEDICAID-WAIVER SERVICES IS DENIED SERVICES TO BE PROVIDED IN ACCORDANCE WITH A PLAN OF HABILITATION UNDER § 7-1006 OF THIS TITLE, THE SECRETARY SHALL PROVIDE THE INDIVIDUAL WITH NOTICE AND AN OPPORTUNITY FOR A MEDICAID FAIR HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE AND FEDERAL MEDICAID LAW.

(B) (1) [An] SUBJECT TO SUBSECTION (A) OF THIS SECTION, AN applicant for services or a recipient of services under this title may:

[(1)] (I) Request an informal hearing before the Secretary's designee on any action or inaction of the Secretary made under this title; and

[(2)] (II) Request the Secretary to review the decision of the informal hearing.

[(b)] (2) After the Secretary receives a request for a review, the Secretary shall conduct the review in accordance with Title 10, Subtitle 2 of the State Government Article.

7-1006.

(a) In this section, “resource coordinator” means an independent professional staff person responsible for assisting in the development and review of an individual plan of habilitation designed to meet the individual’s needs, preferences, desires, goals, and outcomes in the most integrated setting.

(b) (1) The professional and supportive staff of a licensee who provides residential or day habilitation services shall make a written plan of habilitation for each individual with developmental disability who has been accepted for service by the licensee. The plan shall meet applicable federal standards.

(2) At least once a year, the staff shall reevaluate the effectiveness and adequacy of each plan in consultation with the individual with developmental disability and any person authorized to act on behalf of the individual, and shall revise the plan as needed.

(3) (i) The reevaluation required by paragraph (2) of this subsection shall include a determination of whether the needs of the individual could be met in more integrated settings.

(ii) At the time of the reevaluation, each individual with a developmental disability shall be provided a range of the most integrated setting service options that may be appropriate.

(iii) The information provided under subparagraph (ii) of this paragraph shall be given in a manner approved by the Administration.

(4) At least once a year, the Administration shall review the licensee’s execution of the plan of habilitation, and compliance with the rules, regulations, and standards which the Secretary adopts.

(c) (1) (i) The written plan of habilitation for individuals in State residential centers under this section is subject to the requirements described in this subsection.

(ii) The written plan of habilitation shall be developed by the individual, a treating professional, and a resource coordinator who is not employed by or under contract with the State residential center.

(iii) The Developmental Disabilities Administration shall develop the planning protocol and format for the written plan of habilitation to be used by each State residential center.

(iv) On an annual basis and any other time requested by the individual, the treating professional and resource coordinator shall discuss with the individual the service needs of the individual, including identifying community-based

Medicaid waiver services defined in § 15–132 of this article, and any other services that may be appropriate.

(v) The treating professional and resource coordinator shall use communication devices and techniques, including the use of sign language, as appropriate, to facilitate the involvement of the individual in the development of the written plan of habilitation.

(vi) Subsequent to the initial written plan of habilitation for individuals in State residential centers, the written plan of habilitation shall include an annual update on the status and progress toward addressing and resolving the barriers identified in subparagraph (vii)4 of this subsection.

(vii) The written plan of habilitation for individuals in State residential centers shall include:

1. The treating professional's recommendation on the most integrated setting appropriate to meet the individual's needs;

2. The resource coordinator's recommendation on the most integrated setting appropriate to meet the individual's needs;

3. A description of the services and supports, including residential, day, employment, and technology, that are required for the individual to receive services in the most integrated setting appropriate to meet the individual's needs; and

4. A listing of barriers that prevent an individual from receiving the supports and services required for the individual to live in the most integrated setting appropriate to meet the individual's needs, including community capacity or systems, if community services are determined to be the most integrated setting appropriate to meet the individual's needs.

(2) The treating professional and resource coordinator shall identify and report any rights violations as provided in §§ 7–1002(b) and 7–1003(m) of this subtitle.

(3) On or before December 1 of each year, each State residential center shall provide the information required under paragraph (1)(vi) and (vii) of this subsection to the Developmental Disabilities Administration and to the Department of Disabilities.

(4) (i) On or before July 1 of each year, the Developmental Disabilities Administration and the Department of Disabilities shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, summarizing the statewide and regional information provided by the State residential centers in paragraph (3) of this subsection.

(ii) The data shall be incorporated in the State's Olmstead Plan, with recommendations to address the barriers that prevent individuals from living in the most integrated setting appropriate to meet the individual's needs.

(d) Each individual plan of habilitation shall be reviewed and approved, disapproved, or modified by:

(1) The executive officer or administrative head of the licensee or a qualified developmental disability professional, as defined in § 7-1002(a) of this subtitle, whom the executive officer or administrative head designates; and

(2) One other professional individual who is responsible for carrying out a major program but does not participate in the individual plan of habilitation.

(e) Approval of a plan of habilitation shall be based on the current needs of the individual with developmental disability.

(f) (1) IF THE SECRETARY DENIES MEDICAID-WAIVER SERVICES THAT ARE TO BE PROVIDED TO A RECIPIENT UNDER A PLAN OF HABILITATION, THE SECRETARY SHALL, WITHIN 30 DAYS AFTER THE DENIAL, PROVIDE TO THE RECIPIENT WRITTEN NOTICE THAT INCLUDES:

(I) THE REASON FOR THE DENIAL, INCLUDING A COPY OF ANY ADMINISTRATION EVALUATION OF THE RECIPIENT THAT RELATES TO THE DECISION OF THE SECRETARY; AND

(II) INSTRUCTIONS FOR THE RECIPIENT TO APPEAL THE DECISION UNDER § 7-406 OF THIS TITLE.

(2) AN INDIVIDUAL WHO RECEIVES WRITTEN NOTICE OF A DENIAL OF MEDICAID-WAIVER SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY APPEAL THE DECISION UNDER § 7-406 OF THIS TITLE.

(G) The Secretary shall:

(1) Adopt rules and regulations to carry out the intent of this section;

(2) Provide appropriate support and technical assistance to the licensee in developing a plan of habilitation required by this section; and

(3) With respect to State residential centers, provide the professional and supportive staff and equipment that are necessary to carry out the plans of habilitation required by this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 502

(House Bill 900)

AN ACT concerning

Developmental Disabilities Administration – Recipient ~~Reevaluations~~ Appeals

FOR the purpose of ~~requiring a recipient of certain services from the Developmental Disabilities Administration to be reevaluated under certain circumstances to determine the needs of and funding levels required by the recipient~~ requiring the Secretary of Health and Mental Hygiene to provide notice and an opportunity for a Medicaid fair hearing under certain circumstances; requiring the Secretary to provide certain notice within a certain time period to a recipient of services under certain circumstances; authorizing certain individuals to request the reevaluation; authorizing a recipient who has been denied a reevaluation to request a hearing in accordance with a certain provision of law appeal a certain decision; and generally relating to ~~reevaluations of~~ appeals by recipients of services from the Developmental Disabilities Administration.

BY ~~adding to~~ repealing and reenacting, with amendments,

Article – Health – General
Section ~~7-404.1~~ 7-406 and 7-1006
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health – General

~~7-404.1.~~

~~(A) ON REQUEST, A RECIPIENT OF SERVICES UNDER THIS TITLE SHALL BE REEVALUATED TO DETERMINE THE NEEDS OF AND FUNDING LEVELS REQUIRED BY THE RECIPIENT IF:~~

- ~~(1) A CHANGE HAS OCCURRED IN:~~
- ~~(i) THE PHYSICAL OR MENTAL HEALTH STATUS OF THE RECIPIENT; OR~~
- ~~(ii) THE SUPPORT SERVICES NEEDED BY THE RECIPIENT;~~
- ~~AND~~
- ~~(2) THE CHANGE IS NOT EXPECTED TO BE RESOLVED OR STABILIZED WITHOUT A MODIFICATION IN THE LEVEL OF SUPPORT SERVICES.~~
- ~~(B) A REEVALUATION MAY BE REQUESTED BY:~~
- ~~(1) THE RECIPIENT;~~
- ~~(2) A PARENT, ADULT SIBLING, ADULT CHILD, OR OTHER FAMILY MEMBER OF THE RECIPIENT WITH KNOWLEDGE OF THE RECIPIENT'S NEEDS AND SERVICES;~~
- ~~(3) THE GUARDIAN OF THE RECIPIENT;~~
- ~~(4) THE SURROGATE DECISION MAKER OF THE RECIPIENT; OR~~
- ~~(5) A SERVICE COORDINATOR.~~
- ~~(C) IF A RECIPIENT IS DENIED A REEVALUATION UNDER THIS SECTION, THE RECIPIENT MAY REQUEST A HEARING IN ACCORDANCE WITH § 7-406 OF THIS SUBTITLE.~~

7-406.

(a) IF A RECIPIENT OF MEDICAID-WAIVER SERVICES IS DENIED SERVICES TO BE PROVIDED IN ACCORDANCE WITH A PLAN OF HABILITATION UNDER § 7-1006 OF THIS TITLE, THE SECRETARY SHALL PROVIDE THE INDIVIDUAL WITH NOTICE AND AN OPPORTUNITY FOR A MEDICAID FAIR HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE AND FEDERAL MEDICAID LAW.

(B) (1) [An] SUBJECT TO SUBSECTION (A) OF THIS SECTION, AN applicant for services or a recipient of services under this title may:

[(1)] (I) Request an informal hearing before the Secretary's designee on any action or inaction of the Secretary made under this title; and

[(2)] (II) Request the Secretary to review the decision of the informal hearing.

[(b)] (2) After the Secretary receives a request for a review, the Secretary shall conduct the review in accordance with Title 10, Subtitle 2 of the State Government Article.

7-1006.

(a) In this section, “resource coordinator” means an independent professional staff person responsible for assisting in the development and review of an individual plan of habilitation designed to meet the individual’s needs, preferences, desires, goals, and outcomes in the most integrated setting.

(b) (1) The professional and supportive staff of a licensee who provides residential or day habilitation services shall make a written plan of habilitation for each individual with developmental disability who has been accepted for service by the licensee. The plan shall meet applicable federal standards.

(2) At least once a year, the staff shall reevaluate the effectiveness and adequacy of each plan in consultation with the individual with developmental disability and any person authorized to act on behalf of the individual, and shall revise the plan as needed.

(3) (i) The reevaluation required by paragraph (2) of this subsection shall include a determination of whether the needs of the individual could be met in more integrated settings.

(ii) At the time of the reevaluation, each individual with a developmental disability shall be provided a range of the most integrated setting service options that may be appropriate.

(iii) The information provided under subparagraph (ii) of this paragraph shall be given in a manner approved by the Administration.

(4) At least once a year, the Administration shall review the licensee’s execution of the plan of habilitation, and compliance with the rules, regulations, and standards which the Secretary adopts.

(c) (1) (i) The written plan of habilitation for individuals in State residential centers under this section is subject to the requirements described in this subsection.

(ii) The written plan of habilitation shall be developed by the individual, a treating professional, and a resource coordinator who is not employed by or under contract with the State residential center.

(iii) The Developmental Disabilities Administration shall develop the planning protocol and format for the written plan of habilitation to be used by each State residential center.

(iv) On an annual basis and any other time requested by the individual, the treating professional and resource coordinator shall discuss with the individual the service needs of the individual, including identifying community-based Medicaid waiver services defined in § 15–132 of this article, and any other services that may be appropriate.

(v) The treating professional and resource coordinator shall use communication devices and techniques, including the use of sign language, as appropriate, to facilitate the involvement of the individual in the development of the written plan of habilitation.

(vi) Subsequent to the initial written plan of habilitation for individuals in State residential centers, the written plan of habilitation shall include an annual update on the status and progress toward addressing and resolving the barriers identified in subparagraph (vii)4 of this subsection.

(vii) The written plan of habilitation for individuals in State residential centers shall include:

1. The treating professional's recommendation on the most integrated setting appropriate to meet the individual's needs;

2. The resource coordinator's recommendation on the most integrated setting appropriate to meet the individual's needs;

3. A description of the services and supports, including residential, day, employment, and technology, that are required for the individual to receive services in the most integrated setting appropriate to meet the individual's needs; and

4. A listing of barriers that prevent an individual from receiving the supports and services required for the individual to live in the most integrated setting appropriate to meet the individual's needs, including community capacity or systems, if community services are determined to be the most integrated setting appropriate to meet the individual's needs.

(2) The treating professional and resource coordinator shall identify and report any rights violations as provided in §§ 7–1002(b) and 7–1003(m) of this subtitle.

(3) On or before December 1 of each year, each State residential center shall provide the information required under paragraph (1)(vi) and (vii) of this

subsection to the Developmental Disabilities Administration and to the Department of Disabilities.

(4) (i) On or before July 1 of each year, the Developmental Disabilities Administration and the Department of Disabilities shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, summarizing the statewide and regional information provided by the State residential centers in paragraph (3) of this subsection.

(ii) The data shall be incorporated in the State's Olmstead Plan, with recommendations to address the barriers that prevent individuals from living in the most integrated setting appropriate to meet the individual's needs.

(d) Each individual plan of habilitation shall be reviewed and approved, disapproved, or modified by:

(1) The executive officer or administrative head of the licensee or a qualified developmental disability professional, as defined in § 7-1002(a) of this subtitle, whom the executive officer or administrative head designates; and

(2) One other professional individual who is responsible for carrying out a major program but does not participate in the individual plan of habilitation.

(e) Approval of a plan of habilitation shall be based on the current needs of the individual with developmental disability.

(f) (1) IF THE SECRETARY DENIES MEDICAID-WAIVER SERVICES THAT ARE TO BE PROVIDED TO A RECIPIENT UNDER A PLAN OF HABILITATION, THE SECRETARY SHALL, WITHIN 30 DAYS AFTER THE DENIAL, PROVIDE TO THE RECIPIENT WRITTEN NOTICE THAT INCLUDES:

(I) THE REASON FOR THE DENIAL, INCLUDING A COPY OF ANY ADMINISTRATION EVALUATION OF THE RECIPIENT THAT RELATES TO THE DECISION OF THE SECRETARY; AND

(II) INSTRUCTIONS FOR THE RECIPIENT TO APPEAL THE DECISION UNDER § 7-406 OF THIS TITLE.

(2) AN INDIVIDUAL WHO RECEIVES WRITTEN NOTICE OF A DENIAL OF MEDICAID-WAIVER SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY APPEAL THE DECISION UNDER § 7-406 OF THIS TITLE.

(G) The Secretary shall:

(1) Adopt rules and regulations to carry out the intent of this section;

(2) Provide appropriate support and technical assistance to the licensee in developing a plan of habilitation required by this section; and

(3) With respect to State residential centers, provide the professional and supportive staff and equipment that are necessary to carry out the plans of habilitation required by this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 503

(House Bill 1226)

AN ACT concerning

Developmental Disabilities Administration – Low Intensity Support Services

FOR the purpose of establishing a Low Intensity Support Services Program in the Developmental Disabilities Administration; requiring low intensity support services to be flexible to meet the needs of individuals or families; requiring the ~~Developmental Disabilities~~ Administration to provide a certain level of funding for low intensity support services for certain individuals on a certain basis; authorizing the Administration to waive the cap on funding for low intensity support services; providing that ~~an individual~~ certain individuals seeking low intensity support services ~~is~~ are not required to submit or complete certain applications; authorizing the Department of Health and Mental Hygiene to develop a simplified application process for low intensity support services and to adopt certain regulations; requiring the Administration to deliver low intensity support services in a certain manner; defining a certain term; and generally relating to the Developmental Disabilities Administration and low intensity support services.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 7–403(a)

Annotated Code of Maryland

(2009 Replacement Volume)

BY adding to

Article – Health – General

Section 7–717 to be under the new part “Part V. Low Intensity Support Services”

Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health – General

7–403.

(a) (1) [An] **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN** applicant for services provided or funded, wholly or partly, by this State shall submit an application to the Department in writing.

(2) The application shall contain the information that the Department requires.

7–715. RESERVED.

7–716. RESERVED.

PART V. LOW INTENSITY SUPPORT SERVICES.

7–717.

(A) (1) IN THIS PART, “LOW INTENSITY SUPPORT SERVICES” MEANS A PROGRAM DESIGNED TO ~~ENABLE~~:

(I) ENABLE A FAMILY TO PROVIDE FOR THE NEEDS OF A CHILD OR AN ADULT WITH DEVELOPMENTAL DISABILITY LIVING IN THE HOME ~~OR; OR~~

(II) SUPPORT AN ADULT WITH DEVELOPMENTAL DISABILITY LIVING ~~AT HOME OR~~ IN THE COMMUNITY.

(2) “LOW INTENSITY SUPPORT SERVICES” INCLUDES THE SERVICES AND ITEMS LISTED IN § 7–701(D) AND § 7–706(C) OF THIS SUBTITLE.

(B) THERE IS A LOW INTENSITY SUPPORT SERVICES PROGRAM IN THE ADMINISTRATION.

(C) LOW INTENSITY SUPPORT SERVICES SHALL BE FLEXIBLE TO MEET THE NEEDS OF INDIVIDUALS OR FAMILIES.

~~(B)~~ (D) (1) THE ADMINISTRATION SHALL ~~PROVIDE UP TO~~ ESTABLISH A CAP OF NO LESS THAN \$3,000 OF LOW INTENSITY SUPPORT SERVICES PER INDIVIDUAL PER FISCAL YEAR TO A QUALIFYING INDIVIDUAL.

(2) THE ADMINISTRATION MAY WAIVE THE ~~\$3,000~~ CAP ON LOW INTENSITY SUPPORT SERVICES PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(C)~~ (E) AN INDIVIDUAL SEEKING LOW INTENSITY SUPPORT SERVICES IS NOT REQUIRED TO:

(1) SUBMIT AN APPLICATION TO THE DEPARTMENT AS PROVIDED IN § 7-403 OF THIS TITLE; OR

(2) COMPLETE AN APPLICATION FOR THE MEDICAL ASSISTANCE PROGRAM ~~OR OTHER ALTERNATIVE FUNDING~~ IF THE LOW INTENSITY SUPPORT SERVICES WILL BE PROVIDED TO A MINOR.

(3) THE DEPARTMENT MAY DEVELOP A SIMPLIFIED APPLICATION PROCESS FOR LOW INTENSITY SUPPORT SERVICES.

~~(D)~~ (F) THE ADMINISTRATION SHALL DELIVER SERVICES TO AN ELIGIBLE INDIVIDUAL SEEKING LOW INTENSITY SUPPORT SERVICES:

(1) ~~ON A FIRST-COME, FIRST-SERVED BASIS; AND~~

(2) ~~DEPENDENT~~ DEPENDENT ON THE AVAILABILITY AND ALLOCATION OF FUNDS PROVIDED BY THE ADMINISTRATION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene may adopt regulations to implement the Low Intensity Support Services Program established under this Act, including regulations establishing the circumstances under which recipients of low intensity support services will be required to apply for other alternative funding.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 20, 2010.

AN ACT concerning

Developmental Disabilities Administration – Low Intensity Support Services

FOR the purpose of establishing a Low Intensity Support Services Program in the Developmental Disabilities Administration; requiring low intensity support services to be flexible to meet the needs of individuals or families; requiring the ~~Developmental Disabilities~~ Administration to provide a certain level of funding for low intensity support services for certain individuals on a certain basis; authorizing the Administration to waive the cap on funding for low intensity support services; providing that ~~an individual~~ certain individuals seeking low intensity support services ~~is~~ are not required to submit or complete certain applications; authorizing the Department of Health and Mental Hygiene to develop a simplified application process for low intensity support services and to adopt certain regulations; requiring the Administration to deliver low intensity support services in a certain manner; defining a certain term; and generally relating to the Developmental Disabilities Administration and low intensity support services.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 7–403(a)

Annotated Code of Maryland

(2009 Replacement Volume)

BY adding to

Article – Health – General

Section 7–717 to be under the new part “Part V. Low Intensity Support Services”

Annotated Code of Maryland

(2009 Replacement Volume)

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

Article – Health – General

7–403.

(a) (1) [An] EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN applicant for services provided or funded, wholly or partly, by this State shall submit an application to the Department in writing.

(2) The application shall contain the information that the Department requires.

7-715. RESERVED.

7-716. RESERVED.

PART V. LOW INTENSITY SUPPORT SERVICES.

7-717.

(A) (1) IN THIS PART, "LOW INTENSITY SUPPORT SERVICES" MEANS A PROGRAM DESIGNED TO ~~ENABLE~~:

(I) ENABLE A FAMILY TO PROVIDE FOR THE NEEDS OF A CHILD OR AN ADULT WITH DEVELOPMENTAL DISABILITY LIVING IN THE HOME ~~OR; OR~~

(II) SUPPORT AN ADULT WITH DEVELOPMENTAL DISABILITY LIVING ~~AT HOME OR~~ IN THE COMMUNITY.

(2) "LOW INTENSITY SUPPORT SERVICES" INCLUDES THE SERVICES AND ITEMS LISTED IN § 7-701(D) AND § 7-706(C) OF THIS SUBTITLE.

(B) THERE IS A LOW INTENSITY SUPPORT SERVICES PROGRAM IN THE ADMINISTRATION.

(C) LOW INTENSITY SUPPORT SERVICES SHALL BE FLEXIBLE TO MEET THE NEEDS OF INDIVIDUALS OR FAMILIES.

~~(B)~~ (D) (1) THE ADMINISTRATION SHALL ~~PROVIDE UP TO~~ ESTABLISH A CAP OF NO LESS THAN \$3,000 OF LOW INTENSITY SUPPORT SERVICES PER INDIVIDUAL PER FISCAL YEAR TO A QUALIFYING INDIVIDUAL.

(2) THE ADMINISTRATION MAY WAIVE THE ~~\$3,000~~ CAP ON LOW INTENSITY SUPPORT SERVICES PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(C)~~ (E) (1) AN INDIVIDUAL SEEKING LOW INTENSITY SUPPORT SERVICES IS NOT REQUIRED TO:

~~(1)~~ (I) SUBMIT AN APPLICATION TO THE DEPARTMENT AS PROVIDED IN § 7-403 OF THIS TITLE; OR

~~(2)~~ (II) COMPLETE AN APPLICATION FOR THE MEDICAL ASSISTANCE PROGRAM ~~OR OTHER ALTERNATIVE FUNDING~~ IF THE LOW INTENSITY SUPPORT SERVICES WILL BE PROVIDED TO A MINOR.

(2) THE DEPARTMENT MAY DEVELOP A SIMPLIFIED APPLICATION PROCESS FOR LOW INTENSITY SUPPORT SERVICES.

(F) THE ADMINISTRATION SHALL DELIVER SERVICES TO AN ELIGIBLE INDIVIDUAL SEEKING LOW INTENSITY SUPPORT SERVICES:

(1) ON A FIRST-COME, FIRST-SERVED BASIS; AND

(2) DEPENDENT ON THE AVAILABILITY AND ALLOCATION OF FUNDS PROVIDED BY THE ADMINISTRATION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene may adopt regulations to implement the Low Intensity Support Services Program established under this Act, including regulations establishing the circumstances under which recipients of low intensity support services will be required to apply for other alternative funding.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 505

(Senate Bill 593)

AN ACT concerning

Health Facilities – Freestanding Medical Facilities – Rates

FOR the purpose of requiring the Maryland Medical Assistance Program to pay certain rates for certain ~~emergency~~ hospital services; specifying that certain emergency services include services provided at certain facilities for the purposes of hospital rate setting; requiring the Health Services Cost Review Commission to set rates for hospital services provided at certain freestanding medical facilities; altering the circumstances under which the Department of Health and Mental Hygiene must issue a license to a freestanding medical facility; requiring certain payors to pay ~~claims submitted by freestanding medical facilities at~~ rates set by the Commission for ~~emergency~~ hospital services provided at certain freestanding medical facilities; repealing certain provisions of law requiring the Maryland Health Care Commission to propose certain regulations; altering certain definitions; declaring the intent of the General Assembly; requiring the Health Services Cost Review Commission to report to

the General Assembly on or before a certain date on rates established under this Act; requiring the Maryland Health Care Commission, in consultation with the Health Services Cost Review Commission, to conduct a certain study and report the results of its study to certain committees of the General Assembly on or before a certain date; prohibiting freestanding medical facilities from being established after a certain date without a certificate of need issued by the Maryland Health Care Commission; requiring the Maryland Health Care Commission to consider certain data in establishing certain criteria and standards for issuing a certain certificate of need; requiring the Health Services Cost Review Commission to set certain rates applicable to certain payors for certain ~~emergency~~ hospital services; and generally relating to freestanding medical facilities.

~~BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–201(a), (b), and (c)
Annotated Code of Maryland
(2009 Replacement Volume)~~

BY repealing and reenacting, with amendments,
Article – Health – General
Section ~~15–105(d)~~, 19–114, 19–201(d), 19–211, 19–3A–03, and 19–3A–07
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing
Article – Health – General
Section 19–131
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–201(a), (b), and (c)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health – General
Section 15–105(g) and 19–3A–08
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health – General

15–105.

~~(d) (1) The Department shall adopt regulations for the reimbursement of specialty outpatient treatment and diagnostic services rendered to Program recipients at a freestanding clinic owned and operated by a hospital that is under a capitation agreement approved by the Health Services Cost Review Commission.~~

~~(2) (i) Except as provided in [subparagraph] SUBPARAGRAPHS (ii) AND (iii) of this paragraph, the reimbursement rate under paragraph (1) of this subsection shall be set according to Medicare standards and principles for retrospective cost reimbursement as described in 42 C.F.R. Part 413 or on the basis of charges, whichever is less.~~

~~(ii) The reimbursement rate for a hospital that has transferred outpatient oncology, diagnostic, rehabilitative, and digestive disease services to an off-site facility prior to January 1, 1999 shall be set according to the rates approved by the Health Services Cost Review Commission if:~~

~~1. The transfer of services was due to zoning restrictions at the hospital campus;~~

~~2. The off-site facility is surveyed as part of the hospital for purposes of accreditation by the Joint Commission on Accreditation of Healthcare Organizations; and~~

~~3. The hospital notifies the Health Services Cost Review Commission in writing by July 1, 1999 that the hospital would like the services provided at the off-site facility subject to Title 19, Subtitle 2 of this article.~~

~~(HH) (G) THE PROGRAM SHALL PAY THE RATES SET BY THE HEALTH SERVICES COST REVIEW COMMISSION FOR EMERGENCY SERVICES HOSPITAL SERVICES, AS DEFINED IN § 19-201 OF THIS ARTICLE, PROVIDED AT:~~

~~1. A FREESTANDING MEDICAL FACILITY PILOT PROJECT AUTHORIZED UNDER § 19-3A-07 OF THIS ARTICLE PRIOR TO JANUARY 1, 2008; AND~~

~~2. A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015.~~

19–114.

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

(b) (1) “Ambulatory surgical facility” means any center, service, office, facility, or office of one or more health care practitioners or a group practice, as defined in § 1–301 of the Health Occupations Article, that:

(i) Has two or more operating rooms;

(ii) Operates primarily for the purpose of providing surgical services to patients who do not require overnight hospitalization; and

(iii) Seeks reimbursement from payors as an ambulatory surgical facility.

(2) For purposes of this subtitle, the office of one or more health care practitioners or a group practice with two operating rooms may be exempt from the certificate of need requirements under this subtitle if the Commission finds, in its sole discretion, that:

(i) A second operating room is necessary to promote the efficiency, safety, and quality of the surgical services offered; and

(ii) The office meets the criteria for exemption from the certificate of need requirements as an ambulatory surgical facility in accordance with regulations adopted by the Commission.

(c) “Certificate of need” means a certification of public need issued by the Commission under this Part II of this subtitle for a health care project.

(d) (1) “Health care facility” means:

(i) A hospital, as defined in § 19–301 of this title;

(ii) A limited service hospital, as defined in § 19–301 of this title;

(iii) A related institution, as defined in § 19–301 of this title;

(iv) An ambulatory surgical facility;

(v) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;

(vi) A home health agency, as defined in § 19–401 of this title;

(vii) A hospice, as defined in § 19–901 of this title;

(VIII) A FREESTANDING MEDICAL FACILITY, AS DEFINED IN § 19–3A–01 OF THIS TITLE; and

[(viii)] (IX) Any other health institution, service, or program for which this Part II of this subtitle requires a certificate of need.

(2) “Health care facility” does not include:

(i) A hospital or related institution that is operated, or is listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(ii) For the purpose of providing an exemption from a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care constructed by a provider of continuing care, as defined in § 10–401 of the Human Services Article, if:

1. Except as provided under § 19–123 of this subtitle, the facility is for the exclusive use of the provider’s subscribers who have executed continuing care agreements and paid entrance fees that are at least equal to the lowest entrance fee charged for an independent living unit or an assisted living unit before entering the continuing care community, regardless of the level of care needed by the subscribers at the time of admission;

2. The facility is located on the campus of the continuing care community; and

3. The number of comprehensive care nursing beds in the community does not exceed:

A. 24 percent of the number of independent living units in a community having less than 300 independent living units; or

B. 20 percent of the number of independent living units in a community having 300 or more independent living units;

(iii) Except for a facility to provide kidney transplant services or programs, a kidney disease treatment facility, as defined by rule or regulation of the United States Department of Health and Human Services;

(iv) Except for kidney transplant services or programs, the kidney disease treatment stations and services provided by or on behalf of a hospital or related institution; or

(v) The office of one or more individuals licensed to practice dentistry under Title 4 of the Health Occupations Article, for the purposes of practicing dentistry.

(e) "Health care practitioner" means any individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services.

(f) "Health service area" means an area of this State that the Governor designates as appropriate for planning and developing of health services.

(g) "Local health planning agency" means the health department of a jurisdiction or a body designated by the local health department to perform health planning functions.

(h) "State health plan" means the State health plan for facilities and services.

[19–131.

(a) On or before July 1, 2008, the Commission, in consultation with the Health Services Cost Review Commission and the Department of Health and Mental Hygiene, shall propose emergency regulations to establish a review process to approve facilities in the State that may seek licensure as a freestanding medical facility, as provided in Subtitle 3A of this title.

(b) The regulations shall include:

(1) A process to identify areas of the State in which a freestanding medical facility could meet health care service delivery needs;

(2) A process for submitting and acting on applications;

(3) Criteria for evaluating and approving applications, including:

(i) Documentation that the proposed freestanding medical facility will meet the licensure requirements of Subtitle 3A of this title;

(ii) The efficiency and effectiveness of the proposed freestanding medical facility in meeting the health care needs of the health planning region;

(iii) The types of equipment and level of staffing specified, in relation to the services the freestanding medical facility proposes to provide; and

(iv) Costs to both public and private payers; and

(4) Appropriate notice and opportunity for a hearing and judicial review, in accordance with the Administrative Procedure Act.

(c) A facility that is approved under this section to seek licensure as a freestanding medical facility shall provide to the Commission information, as specified by the Commission, on the configuration, location, operation, and utilization, including patient–level utilization, of the freestanding medical facility.

(d) A freestanding medical facility pilot project is exempt from the review process in subsections (a) and (b) of this section.]

19–201.

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

(b) “Commission” means the State Health Services Cost Review Commission.

(c) “Facility” means, whether operated for a profit or not:

(1) Any hospital; or

(2) Any related institution.

(d) (1) “Hospital services” means:

(i) Inpatient hospital services as enumerated in Medicare Regulation 42 C.F.R. § 409.10, as amended;

(ii) Emergency services, **INCLUDING SERVICES PROVIDED AT FREESTANDING MEDICAL FACILITIES AND FREESTANDING;**

1. FREESTANDING MEDICAL FACILITY PILOT PROJECTS LICENSED AUTHORIZED UNDER SUBTITLE 3A OF THIS TITLE, PRIOR TO JANUARY 1, 2008; AND

2. A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015;

(iii) Outpatient services provided at the hospital; and

(iv) Identified physician services for which a facility has Commission–approved rates on June 30, 1985.

(2) “Hospital services” does not include:

(i) Outpatient renal dialysis services; or

(ii) Outpatient services provided at a limited service hospital as defined in § 19-301 of this title, except for emergency services.

19-211.

(a) (1) Except for a facility that is operated or is listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts, the Commission has jurisdiction over hospital services offered by or through all facilities.

(2) The jurisdiction of the Commission over any identified physician service shall terminate for a facility on the request of the facility.

(3) The rate approved for an identified physician service may not exceed the rate on June 30, 1985, adjusted by an appropriate index of inflation.

(b) The Commission may not set rates for related institutions until:

(1) State law authorizes the State Medical Assistance Program to reimburse related institutions at Commission rates; and

(2) The United States Department of Health and Human Services agrees to accept Commission rates as a method of providing federal financial participation in the State Medical Assistance Program.

(C) THE COMMISSION SHALL SET RATES FOR HOSPITAL SERVICES PROVIDED AT ~~A FREESTANDING MEDICAL FACILITY LICENSED UNDER SUBTITLE 3A OF THIS TITLE, INCLUDING AT A:~~

(1) A FREESTANDING MEDICAL FACILITY PILOT PROJECT ESTABLISHED UNDER ~~§ 19-3A-07~~ AUTHORIZED UNDER SUBTITLE 3A OF THIS TITLE PRIOR TO JANUARY 1, 2008; AND

(2) A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015.

19-3A-03.

(a) The Department shall issue a license to a freestanding medical facility that:

(1) Meets the licensure requirements under this subtitle; and

(2) [Receives] AFTER JULY 1, 2015, RECEIVES A CERTIFICATE OF NEED [approval] from the Maryland Health Care Commission ISSUED under [the regulations required under § 19–131] § 19–120 of this title.

(b) A freestanding medical facility that uses in its title or advertising the word “emergency” or other language indicating to the public that medical treatment for immediately life-threatening medical conditions exist at that facility shall be licensed by the Department before it may operate in this State.

(c) Notwithstanding subsection (a)(2) of this section, the Department may not require a freestanding medical facility pilot project to be approved by the Maryland Health Care Commission as a condition of licensure.

19–3A–07.

(a) There are two freestanding medical facility pilot projects that shall operate in two jurisdictions in the State.

(b) The Department shall issue a freestanding medical facility license to:

(1) One freestanding medical facility pilot project if:

(i) The freestanding medical facility pilot project is established by, and will operate administratively as part of, an acute care general hospital;

(ii) The acute care general hospital is part of a merged asset system with all of its existing Maryland acute care general hospitals located in a single jurisdiction;

(iii) There are not more than 5 acute care general hospitals in the jurisdiction;

(iv) One or more of the existing acute care general hospitals in the merged asset system has an emergency department volume of 75,000 or more visits for the 12 months ending June 30, 2004;

(v) The freestanding medical facility pilot project will operate in Montgomery County;

(vi) The capital expenditure to implement the freestanding medical facility pilot project otherwise meets the requirements of § 19–120(k)(6)(viii) of this title; and

(vii) The freestanding medical facility pilot project meets the requirements under § 19–3A–02(b) of this subtitle; and

(2) One freestanding medical facility pilot project if:

(i) The freestanding medical facility pilot project is established by, and will operate administratively as part of, an acute care general hospital located in Talbot County;

(ii) The freestanding medical facility pilot project will operate in Queen Anne's County;

(iii) The capital expenditure to implement the freestanding medical facility pilot project otherwise meets the requirements of § 19–120(k)(6)(viii) of this title; and

(iv) The freestanding medical facility pilot project meets the requirements under § 19–3A–02(b) of this subtitle.

(c) (1) A freestanding medical facility pilot project shall provide to the Maryland Health Care Commission information, as specified by the Commission, on the configuration, location, operation, and utilization, including patient-level utilization, of the pilot project.

(2) A certificate of need is not required for a freestanding medical facility pilot project.

[(d) (1) This subsection applies to:

(i) Individual, group, or blanket health insurance policies and contracts delivered or issued for delivery in the State by insurers, nonprofit health service plans, health maintenance organizations; and

(ii) Medicaid managed care organizations.

(2) An entity subject to this subsection shall pay the claim for covered services submitted by a freestanding medical facility pilot project at rates consistent with the contract between the entity and the freestanding medical facility pilot project.

(e) The Maryland Medical Assistance Program shall pay a fee-for-service claim submitted by a freestanding medical facility pilot project at a rate at least equal to the rate paid by Medicare.]

[(f) (D) The provisions of §§ 19–3A–01 through 19–3A–06 of this subtitle shall apply to a freestanding medical facility pilot project.

19–3A–08.

(A) THIS SECTION APPLIES TO ALL PAYORS SUBJECT TO THE ~~JURISDICTION~~ RATE-SETTING AUTHORITY OF THE HEALTH SERVICES COST REVIEW COMMISSION, INCLUDING:

~~(1) INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES AND CONTRACTS DELIVERED OR ISSUED FOR DELIVERY IN THE STATE BY INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS;~~

(1) INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS THAT DELIVER OR ISSUE FOR DELIVERY INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES AND CONTRACTS IN THE STATE;

(2) MANAGED CARE ORGANIZATIONS, AS DEFINED IN § 15-101 OF THIS ARTICLE; AND

(3) THE MARYLAND MEDICAL ASSISTANCE PROGRAM ESTABLISHED UNDER TITLE 15, SUBTITLE 1 OF THIS ARTICLE.

(B) A PAYOR SUBJECT TO THIS SECTION SHALL PAY ~~A CLAIM SUBMITTED BY A FREESTANDING MEDICAL FACILITY LICENSED UNDER THIS SUBTITLE, INCLUDING A FREESTANDING MEDICAL FACILITY PILOT PROJECT ESTABLISHED UNDER § 19-3A-07 OF THIS SUBTITLE,~~ AT RATES SET BY THE HEALTH SERVICES COST REVIEW COMMISSION UNDER SUBTITLE 2 OF THIS TITLE FOR EMERGENCY HOSPITAL SERVICES PROVIDED AT:

(1) A FREESTANDING MEDICAL FACILITY PILOT PROJECT AUTHORIZED UNDER THIS SUBTITLE PRIOR TO JANUARY 1, 2008; AND

(2) A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that emergency services provided by a freestanding medical facilities and facility issued a certificate of need by the Maryland Health Care Commission after July 1, 2015, and by freestanding medical facility pilot projects authorized under § 19-3A-07 of the Health – General Article, as enacted by Section 1 of this Act, prior to January 1, 2008, be considered hospital services by all payors, including the federal Medicare program.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2010, the Health Services Cost Review Commission shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the rates that the Commission has established for ~~freestanding medical facilities and~~

freestanding medical facility pilot projects under this Act and the methodology for establishing those rates.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) (1) The Maryland Health Care Commission, in consultation with the Health Services Cost Review Commission, shall conduct a study of the effect of the rates established for freestanding medical facility pilot projects by the Health Services Cost Review Commission under § 19–211(c) of the Health – General Article, as enacted by Section 1 of this Act.

(2) The study shall review the effect of the rates for a period of 2 full years after the rates become effective.

(3) On or before December 31, 2014, the Maryland Health Care Commission shall report the results of its study, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee.

(b) The Maryland Health Care Commission shall consider the data in the report required under subsection (a) of this section and other pertinent data in establishing review criteria and standards for issuing a certificate of need required to establish a freestanding medical facility in the State after July 1, 2015.

(c) ~~After July 1, 2015, a~~ An additional freestanding medical facility may not be established in the State without a certificate of need issued after July 1, 2015, by the Maryland Health Care Commission.

SECTION 5. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission shall set rates that apply to all payors, effective October 1, 2010, for ~~emergency services~~ hospital services, as defined in § 19–201 of the Health – General Article, as enacted by Section 1 of this Act, provided at a freestanding medical facility pilot project described in § 19–3A–07(b)(2) of the Health – General Article, as enacted by Section 1 of this Act, in a manner that does not result in a fiscal impact on the fiscal year 2011 State budget.

SECTION 6. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission shall set rates that apply to all payors, effective July 1, 2011, for ~~emergency services~~ hospital services, as defined in § 19–201 of the Health – General Article, as enacted by Section 1 of this Act, provided at:

(1) a freestanding medical facility ~~other than a freestanding medical facility pilot project~~ licensed prior to July 1, 2007; and

(2) a freestanding medical facility pilot project described in § 19–3A–07(b)(1) of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
~~July~~ June 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 506

(House Bill 699)

AN ACT concerning

Health Facilities – Freestanding Medical Facilities – Rates

FOR the purpose of requiring the Maryland Medical Assistance Program to pay certain rates for certain hospital services; specifying that certain emergency services include services provided at certain facilities for the purposes of hospital rate setting; requiring the Health Services Cost Review Commission to set rates for hospital services provided at certain freestanding medical facilities; altering the circumstances under which the Department of Health and Mental Hygiene must issue a license to a freestanding medical facility; requiring certain payors to pay ~~claims submitted by freestanding medical facilities at~~ rates set by the Commission for hospital services provided at certain freestanding medical facilities; repealing certain provisions of law requiring the Maryland Health Care Commission to propose certain regulations; altering certain definitions; declaring the intent of the General Assembly; requiring the Health Services Cost Review Commission to report to the General Assembly on or before a certain date on rates established under this Act; requiring the Maryland Health Care Commission, in consultation with the Health Services Cost Review Commission, to conduct a certain study and report the results of its study to certain committees of the General Assembly on or before a certain date; prohibiting freestanding medical facilities from being established after a certain date without a certificate of need issued by the Maryland Health Care Commission; requiring the Maryland Health Care Commission to consider certain data in establishing certain criteria and standards for issuing a certain certificate of need; requiring the Health Services Cost Review Commission to set certain rates applicable to certain payors for certain hospital services; and generally relating to freestanding medical facilities.

~~BY repealing and reenacting, without amendments,
Article ~~Health~~ General
Section 19-201(a), (b), and (c)
Annotated Code of Maryland
(2009 Replacement Volume)~~

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–114, 19–201(d), 19–211, 19–3A–03, and 19–3A–07

Annotated Code of Maryland

(2009 Replacement Volume)

BY repealing

Article – Health – General

Section 19–131

Annotated Code of Maryland

(2009 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 19–201(a), (b), and (c)

Annotated Code of Maryland

(2009 Replacement Volume)

BY adding to

Article – Health – General

Section 15–105(g) and 19–3A–08

Annotated Code of Maryland

(2009 Replacement Volume)

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

Article – Health – General

15–105.

(G) THE PROGRAM SHALL PAY THE RATES SET BY THE HEALTH SERVICES COST REVIEW COMMISSION FOR HOSPITAL SERVICES, AS DEFINED IN § 19–201 OF THIS ARTICLE, PROVIDED AT:

(1) A FREESTANDING MEDICAL FACILITY PILOT PROJECT AUTHORIZED UNDER § 19–3A–07 OF THIS ARTICLE PRIOR TO JANUARY 1, 2008; AND

(2) A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015.

19–114.

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

(b) (1) “Ambulatory surgical facility” means any center, service, office, facility, or office of one or more health care practitioners or a group practice, as defined in § 1–301 of the Health Occupations Article, that:

- (i) Has two or more operating rooms;
- (ii) Operates primarily for the purpose of providing surgical services to patients who do not require overnight hospitalization; and
- (iii) Seeks reimbursement from payors as an ambulatory surgical facility.

(2) For purposes of this subtitle, the office of one or more health care practitioners or a group practice with two operating rooms may be exempt from the certificate of need requirements under this subtitle if the Commission finds, in its sole discretion, that:

- (i) A second operating room is necessary to promote the efficiency, safety, and quality of the surgical services offered; and
- (ii) The office meets the criteria for exemption from the certificate of need requirements as an ambulatory surgical facility in accordance with regulations adopted by the Commission.

(c) “Certificate of need” means a certification of public need issued by the Commission under this Part II of this subtitle for a health care project.

- (d) (1) “Health care facility” means:
- (i) A hospital, as defined in § 19–301 of this title;
 - (ii) A limited service hospital, as defined in § 19–301 of this title;
 - (iii) A related institution, as defined in § 19–301 of this title;
 - (iv) An ambulatory surgical facility;
 - (v) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;
 - (vi) A home health agency, as defined in § 19–401 of this title;
 - (vii) A hospice, as defined in § 19–901 of this title;

(VIII) A FREESTANDING MEDICAL FACILITY, AS DEFINED IN § 19-3A-01 OF THIS TITLE; and

[(viii)] (IX) Any other health institution, service, or program for which this Part II of this subtitle requires a certificate of need.

(2) "Health care facility" does not include:

(i) A hospital or related institution that is operated, or is listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(ii) For the purpose of providing an exemption from a certificate of need under § 19-120 of this subtitle, a facility to provide comprehensive care constructed by a provider of continuing care, as defined in § 10-401 of the Human Services Article, if:

1. Except as provided under § 19-123 of this subtitle, the facility is for the exclusive use of the provider's subscribers who have executed continuing care agreements and paid entrance fees that are at least equal to the lowest entrance fee charged for an independent living unit or an assisted living unit before entering the continuing care community, regardless of the level of care needed by the subscribers at the time of admission;

2. The facility is located on the campus of the continuing care community; and

3. The number of comprehensive care nursing beds in the community does not exceed:

A. 24 percent of the number of independent living units in a community having less than 300 independent living units; or

B. 20 percent of the number of independent living units in a community having 300 or more independent living units;

(iii) Except for a facility to provide kidney transplant services or programs, a kidney disease treatment facility, as defined by rule or regulation of the United States Department of Health and Human Services;

(iv) Except for kidney transplant services or programs, the kidney disease treatment stations and services provided by or on behalf of a hospital or related institution; or

(v) The office of one or more individuals licensed to practice dentistry under Title 4 of the Health Occupations Article, for the purposes of practicing dentistry.

(e) “Health care practitioner” means any individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services.

(f) “Health service area” means an area of this State that the Governor designates as appropriate for planning and developing of health services.

(g) “Local health planning agency” means the health department of a jurisdiction or a body designated by the local health department to perform health planning functions.

(h) “State health plan” means the State health plan for facilities and services.

[19–131.

(a) On or before July 1, 2008, the Commission, in consultation with the Health Services Cost Review Commission and the Department of Health and Mental Hygiene, shall propose emergency regulations to establish a review process to approve facilities in the State that may seek licensure as a freestanding medical facility, as provided in Subtitle 3A of this title.

(b) The regulations shall include:

(1) A process to identify areas of the State in which a freestanding medical facility could meet health care service delivery needs;

(2) A process for submitting and acting on applications;

(3) Criteria for evaluating and approving applications, including:

(i) Documentation that the proposed freestanding medical facility will meet the licensure requirements of Subtitle 3A of this title;

(ii) The efficiency and effectiveness of the proposed freestanding medical facility in meeting the health care needs of the health planning region;

(iii) The types of equipment and level of staffing specified, in relation to the services the freestanding medical facility proposes to provide; and

(iv) Costs to both public and private payers; and

(4) Appropriate notice and opportunity for a hearing and judicial review, in accordance with the Administrative Procedure Act.

(c) A facility that is approved under this section to seek licensure as a freestanding medical facility shall provide to the Commission information, as specified

by the Commission, on the configuration, location, operation, and utilization, including patient-level utilization, of the freestanding medical facility.

(d) A freestanding medical facility pilot project is exempt from the review process in subsections (a) and (b) of this section.]

19-201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Commission” means the State Health Services Cost Review Commission.
- (c) “Facility” means, whether operated for a profit or not:
 - (1) Any hospital; or
 - (2) Any related institution.
- (d) (1) “Hospital services” means:

(i) Inpatient hospital services as enumerated in Medicare Regulation 42 C.F.R. § 409.10, as amended;

(ii) Emergency services, **INCLUDING SERVICES PROVIDED AT FREESTANDING MEDICAL FACILITIES AND FREESTANDING;**

1. FREESTANDING MEDICAL FACILITY PILOT PROJECTS LICENSED AUTHORIZED UNDER SUBTITLE 3A OF THIS TITLE, PRIOR TO JANUARY 1, 2008; AND

2. A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015;

- (iii) Outpatient services provided at the hospital; and
 - (iv) Identified physician services for which a facility has Commission-approved rates on June 30, 1985.
- (2) “Hospital services” does not include:
- (i) Outpatient renal dialysis services; or
 - (ii) Outpatient services provided at a limited service hospital as defined in § 19-301 of this title, except for emergency services.

19–211.

(a) (1) Except for a facility that is operated or is listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts, the Commission has jurisdiction over hospital services offered by or through all facilities.

(2) The jurisdiction of the Commission over any identified physician service shall terminate for a facility on the request of the facility.

(3) The rate approved for an identified physician service may not exceed the rate on June 30, 1985, adjusted by an appropriate index of inflation.

(b) The Commission may not set rates for related institutions until:

(1) State law authorizes the State Medical Assistance Program to reimburse related institutions at Commission rates; and

(2) The United States Department of Health and Human Services agrees to accept Commission rates as a method of providing federal financial participation in the State Medical Assistance Program.

(C) THE COMMISSION SHALL SET RATES FOR HOSPITAL SERVICES PROVIDED AT ~~A FREESTANDING MEDICAL FACILITY LICENSED UNDER SUBTITLE 3A OF THIS TITLE, INCLUDING AT A:~~

(1) A FREESTANDING MEDICAL FACILITY PILOT PROJECT ESTABLISHED UNDER ~~§ 19-3A-07~~ AUTHORIZED UNDER SUBTITLE 3A OF THIS TITLE PRIOR TO JANUARY 1, 2008; AND

(2) A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015.

19–3A–03.

(a) The Department shall issue a license to a freestanding medical facility that:

(1) Meets the licensure requirements under this subtitle; and

(2) [Receives] AFTER JULY 1, 2015, RECEIVES A CERTIFICATE OF NEED [approval] from the Maryland Health Care Commission ISSUED under [the regulations required under § 19–131] § 19–120 of this title.

(b) A freestanding medical facility that uses in its title or advertising the word “emergency” or other language indicating to the public that medical treatment

for immediately life-threatening medical conditions exist at that facility shall be licensed by the Department before it may operate in this State.

(c) Notwithstanding subsection (a)(2) of this section, the Department may not require a freestanding medical facility pilot project to be approved by the Maryland Health Care Commission as a condition of licensure.

19-3A-07.

(a) There are two freestanding medical facility pilot projects that shall operate in two jurisdictions in the State.

(b) The Department shall issue a freestanding medical facility license to:

(1) One freestanding medical facility pilot project if:

(i) The freestanding medical facility pilot project is established by, and will operate administratively as part of, an acute care general hospital;

(ii) The acute care general hospital is part of a merged asset system with all of its existing Maryland acute care general hospitals located in a single jurisdiction;

(iii) There are not more than 5 acute care general hospitals in the jurisdiction;

(iv) One or more of the existing acute care general hospitals in the merged asset system has an emergency department volume of 75,000 or more visits for the 12 months ending June 30, 2004;

(v) The freestanding medical facility pilot project will operate in Montgomery County;

(vi) The capital expenditure to implement the freestanding medical facility pilot project otherwise meets the requirements of § 19-120(k)(6)(viii) of this title; and

(vii) The freestanding medical facility pilot project meets the requirements under § 19-3A-02(b) of this subtitle; and

(2) One freestanding medical facility pilot project if:

(i) The freestanding medical facility pilot project is established by, and will operate administratively as part of, an acute care general hospital located in Talbot County;

(ii) The freestanding medical facility pilot project will operate in Queen Anne's County;

(iii) The capital expenditure to implement the freestanding medical facility pilot project otherwise meets the requirements of § 19–120(k)(6)(viii) of this title; and

(iv) The freestanding medical facility pilot project meets the requirements under § 19–3A–02(b) of this subtitle.

(c) (1) A freestanding medical facility pilot project shall provide to the Maryland Health Care Commission information, as specified by the Commission, on the configuration, location, operation, and utilization, including patient-level utilization, of the pilot project.

(2) A certificate of need is not required for a freestanding medical facility pilot project.

[(d) (1) This subsection applies to:

(i) Individual, group, or blanket health insurance policies and contracts delivered or issued for delivery in the State by insurers, nonprofit health service plans, health maintenance organizations; and

(ii) Medicaid managed care organizations.

(2) An entity subject to this subsection shall pay the claim for covered services submitted by a freestanding medical facility pilot project at rates consistent with the contract between the entity and the freestanding medical facility pilot project.

(e) The Maryland Medical Assistance Program shall pay a fee-for-service claim submitted by a freestanding medical facility pilot project at a rate at least equal to the rate paid by Medicare.]

[(f)] (D) The provisions of §§ 19–3A–01 through 19–3A–06 of this subtitle shall apply to a freestanding medical facility pilot project.

19–3A–08.

(A) THIS SECTION APPLIES TO ALL PAYORS SUBJECT TO THE ~~JURISDICTION~~ RATE-SETTING AUTHORITY OF THE HEALTH SERVICES COST REVIEW COMMISSION, INCLUDING:

~~(1) INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES AND CONTRACTS DELIVERED OR ISSUED FOR DELIVERY IN THE STATE~~

~~BY INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS;~~

(1) INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS THAT DELIVER OR ISSUE FOR DELIVERY INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES AND CONTRACTS IN THE STATE;

(2) MANAGED CARE ORGANIZATIONS, AS DEFINED IN § 15-101 OF THIS ARTICLE; AND

(3) THE MARYLAND MEDICAL ASSISTANCE PROGRAM ESTABLISHED UNDER TITLE 15, SUBTITLE 1 OF THIS ARTICLE.

(B) A PAYOR SUBJECT TO THIS SECTION SHALL PAY ~~A CLAIM SUBMITTED BY A FREESTANDING MEDICAL FACILITY LICENSED UNDER THIS SUBTITLE, INCLUDING A FREESTANDING MEDICAL FACILITY PILOT PROJECT ESTABLISHED UNDER § 19-3A-07 OF THIS SUBTITLE,~~ AT RATES SET BY THE HEALTH SERVICES COST REVIEW COMMISSION UNDER SUBTITLE 2 OF THIS TITLE FOR HOSPITAL SERVICES PROVIDED AT:

(1) A FREESTANDING MEDICAL FACILITY PILOT PROJECT AUTHORIZED UNDER THIS SUBTITLE PRIOR TO JANUARY 1, 2008; AND

(2) A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that emergency services provided by a freestanding medical facilities and facility issued a certificate of need by the Maryland Health Care Commission after July 1, 2015, and by freestanding medical facility pilot projects authorized under § 19-3A-07 of the Health – General Article, as enacted by Section 1 of this Act, prior to January 1, 2008, be considered hospital services by all payors, including the federal Medicare program.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2010, the Health Services Cost Review Commission shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the rates that the Commission has established for ~~freestanding medical facilities and~~ freestanding medical facility pilot projects under this Act and the methodology for establishing those rates.

SECTION 4. AND BE IT FURTHER ENACTED, That;

(a) (1) The Maryland Health Care Commission, in consultation with the Health Services Cost Review Commission, shall conduct a study of the effect of the rates established for freestanding medical facility pilot projects by the Health Services Cost Review Commission under § 19–211(c) of the Health – General Article, as enacted by Section 1 of this Act.

(2) The study shall review the effect of the rates for a period of 2 full years after the rates become effective.

(3) On or before December 31, 2014, the Maryland Health Care Commission shall report the results of its study, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee.

(b) The Maryland Health Care Commission shall consider the data in the report required under subsection (a) of this section and other pertinent data in establishing review criteria and standards for issuing a certificate of need required to establish a freestanding medical facility in the State after July 1, 2015.

(c) A freestanding medical facility may not be established in the State without a certificate of need issued after July 1, 2015, by the Maryland Health Care Commission.

SECTION 5. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission shall set rates that apply to all payors, effective October 1, 2010, for hospital services, as defined in § 19–201 of the Health – General Article, as enacted by Section 1 of this Act, provided at a freestanding medical facility pilot project described in § 19–3A–07(b)(2) of the Health – General Article, as enacted by Section 1 of this Act, in a manner that does not result in a fiscal impact on the fiscal year 2011 State budget.

SECTION 6. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission shall set rates that apply to all payors, effective July 1, 2011, for hospital services, as defined in § 19–201 of the Health – General Article, as enacted by Section 1 of this Act, provided at:

(1) a freestanding medical facility licensed prior to July 1, 2007; and

(2) a freestanding medical facility pilot project described in § 19–3A–07(b)(1) of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 507**(Senate Bill 171)**

AN ACT concerning

**Procurement – ~~Service-Disabled-Veteran~~ Veteran-Owned Small Business
Enterprise Participation**

FOR the purpose of establishing a certain participation goal for certain ~~certified service-disabled-veteran~~ veteran-owned small business enterprises for certain procurement contracts; requiring certain solicitation documents to establish the degree of participation based on certain information; providing that certain provisions of this Act do not apply in certain circumstances; requiring a unit to award certain procurement contracts to certain bidders or offerors under certain circumstances; requiring the Board of Public Works to adopt certain regulations to implement this Act; requiring the Board to establish certain tracking and reporting procedures; requiring the Board to report annually on a certain program to the Legislative Policy Committee; establishing certain prohibited acts and certain penalties for certain violations; providing that certain provisions of law relating to protests do not apply to certain acts or omissions by certain procurement agencies under certain circumstances; ~~requiring the Department of Business and Economic Development to use certain resources to implement a certain program;~~ and generally relating to procurement participation by ~~service-disabled-veteran~~ veteran-owned small business enterprises.

BY adding to

Article – State Finance and Procurement

Section 14–601 through 14–605 to be under the new subtitle “Subtitle 6.

~~Service-Disabled-Veteran~~ Veteran-Owned Small Business Enterprise
Participation”

Annotated Code of Maryland

(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 15–202

Annotated Code of Maryland

(2009 Replacement Volume)

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

Article – State Finance and Procurement

~~SUBTITLE 6. SERVICE-DISABLED VETERAN~~ VETERAN-OWNED SMALL
BUSINESS ENTERPRISE PARTICIPATION.

14-601.

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "CERTIFICATION" MEANS THE DETERMINATION THAT A LEGAL ENTITY IS A SERVICE-DISABLED VETERAN BUSINESS ENTERPRISE FOR THE PURPOSES OF THIS SUBTITLE.~~

~~(C) "CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISE" MEANS A BUSINESS THAT IS CERTIFIED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AS A SERVICE-DISABLED VETERAN-OWNED BUSINESS.~~

~~(D) "SERVICE-DISABLED VETERAN" MEANS AN INDIVIDUAL WHO:~~

~~(1) IS A VETERAN, AS DEFINED UNDER 38 U.S.C. § 101(2); AND~~

~~(2) HAS A DISABILITY THAT IS SERVICE-CONNECTED, AS DEFINED UNDER 38 U.S.C. § 101(16).~~

~~(E) (1) "SERVICE-DISABLED VETERAN BUSINESS ENTERPRISE" HAS THE MEANING STATED IN EXECUTIVE ORDER NO. 13360 ISSUED ON OCTOBER 21, 2004, BY THE PRESIDENT OF THE UNITED STATES.~~

~~(2) TO THE EXTENT NOT INCONSISTENT WITH FEDERAL LAW, "SERVICE-DISABLED VETERAN BUSINESS ENTERPRISE" INCLUDES:~~

~~(I) A SOLE PROPRIETORSHIP OWNED BY SERVICE-DISABLED VETERANS; "VETERAN-OWNED SMALL BUSINESS ENTERPRISE" MEANS A BUSINESS THAT IS VERIFIED BY THE CENTER FOR VETERANS ENTERPRISE OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AS A VETERAN-OWNED SMALL BUSINESS.~~

~~(II) A SUBSIDIARY THAT IS WHOLLY OWNED BY A PARENT CORPORATION IN WHICH THE MAJORITY OF EACH CLASS OF ISSUED AND OUTSTANDING STOCK OF THE PARENT COMPANY IS OWNED BY ONE OR MORE SERVICE-DISABLED VETERANS;~~

~~(III) A JOINT VENTURE IN WHICH THE MAJORITY OF THE JOINT VENTURE'S MANAGEMENT, CONTROL, AND PROFITS ARE OWNED BY ONE OR MORE SERVICE-DISABLED VETERANS;~~

~~(IV) A LIMITED LIABILITY COMPANY IN WHICH MAJORITY INTERESTS ARE OWNED BY ONE OR MORE SERVICE DISABLED VETERANS; AND~~

~~(V) A CORPORATION IN WHICH THE MAJORITY OF EACH CLASS OF ISSUED AND OUTSTANDING STOCK IS OWNED BY ONE OR MORE SERVICE DISABLED VETERANS.~~

14-602.

(A) BEGINNING ~~JANUARY 1, 2011,~~ JULY 1, 2012, A UNIT SHALL STRUCTURE PROCUREMENT PROCEDURES, CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE, TO TRY TO ACHIEVE AN OVERALL MINIMUM OF 0.5% OF THE UNIT'S TOTAL DOLLAR VALUE OF PROCUREMENT CONTRACTS TO BE MADE DIRECTLY OR INDIRECTLY WITH ~~CERTIFIED SERVICE DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISES.

(B) SOLICITATION DOCUMENTS SHALL ESTABLISH THE EXPECTED DEGREE OF ~~SERVICE DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISE PARTICIPATION BASED, IN PART, ON:

(1) THE POTENTIAL SUBCONTRACT OPPORTUNITIES AVAILABLE IN THE PROCUREMENT CONTRACT; AND

(2) THE AVAILABILITY OF ~~CERTIFIED SERVICE DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISES TO RESPOND COMPETITIVELY TO THE POTENTIAL SUBCONTRACT OPPORTUNITIES.

(C) THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO A UNIT'S PROCUREMENT PROCEDURES TO THE EXTENT THAT ANY UNIT DETERMINES THAT THOSE PROVISIONS ARE IN CONFLICT WITH AN APPLICABLE FEDERAL PROGRAM.

14-603.

A UNIT SHALL AWARD THE CONTRACT TO THE RESPONSIBLE BIDDER THAT SUBMITS THE LOWEST RESPONSIVE BID, OR RESPONSIBLE OFFEROR PROPOSING THE MOST ADVANTAGEOUS OFFER, THAT MEETS OR MAKES A GOOD FAITH EFFORT TO MEET ANY APPLICABLE GOAL ESTABLISHED UNDER THIS SUBTITLE.

14-604.

(A) THE BOARD SHALL:

- (1) ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE;
- (2) ESTABLISH PROCEDURES FOR TRACKING AND REPORTING PARTICIPATION OF ~~SERVICE-DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISES UNDER THIS SUBTITLE; AND
- (3) ON OR BEFORE DECEMBER 1 OF EACH YEAR, REPORT TO THE LEGISLATIVE POLICY COMMITTEE ON:
 - (I) THE NUMBER AND AMOUNT OF CONTRACTS AWARDED TO ~~SERVICE-DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISES UNDER THIS SUBTITLE; AND
 - (II) THE EFFECTIVENESS OF THE PROGRAM UNDER THIS SUBTITLE.

14-605.

- (A) A PERSON MAY NOT:
 - (1) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY OBTAIN, ATTEMPT TO OBTAIN, OR AID ANOTHER PERSON IN FRAUDULENTLY OBTAINING OR ATTEMPTING TO OBTAIN, PUBLIC MONEY, PROCUREMENT CONTRACTS, OR FUNDS EXPENDED UNDER A PROCUREMENT CONTRACT TO WHICH THE PERSON IS NOT ENTITLED UNDER THIS ARTICLE;
 - (2) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY REPRESENT PARTICIPATION OF A ~~SERVICE-DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISE IN ORDER TO OBTAIN OR RETAIN A BID PREFERENCE OR A PROCUREMENT CONTRACT;
 - (3) WILLFULLY AND KNOWINGLY MAKE OR SUBSCRIBE TO ANY STATEMENT, DECLARATION, OR OTHER DOCUMENT THAT IS FRAUDULENT OR FALSE AS TO ANY MATERIAL MATTER, WHETHER OR NOT THAT FALSITY OR FRAUD IS COMMITTED WITH THE KNOWLEDGE OR CONSENT OF THE PERSON AUTHORIZED OR REQUIRED TO PRESENT THE DECLARATION, STATEMENT, OR DOCUMENT;
 - (4) WILLFULLY AND KNOWINGLY AID, ASSIST IN, PROCURE, COUNSEL, OR ADVISE THE PREPARATION OR PRESENTATION OF A DECLARATION, STATEMENT, OR OTHER DOCUMENT THAT IS FRAUDULENT OR FALSE AS TO ANY MATERIAL MATTER, REGARDLESS OF WHETHER THAT FALSITY OR FRAUD IS COMMITTED WITH THE KNOWLEDGE OR CONSENT OF THE PERSON

AUTHORIZED OR REQUIRED TO PRESENT THE DECLARATION, STATEMENT, OR DOCUMENT;

(5) WILLFULLY AND KNOWINGLY FAIL TO FILE ANY DECLARATION OR NOTICE WITH THE UNIT THAT IS REQUIRED BY THIS SUBTITLE; OR

(6) ESTABLISH, KNOWINGLY AID IN THE ESTABLISHMENT OF, OR EXERCISE CONTROL OVER A BUSINESS FOUND TO HAVE VIOLATED A PROVISION OF ITEMS (1) THROUGH (5) OF THIS SUBSECTION.

(B) (1) A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

(2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION SHALL BE:

(I) FOR THE FIRST OFFENSE, LIABLE FOR A CIVIL PENALTY OF NOT LESS THAN \$10,000 AND NOT EXCEEDING \$30,000; AND

(II) FOR A SUBSEQUENT OFFENSE, LIABLE FOR A CIVIL PENALTY OF NOT LESS THAN \$30,000 AND NOT EXCEEDING \$50,000.

(3) A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION SHALL PAY ALL COSTS AND ATTORNEY'S FEES INCURRED BY THE PLAINTIFF IN A CIVIL ACTION BROUGHT UNDER THIS SUBTITLE.

(C) THE BOARD SHALL PROHIBIT A BUSINESS OR PERSON WHO FAILS TO SATISFY THE PENALTIES, COSTS, AND ATTORNEY'S FEES IMPOSED UNDER SUBSECTION (B) OF THIS SECTION FROM FURTHER CONTRACTING WITH THE STATE UNTIL THE PENALTIES ARE SATISFIED.

(D) (1) A UNIT SHALL REPORT ALL ALLEGED VIOLATIONS OF THIS SECTION TO THE BOARD.

(2) THE BOARD SUBSEQUENTLY SHALL REPORT ALL ALLEGED VIOLATIONS OF THIS SECTION TO THE OFFICE OF THE ATTORNEY GENERAL, WHICH SHALL DETERMINE WHETHER TO BRING A CIVIL ACTION AGAINST A PERSON OR BUSINESS FOR A VIOLATION OF THIS SECTION.

This subtitle does not apply to a protest concerning:

(1) the formation of a procurement contract for architectural services or engineering services; OR

(2) EXCEPT TO THE EXTENT AUTHORIZED BY REGULATION BY THE BOARD, ANY ACT OR OMISSION BY A PROCUREMENT AGENCY UNDER TITLE 14, SUBTITLE 6 OF THIS ARTICLE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Business and Economic Development shall use existing resources to implement the Service Disabled Veteran Business Enterprise Participation program goals established under Title 14, Subtitle 6 of the State Finance and Procurement Article, as enacted by Section 1 of this Act.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 508

(House Bill 359)

AN ACT concerning

Procurement – ~~Service Disabled Veteran~~ Veteran-Owned Small Business Enterprise Participation

FOR the purpose of establishing a certain participation goal for certain ~~certified service disabled veteran~~ veteran-owned small business enterprises for certain procurement contracts; requiring certain solicitation documents to establish the degree of participation based on certain information; providing that certain provisions of this Act do not apply in certain circumstances; requiring a unit to award certain procurement contracts to certain bidders or offerors under certain circumstances; requiring the Board of Public Works to adopt certain regulations to implement this Act; requiring the Board to establish certain tracking and reporting procedures; requiring the Board to report annually on a certain program to the Legislative Policy Committee; establishing certain prohibited acts and certain penalties for certain violations; providing that certain provisions of law relating to protests do not apply to certain acts or omissions by certain procurement agencies under certain circumstances; ~~requiring the Department of Business and Economic Development to use certain resources to~~

~~implement a certain program;~~ and generally relating to procurement participation by ~~service disabled veteran~~ veteran-owned small business enterprises.

BY adding to

Article – State Finance and Procurement

Section 14-601 through 14-605 to be under the new subtitle “Subtitle 6.

~~Service Disabled Veteran~~ Veteran-Owned Small Business Enterprise Participation”

Annotated Code of Maryland

(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 15-202

Annotated Code of Maryland

(2009 Replacement Volume)

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

Article – State Finance and Procurement

SUBTITLE 6. ~~SERVICE DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISE PARTICIPATION.

14-601.

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “CERTIFICATION” MEANS THE DETERMINATION THAT A LEGAL ENTITY IS A SERVICE DISABLED VETERAN BUSINESS ENTERPRISE FOR THE PURPOSES OF THIS SUBTITLE.~~

~~(C) “CERTIFIED SERVICE DISABLED VETERAN BUSINESS ENTERPRISE” MEANS A BUSINESS THAT IS CERTIFIED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AS A SERVICE DISABLED VETERAN OWNED BUSINESS.~~

~~(D) “SERVICE DISABLED VETERAN” MEANS AN INDIVIDUAL WHO:~~

~~(1) IS A VETERAN, AS DEFINED UNDER 38 U.S.C. § 101(2); AND~~

~~(2) HAS A DISABILITY THAT IS SERVICE CONNECTED, AS DEFINED UNDER 38 U.S.C. § 101(16).~~

~~(E) (1) “SERVICE DISABLED VETERAN BUSINESS ENTERPRISE” HAS THE MEANING STATED IN EXECUTIVE ORDER NO. 13360 ISSUED ON OCTOBER 21, 2004, BY THE PRESIDENT OF THE UNITED STATES.~~

~~(2) TO THE EXTENT NOT INCONSISTENT WITH FEDERAL LAW, “SERVICE DISABLED VETERAN BUSINESS ENTERPRISE” INCLUDES:~~

~~(I) A SOLE PROPRIETORSHIP OWNED BY SERVICE DISABLED VETERANS;~~

~~(II) A SUBSIDIARY THAT IS WHOLLY OWNED BY A PARENT CORPORATION IN WHICH THE MAJORITY OF EACH CLASS OF ISSUED AND, “VETERAN-OWNED SMALL BUSINESS ENTERPRISE” MEANS A BUSINESS THAT IS VERIFIED BY THE CENTER FOR VETERANS ENTERPRISE OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AS A VETERAN-OWNED SMALL BUSINESS. OUTSTANDING STOCK OF THE PARENT COMPANY IS OWNED BY ONE OR MORE SERVICE DISABLED VETERANS;~~

~~(III) A JOINT VENTURE IN WHICH THE MAJORITY OF THE JOINT VENTURE’S MANAGEMENT, CONTROL, AND PROFITS ARE OWNED BY ONE OR MORE SERVICE DISABLED VETERANS;~~

~~(IV) A LIMITED LIABILITY COMPANY IN WHICH MAJORITY INTERESTS ARE OWNED BY ONE OR MORE SERVICE DISABLED VETERANS; AND~~

~~(V) A CORPORATION IN WHICH THE MAJORITY OF EACH CLASS OF ISSUED AND OUTSTANDING STOCK IS OWNED BY ONE OR MORE SERVICE DISABLED VETERANS.~~

14-602.

(A) BEGINNING ~~JANUARY 1, 2011,~~ JULY 1, 2012, A UNIT SHALL STRUCTURE PROCUREMENT PROCEDURES, CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE, TO TRY TO ACHIEVE AN OVERALL MINIMUM OF 0.5% OF THE UNIT’S TOTAL DOLLAR VALUE OF PROCUREMENT CONTRACTS TO BE MADE DIRECTLY OR INDIRECTLY WITH ~~CERTIFIED SERVICE DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISES.

(B) SOLICITATION DOCUMENTS SHALL ESTABLISH THE EXPECTED DEGREE OF ~~SERVICE DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISE PARTICIPATION BASED, IN PART, ON:

(1) THE POTENTIAL SUBCONTRACT OPPORTUNITIES AVAILABLE IN THE PROCUREMENT CONTRACT; AND

(2) THE AVAILABILITY OF ~~CERTIFIED SERVICE DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISES TO RESPOND COMPETITIVELY TO THE POTENTIAL SUBCONTRACT OPPORTUNITIES.

(C) THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO A UNIT'S PROCUREMENT PROCEDURES TO THE EXTENT THAT ANY UNIT DETERMINES THAT THOSE PROVISIONS ARE IN CONFLICT WITH AN APPLICABLE FEDERAL PROGRAM.

14-603.

A UNIT SHALL AWARD THE CONTRACT TO THE RESPONSIBLE BIDDER THAT SUBMITS THE LOWEST RESPONSIVE BID, OR RESPONSIBLE OFFEROR PROPOSING THE MOST ADVANTAGEOUS OFFER, THAT MEETS OR MAKES A GOOD FAITH EFFORT TO MEET ANY APPLICABLE GOAL ESTABLISHED UNDER THIS SUBTITLE.

14-604.

(A) THE BOARD SHALL:

(1) ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE;

(2) ESTABLISH PROCEDURES FOR TRACKING AND REPORTING PARTICIPATION OF ~~SERVICE DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISES UNDER THIS SUBTITLE; AND

(3) ON OR BEFORE DECEMBER 1 OF EACH YEAR, REPORT TO THE LEGISLATIVE POLICY COMMITTEE ON:

(I) THE NUMBER AND AMOUNT OF CONTRACTS AWARDED TO ~~SERVICE DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISES UNDER THIS SUBTITLE; AND

(II) THE EFFECTIVENESS OF THE PROGRAM UNDER THIS SUBTITLE.

14-605.

(A) A PERSON MAY NOT:

(1) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY OBTAIN, ATTEMPT TO OBTAIN, OR AID ANOTHER PERSON IN FRAUDULENTLY

OBTAINING OR ATTEMPTING TO OBTAIN, PUBLIC MONEY, PROCUREMENT CONTRACTS, OR FUNDS EXPENDED UNDER A PROCUREMENT CONTRACT TO WHICH THE PERSON IS NOT ENTITLED UNDER THIS ARTICLE;

(2) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY REPRESENT PARTICIPATION OF A ~~SERVICE DISABLED VETERAN~~ VETERAN-OWNED SMALL BUSINESS ENTERPRISE IN ORDER TO OBTAIN OR RETAIN A BID PREFERENCE OR A PROCUREMENT CONTRACT;

(3) WILLFULLY AND KNOWINGLY MAKE OR SUBSCRIBE TO ANY STATEMENT, DECLARATION, OR OTHER DOCUMENT THAT IS FRAUDULENT OR FALSE AS TO ANY MATERIAL MATTER, WHETHER OR NOT THAT FALSITY OR FRAUD IS COMMITTED WITH THE KNOWLEDGE OR CONSENT OF THE PERSON AUTHORIZED OR REQUIRED TO PRESENT THE DECLARATION, STATEMENT, OR DOCUMENT;

(4) WILLFULLY AND KNOWINGLY AID, ASSIST IN, PROCURE, COUNSEL, OR ADVISE THE PREPARATION OR PRESENTATION OF A DECLARATION, STATEMENT, OR OTHER DOCUMENT THAT IS FRAUDULENT OR FALSE AS TO ANY MATERIAL MATTER, REGARDLESS OF WHETHER THAT FALSITY OR FRAUD IS COMMITTED WITH THE KNOWLEDGE OR CONSENT OF THE PERSON AUTHORIZED OR REQUIRED TO PRESENT THE DECLARATION, STATEMENT, OR DOCUMENT;

(5) WILLFULLY AND KNOWINGLY FAIL TO FILE ANY DECLARATION OR NOTICE WITH THE UNIT THAT IS REQUIRED BY THIS SUBTITLE; OR

(6) ESTABLISH, KNOWINGLY AID IN THE ESTABLISHMENT OF, OR EXERCISE CONTROL OVER A BUSINESS FOUND TO HAVE VIOLATED A PROVISION OF ITEMS (1) THROUGH (5) OF THIS SUBSECTION.

(B) (1) A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

(2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION SHALL BE:

(I) FOR THE FIRST OFFENSE, LIABLE FOR A CIVIL PENALTY OF NOT LESS THAN \$10,000 AND NOT EXCEEDING \$30,000; AND

(II) FOR A SUBSEQUENT OFFENSE, LIABLE FOR A CIVIL PENALTY OF NOT LESS THAN \$30,000 AND NOT EXCEEDING \$50,000.

(3) A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION SHALL PAY ALL COSTS AND ATTORNEY'S FEES INCURRED BY THE PLAINTIFF IN A CIVIL ACTION BROUGHT UNDER THIS SUBTITLE.

(C) THE BOARD SHALL PROHIBIT A BUSINESS OR PERSON WHO FAILS TO SATISFY THE PENALTIES, COSTS, AND ATTORNEY'S FEES IMPOSED UNDER SUBSECTION (B) OF THIS SECTION FROM FURTHER CONTRACTING WITH THE STATE UNTIL THE PENALTIES ARE SATISFIED.

(D) (1) A UNIT SHALL REPORT ALL ALLEGED VIOLATIONS OF THIS SECTION TO THE BOARD.

(2) THE BOARD SUBSEQUENTLY SHALL REPORT ALL ALLEGED VIOLATIONS OF THIS SECTION TO THE OFFICE OF THE ATTORNEY GENERAL, WHICH SHALL DETERMINE WHETHER TO BRING A CIVIL ACTION AGAINST A PERSON OR BUSINESS FOR A VIOLATION OF THIS SECTION.

15-202.

This subtitle does not apply to a protest concerning:

(1) the formation of a procurement contract for architectural services or engineering services; OR

(2) EXCEPT TO THE EXTENT AUTHORIZED BY REGULATION BY THE BOARD, ANY ACT OR OMISSION BY A PROCUREMENT AGENCY UNDER TITLE 14, SUBTITLE 6 OF THIS ARTICLE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Business and Economic Development shall use existing resources to implement the Service Disabled Veteran Business Enterprise Participation program goals established under Title 14, Subtitle 6 of the State Finance and Procurement Article, as enacted by Section 1 of this Act.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 509**(Senate Bill 237)**

AN ACT concerning

Sales and Use Tax – Exemptions – Veterans’ Organizations

FOR the purpose of providing for an exemption from the sales and use tax for sales to certain veterans’ organizations; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to a sales and use tax exemption for sales to certain veterans’ organizations.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 11–204(a)(7) and (8)

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

BY adding to

Article – Tax – General

Section 11–204(a)(9)

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 11–204(a)(6) and (7)

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

(As enacted by Chapters 217 and 218 of the Acts of the General Assembly of 2006, as amended by Chapter 506 of the Acts of the General Assembly of 2009)

BY adding to

Article – Tax – General

Section 11–204(a)(8)

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

(As enacted by Chapters 217 and 218 of the Acts of the General Assembly of 2006, as amended by Chapter 506 of the Acts of the General Assembly of 2009)

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

Article – Tax – General

11–204.

(a) The sales and use tax does not apply to:

(7) a sale to a nonprofit organization made to carry on its work, if the organization:

(i) is qualified as tax exempt under § 501(c)(4) of the Internal Revenue Code; and

(ii) is engaged primarily in providing a program to render its best efforts to contain, clean up, and otherwise mitigate spills of oil or other substances occurring in United States coastal and tidal waters; [or]

(8) a sale to a bona fide nationally organized and recognized organization of veterans of the armed forces of the United States or an auxiliary of the organization or one of its units, if the organization is qualified as tax exempt under § 501(c)(19) of the Internal Revenue Code; **OR**

(9) A SALE TO A BONA FIDE NATIONALLY ORGANIZED AND RECOGNIZED ORGANIZATION OF VETERANS OF THE ARMED FORCES OF THE UNITED STATES OR AN AUXILIARY OF THE ORGANIZATION OR ONE OF ITS UNITS, IF THE ORGANIZATION IS QUALIFIED AS TAX EXEMPT UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE.

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

Article – Tax – General

11–204.

(a) The sales and use tax does not apply to:

(6) a sale of tangible personal property to a nonprofit parent–teacher association located in the State if the association makes the purchase to contribute the property to a school to which a sale is exempt under item (3) of this subsection or § 11–220 of this subtitle; [or]

(7) a sale to a nonprofit organization made to carry on its work, if the organization:

(i) is qualified as tax exempt under § 501(c)(4) of the Internal Revenue Code; and

(ii) is engaged primarily in providing a program to render its best efforts to contain, clean up, and otherwise mitigate spills of oil or other substances occurring in United States coastal and tidal waters; OR

(8) A SALE TO A BONA FIDE NATIONALLY ORGANIZED AND RECOGNIZED ORGANIZATION OF VETERANS OF THE ARMED FORCES OF THE UNITED STATES OR AN AUXILIARY OF THE ORGANIZATION OR ONE OF ITS UNITS, IF THE ORGANIZATION IS QUALIFIED AS TAX EXEMPT UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapters 217 and 218 of the Acts of the General Assembly of 2006, as amended by Chapter 506 of the Acts of the General Assembly of 2009. If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 510

(House Bill 203)

AN ACT concerning

Sales and Use Tax – Exemptions – Veterans’ Organizations

FOR the purpose of providing for an exemption from the sales and use tax for sales to certain veterans’ organizations; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to a sales and use tax exemption for sales to certain veterans’ organizations.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 11–204(a)(7) and (8)

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

BY adding to

Article – Tax – General
Section 11–204(a)(9)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 11–204(a)(6) and (7)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)
(As enacted by Chapters 217 and 218 of the Acts of the General Assembly of
2006, as amended by Chapter 506 of the Acts of the General Assembly of
2009)

BY adding to

Article – Tax – General
Section 11–204(a)(8)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)
(As enacted by Chapters 217 and 218 of the Acts of the General Assembly of
2006, as amended by Chapter 506 of the Acts of the General Assembly of
2009)

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

Article – Tax – General

11–204.

(a) The sales and use tax does not apply to:

(7) a sale to a nonprofit organization made to carry on its work, if the
organization:

(i) is qualified as tax exempt under § 501(c)(4) of the Internal
Revenue Code; and

(ii) is engaged primarily in providing a program to render its
best efforts to contain, clean up, and otherwise mitigate spills of oil or other
substances occurring in United States coastal and tidal waters; [or]

(8) a sale to a bona fide nationally organized and recognized
organization of veterans of the armed forces of the United States or an auxiliary of the
organization or one of its units, if the organization is qualified as tax exempt under §
501(c)(19) of the Internal Revenue Code; **OR**

(9) A SALE TO A BONA FIDE NATIONALLY ORGANIZED AND RECOGNIZED ORGANIZATION OF VETERANS OF THE ARMED FORCES OF THE UNITED STATES OR AN AUXILIARY OF THE ORGANIZATION OR ONE OF ITS UNITS, IF THE ORGANIZATION IS QUALIFIED AS TAX EXEMPT UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE.

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

Article – Tax – General

11–204.

(a) The sales and use tax does not apply to:

(6) a sale of tangible personal property to a nonprofit parent–teacher association located in the State if the association makes the purchase to contribute the property to a school to which a sale is exempt under item (3) of this subsection or § 11–220 of this subtitle; [or]

(7) a sale to a nonprofit organization made to carry on its work, if the organization:

(i) is qualified as tax exempt under § 501(c)(4) of the Internal Revenue Code; and

(ii) is engaged primarily in providing a program to render its best efforts to contain, clean up, and otherwise mitigate spills of oil or other substances occurring in United States coastal and tidal waters; **OR**

(8) A SALE TO A BONA FIDE NATIONALLY ORGANIZED AND RECOGNIZED ORGANIZATION OF VETERANS OF THE ARMED FORCES OF THE UNITED STATES OR AN AUXILIARY OF THE ORGANIZATION OR ONE OF ITS UNITS, IF THE ORGANIZATION IS QUALIFIED AS TAX EXEMPT UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapters 217 and 218 of the Acts of the General Assembly of 2006, as amended by Chapter 506 of the Acts of the General Assembly of 2009. If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 511

(Senate Bill 1033)

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

FOR the purpose of requiring the Department of Veterans Affairs to develop a Military Health Care Provider Transition Plan; providing for the purpose of the Plan; requiring the Department to work in conjunction with certain entities; requiring the Plan to include certain goals; requiring the Department to address the concerns and recommendations identified in a certain report; requiring the Department to complete the Plan by a certain date; requiring the Department to submit to the Governor and General Assembly ~~a certain report~~ reports; and generally relating to the Military Health Care Provider Transition Plan.

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

(a) The Department of Veterans Affairs shall develop a Military Health Care Provider Transition Plan.

(b) The purpose of the Plan is to increase the number of veterans, including current and former members of the Reserve forces and National Guard, with expertise in health care workforce shortage areas to transition into civilian health care provider positions.

(c) The Department shall work in conjunction with the following:

- (1) the Department of Health and Mental Hygiene;
- (2) the Department of Housing and Community Development;
- (3) the Department of Labor, Licensing and Regulation; ~~and~~
- (4) the Governor's Workforce Investment Board; and
- (5) the Maryland Higher Education Commission.

(d) The Plan shall include specific goals for the recruitment of qualified individuals in each of the health care workforce shortage areas, including:

(1) the specific professional or technical workforce shortage areas to be targeted; and

(2) the number of qualified individuals needed for each workforce shortage area.

(e) The Department shall address the concerns and recommendations identified in the Report of the Department of Health and Mental Hygiene as required under Chapter 441 of the Acts of 2007, Identifying and Breaking Down Barriers: Easing the Transition from Active Duty to Civilian Health Care Provider, ~~including consideration of:~~

~~(1) removing barriers to licensure or certification of qualified individuals, including facilitating employment of individuals by:~~

~~(i) providing a temporary limited license;~~

~~(ii) providing registration of unlicensed personnel working under supervision;~~

~~(iii) enhancing educational opportunities for qualifying individuals; or~~

~~(iv) any other appropriate means;~~

~~(2) facilitating housing incentives for qualified individuals who work in the civilian health care sector;~~

~~(3) providing tax incentives for qualified individuals to remain in or relocate to Maryland; and~~

~~(4) developing a network of employment opportunities.~~

(f) The Department shall complete the Plan on or before December 1, ~~2010~~ 2011.

(g) On or before December 1, 2010, the Department shall submit an interim report on its findings to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

~~(g)~~ (h) On or before January 1, ~~2011~~ 2012, the Department shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 512

(House Bill 1353)

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

FOR the purpose of requiring the Department of Veterans Affairs to develop a Military Health Care Provider Transition Plan; providing for the purpose of the Plan; requiring the Department to work in conjunction with certain entities; requiring the Plan to include certain goals; requiring the Department to address the concerns and recommendations identified in a certain report; requiring the Department to complete the Plan by a certain date; requiring the Department to submit to the Governor and General Assembly ~~a certain report~~ reports; and generally relating to the Military Health Care Provider Transition Plan.

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

(a) The Department of Veterans Affairs shall develop a Military Health Care Provider Transition Plan.

(b) The purpose of the Plan is to increase the number of veterans, including current and former members of the Reserve forces and National Guard, with expertise in health care workforce shortage areas to transition into civilian health care provider positions.

(c) The Department shall work in conjunction with the following:

- (1) the Department of Health and Mental Hygiene;
- (2) the Department of Housing and Community Development;
- (3) the Department of Labor, Licensing and Regulation; ~~and~~
- (4) the Governor's Workforce Investment Board; and
- (5) the Maryland Higher Education Commission.

(d) The Plan shall include specific goals for the recruitment of qualified individuals in each of the health care workforce shortage areas, including:

(1) the specific professional or technical workforce shortage areas to be targeted; and

(2) the number of qualified individuals needed for each workforce shortage area.

(e) The Department shall address the concerns and recommendations identified in the Report of the Department of Health and Mental Hygiene as required under Chapter 441 of the Acts of 2007, Identifying and Breaking Down Barriers: Easing the Transition from Active Duty to Civilian Health Care Provider, ~~including consideration of:~~

~~(1) removing barriers to licensure or certification of qualified individuals, including facilitating employment of individuals by:~~

~~(i) providing a temporary limited license;~~

~~(ii) providing registration of unlicensed personnel working under supervision;~~

~~(iii) enhancing educational opportunities for qualifying individuals; or~~

~~(iv) any other appropriate means;~~

~~(2) facilitating housing incentives for qualified individuals who work in the civilian health care sector;~~

~~(3) providing tax incentives for qualified individuals to remain in or relocate to Maryland; and~~

~~(4) developing a network of employment opportunities.~~

(f) The Department shall complete the Plan on or before December 1, ~~2010~~ 2011.

(g) On or before December 1, 2010, the Department shall submit an interim report on its findings to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

~~(g)~~ (h) On or before January 1, ~~2011~~ 2012, the Department shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 513

(Senate Bill 2)

AN ACT concerning

Task Force on the Minority Business Enterprise Program and Equity Investment Capital

FOR the purpose of establishing a Task Force on the Minority Business Enterprise Program and Equity Investment Capital; providing for the composition of the Task Force; requiring the President of the Senate and the Speaker of the House to select a cochair from the Senate and House of Delegates; requiring the Department of General Services and the Department of Transportation to provide staff for the Task Force; prohibiting a Task Force member from receiving compensation but allowing a member to be reimbursed for certain expenses; requiring the Task Force to study how to facilitate the acquisition of investment equity capital by minority business enterprises in Maryland in a certain manner; requiring the Task Force to report its recommendations and draft legislation to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Minority Business Enterprise Program and Equity Investment Capital.

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

(a) There is a Task Force on the Minority Business Enterprise Program and Equity Investment Capital.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House; and

(3) the following seven members, appointed by the Governor:

(i) one representative of the Department of General Services;

(ii) one representative of the Department of Transportation;

(iii) one representative of the Governor's Office of Minority Affairs;

(iv) one representative of a professional private equity firm;

(v) one representative of a law firm with proficiency in business, equity transactions, and corporate governance;

(vi) one representative of the business community who has founded and been the chief executive of at least one successful company, has experience with equity transactions from the business side, and has participated in a formal corporate board, preferably recognized for entrepreneurship; and

(vii) one representative of the Maryland Small Business Development Financing Authority.

(c) The President of the Senate and the Speaker of the House shall designate a Senator and a Delegate to cochair the Task Force.

(d) The Department of General Services and the Department of Transportation shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study how to facilitate the acquisition of investment equity capital by minority business enterprises in Maryland in a manner that:

(i) allows minority business enterprise owners to retain operational control of the business enterprise; and

(ii) provides adequate protection to equity investors;

(2) make recommendations regarding the necessary modifications to the Minority Business Enterprise Program that will authorize and encourage equity investment in minority business enterprises in Maryland; and

(3) develop draft legislation for the 2011 legislative session to implement the recommendations identified in paragraph (2) of this subsection.

(g) On or before December 1, 2010, the Task Force shall report its recommendations and draft legislation to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010. It shall remain effective for a period of 1 year and, at the end of May 31, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 514

(House Bill 222)

AN ACT concerning

Task Force on the Minority Business Enterprise Program and Equity Investment Capital

FOR the purpose of establishing a Task Force on the Minority Business Enterprise Program and Equity Investment Capital; providing for the compensation of the Task Force; requiring the President of the Senate and the Speaker of the House to select a cochair from the Senate and House of Delegates; requiring the Department of General Services and the Department of Transportation to provide staff for the Task Force; prohibiting a Task Force member from receiving compensation but allowing a member to be reimbursed for certain expenses; requiring the Task Force to study how to facilitate the acquisition of investment equity capital by minority business enterprises in Maryland in a certain manner; requiring the Task Force to report its recommendations and draft legislation to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Minority Business Enterprise Program and Equity Investment Capital.

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

(a) There is a Task Force on the Minority Business Enterprise Program and Equity Investment Capital.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House; and

(3) the following seven members, appointed by the Governor:

(i) one representative of the Department of General Services;

(ii) one representative of the Department of Transportation;

(iii) one representative of the Governor's Office of Minority Affairs;

(iv) one representative of a professional private equity firm;

(v) one representative of a law firm with proficiency in business, equity transactions, and corporate governance;

(vi) one representative of the business community who has founded and been the chief executive of at least one successful company, has experience with equity transactions from the business side, and has participated in a formal corporate board, preferably recognized for entrepreneurship; and

(vii) one representative of the Maryland Small Business Development Financing Authority.

(c) The President of the Senate and the Speaker of the House shall designate a Senator and a Delegate to cochair the Task Force.

(d) The Department of General Services and the Department of Transportation shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study how to facilitate the acquisition of investment equity capital by minority business enterprises in Maryland in a manner that:

(i) allows minority business enterprise owners to retain operational control of the business enterprise; and

(ii) provides adequate protection to equity investors;

(2) make recommendations regarding the necessary modifications to the Minority Business Enterprise Program that will authorize and encourage equity investment in minority business enterprises in Maryland; and

(3) develop draft legislation for the 2011 legislative session to implement the recommendations identified in paragraph (2) of this subsection.

(g) On or before December 1, 2010, the Task Force shall report its recommendations and draft legislation to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010. It shall remain effective for a period of 1 year and, at the end of May 31, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 515

(Senate Bill 34)

AN ACT concerning

**Joint Committee on Unemployment Insurance Oversight – ~~Repeal of~~
Termination Date and Study**

FOR the purpose of repealing the termination date of the Joint Committee on Unemployment Insurance Oversight; requiring the Joint Committee on Unemployment Insurance Oversight to complete a certain study of certain provisions of law and to submit a certain report to the Governor and General Assembly on or before a certain date; and generally relating to the Joint Committee on Unemployment Insurance Oversight.

BY repealing and reenacting, without amendments,
Article – State Government
Section 2-10A-11
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 50 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, with amendments,
Chapter 51 of the Acts of the General Assembly of 2007
Section 2

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

Article – State Government

2–10A–11.

- (a) There is a Joint Committee on Unemployment Insurance Oversight.
- (b) The Committee consists of the following 15 members:
 - (1) three members of the Senate, appointed by the President of the Senate;
 - (2) three members of the House of Delegates, appointed by the Speaker of the House of Delegates;
 - (3) the Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;
 - (4) the Secretary of Business and Economic Development, or the Secretary's designee;
 - (5) a representative of the Maryland Retailers Association, designated by the Maryland Retailers Association;
 - (6) a representative of the Maryland Chamber of Commerce, designated by the Maryland Chamber of Commerce;
 - (7) a representative of the National Federation of Independent Business, designated by the National Federation of Independent Business;
 - (8) a representative of the Job Opportunities Task Force, designated by the Job Opportunities Task Force;
 - (9) two representatives of union labor, designated by the Maryland State and District of Columbia AFL–CIO; and
 - (10) a representative of the academic profession who is knowledgeable in unemployment insurance law, designated jointly by the President of the Senate and the Speaker of the House of Delegates.

(c) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker shall appoint a Senator and a Delegate, respectively, each to serve as cochair.

(e) (1) The Committee shall examine the condition of the unemployment insurance system in the State as a result of the implementation of Chapter 169 of the Acts of the General Assembly of 2005.

(2) The Committee may examine the need for additional alterations to the unemployment insurance system, including the charging and taxation provisions and the eligibility and benefit provisions, in consideration of the fairness of the system and in order to maintain the Unemployment Insurance Trust Fund at a level sufficient to ensure that benefits will be paid from the Fund.

(f) (1) The Department of Legislative Services shall provide staffing for the Committee.

(2) The Department of Labor, Licensing, and Regulation shall report to the Committee on the condition of unemployment insurance in the State.

(g) A member of the Committee may not receive compensation for serving on the Committee, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) The Committee shall report its findings and recommendations to the Governor and, subject to § 2-1246 of this title, the General Assembly on December 31 of each year.

Chapter 50 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2007. [It shall remain effective for a period of 3 years and 7 months and, at the end of December 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

Chapter 51 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2007. [It shall remain effective for a period of 3 years and 7 months and, at the end of December 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Joint Committee on Unemployment Insurance Oversight shall study Title 8 of the Labor and Employment Article and related federal law as it relates to employing units engaged in seasonal industries;

(b) The study conducted under subsection (a) of this section shall include:

(1) a review of employing unit obligations and payments required under Title 8 of the Labor and Employment Article and related federal law;

(2) the impact of the obligations and required payments on employing units located in a county in which the average unemployment rate exceeds the average unemployment rate of the State; and

(3) how the obligations and payments may be reduced for employing units engaged in seasonal industries.

(c) On or before December 1, 2010, the Joint Committee on Unemployment Insurance Oversight shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on its findings and recommendations.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 516

(House Bill 267)

AN ACT concerning

Joint Committee on Unemployment Insurance Oversight – ~~Repeal of~~ Termination Date and Study

FOR the purpose of repealing the termination date of the Joint Committee on Unemployment Insurance Oversight; requiring the Joint Committee on Unemployment Insurance Oversight to complete a certain study of certain provisions of law and to submit a certain report to the Governor and General Assembly on or before a certain date; and generally relating to the Joint Committee on Unemployment Insurance Oversight.

BY repealing and reenacting, without amendments,
Article – State Government
Section 2-10A-11

Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 50 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, with amendments,
Chapter 51 of the Acts of the General Assembly of 2007
Section 2

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

Article – State Government

2–10A–11.

- (a) There is a Joint Committee on Unemployment Insurance Oversight.
- (b) The Committee consists of the following 15 members:
 - (1) three members of the Senate, appointed by the President of the Senate;
 - (2) three members of the House of Delegates, appointed by the Speaker of the House of Delegates;
 - (3) the Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;
 - (4) the Secretary of Business and Economic Development, or the Secretary's designee;
 - (5) a representative of the Maryland Retailers Association, designated by the Maryland Retailers Association;
 - (6) a representative of the Maryland Chamber of Commerce, designated by the Maryland Chamber of Commerce;
 - (7) a representative of the National Federation of Independent Business, designated by the National Federation of Independent Business;
 - (8) a representative of the Job Opportunities Task Force, designated by the Job Opportunities Task Force;

(9) two representatives of union labor, designated by the Maryland State and District of Columbia AFL–CIO; and

(10) a representative of the academic profession who is knowledgeable in unemployment insurance law, designated jointly by the President of the Senate and the Speaker of the House of Delegates.

(c) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker shall appoint a Senator and a Delegate, respectively, each to serve as cochair.

(e) (1) The Committee shall examine the condition of the unemployment insurance system in the State as a result of the implementation of Chapter 169 of the Acts of the General Assembly of 2005.

(2) The Committee may examine the need for additional alterations to the unemployment insurance system, including the charging and taxation provisions and the eligibility and benefit provisions, in consideration of the fairness of the system and in order to maintain the Unemployment Insurance Trust Fund at a level sufficient to ensure that benefits will be paid from the Fund.

(f) (1) The Department of Legislative Services shall provide staffing for the Committee.

(2) The Department of Labor, Licensing, and Regulation shall report to the Committee on the condition of unemployment insurance in the State.

(g) A member of the Committee may not receive compensation for serving on the Committee, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) The Committee shall report its findings and recommendations to the Governor and, subject to § 2–1246 of this title, the General Assembly on December 31 of each year.

Chapter 50 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2007. [It shall remain effective for a period of 3 years and 7 months and, at the end of December 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

Chapter 51 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2007. [It shall remain effective for a period of 3 years and 7 months and, at the end of December 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Joint Committee on Unemployment Insurance Oversight shall study Title 8 of the Labor and Employment Article and related federal law as it relates to employing units engaged in seasonal industries;

(b) The study conducted under subsection (a) of this section shall include:

(1) a review of employing unit obligations and payments required under Title 8 of the Labor and Employment Article and related federal law;

(2) the impact of the obligations and required payments on employing units located in a county in which the average unemployment rate exceeds the average unemployment rate of the State; and

(3) how the obligations and payments may be reduced for employing units engaged in seasonal industries.

(c) On or before December 1, 2010, the Joint Committee on Unemployment Insurance Oversight shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on its findings and recommendations.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 517

(Senate Bill 51)

AN ACT concerning

Vehicle Laws – Bicycles, EPAMDs, and Motor Scooters – Rules of the Road

FOR the purpose of requiring a driver of a vehicle, when overtaking a bicycle, an EPAMD, or a motor scooter, to pass safely at a certain distance, except under certain circumstances; requiring a driver of a vehicle to yield the right-of-way to a person who is riding a bicycle, an EPAMD, or a motor scooter in a

designated bike lane or shoulder under certain circumstances; and generally relating to the rules of the road for bicycles, EPAMDs, and motor scooters.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–1209

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

21–1209.

(a) Notwithstanding any other provision of this title, the driver of a vehicle shall [exercise]:

(1) **EXERCISE** due care to avoid colliding with any bicycle, EPAMD, or motor scooter being ridden by a person; **AND**

(2) **WHEN OVERTAKING A BICYCLE, AN EPAMD, OR A MOTOR SCOOTER, PASS SAFELY AT A DISTANCE OF NOT LESS THAN 3 FEET, UNLESS, AT THE TIME:**

(I) THE BICYCLE, EPAMD, OR MOTOR SCOOTER RIDER FAILS TO OPERATE THE VEHICLE IN CONFORMANCE WITH § 21–1205(A) OF THIS SUBTITLE (“RIDING TO RIGHT SIDE OF ROADWAY”) OR § 21–1205.1(B) OF THIS SUBTITLE (“ROADWAY WITH BIKE LANE OR SHOULDER PAVED TO SMOOTH SURFACE”); OR

(II) A PASSING CLEARANCE OF LESS THAN 3 FEET IS CAUSED SOLELY BY THE BICYCLE, EPAMD, OR MOTOR SCOOTER RIDER FAILING TO MAINTAIN A STEADY COURSE; OR

(III) THE HIGHWAY ON WHICH THE VEHICLE IS BEING DRIVEN IS NOT WIDE ENOUGH TO LAWFULLY PASS THE BICYCLE, EPAMD, OR MOTOR SCOOTER AT A DISTANCE OF AT LEAST 3 FEET.

(b) A person may not throw any object at or in the direction of any person riding a bicycle, an EPAMD, or a motor scooter.

(c) A person may not open the door of any motor vehicle with intent to strike, injure, or interfere with any person riding a bicycle, an EPAMD, or a motor scooter.

(D) UNLESS OTHERWISE SPECIFIED IN THIS TITLE, THE DRIVER OF A VEHICLE SHALL YIELD THE RIGHT-OF-WAY TO A PERSON WHO IS LAWFULLY RIDING A BICYCLE, AN EPAMD, OR A MOTOR SCOOTER IN A DESIGNATED BIKE LANE OR SHOULDER IF THE DRIVER OF THE VEHICLE IS ABOUT TO ENTER OR CROSS THE DESIGNATED BIKE LANE OR SHOULDER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 518

(Senate Bill 624)

AN ACT concerning

Vehicle Laws – Bicycles and Motor Scooters – Rules of the Road

FOR the purpose of authorizing a person operating a bicycle to ride the bicycle in or through a crosswalk in certain locations under certain circumstances; requiring a vehicle to yield the right-of-way under certain circumstances to a bicycle that is lawfully in a crosswalk; creating an exception for an operator of a bicycle or motor scooter to the prohibition against passing another vehicle to the right by driving off the roadway; authorizing, under certain circumstances, a person who is operating a bicycle or motor scooter to use the roadway even if a shoulder is present; altering the definition of “bicycle”; altering the definition of “crosswalk” to reflect circumstances where an unmarked bicycle way crosses a roadway; altering the definition of “shoulder” to reflect certain authorized uses; making certain stylistic changes; and generally relating to the rules of the road for operating bicycles and motor scooters.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 11-104, 21-101(i) and (v), 21-202(e) and (k), 21-304(c), 21-1103, and 21-1205.1

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21-101(c), (d), and (e), 21-202(b), (c), (d), (i), and (j), and 21-304(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

11–104.

“Bicycle” means a vehicle that:

- (1) Is designed to be operated by human power; ~~AND~~
- (2) Has two or three wheels, of which one is more than 14 inches in diameter[;]
- (3) Has a rear drive; and
- (4) Has a wheel configuration as follows:

(i) If the vehicle has two wheels, with both wheels in tandem;

or

(ii) If the vehicle has three wheels, with one front wheel and with two rear wheels that are spaced equidistant from the center of the vehicle]; AND

(3) HAS A DRIVE MECHANISM OTHER THAN BY PEDALS DIRECTLY ATTACHED TO A DRIVE WHEEL.

21–101.

(c) “Bicycle path” means any travelway designed and designated by signing or signing and marking for bicycle use, located within its own right-of-way or in a shared right-of-way, and physically separated from motor vehicle traffic by berm, shoulder, curb, or other similar device.

(d) (1) “Bicycle way” means:

(i) Any trail, path, part of a highway, surfaced or smooth shoulder, or sidewalk; or

(ii) Any other travelway specifically signed, marked, or otherwise designated for bicycle travel.

(2) “Bicycle way” includes:

- (i) Bicycle path; and
- (ii) Bike lane.

(e) “Bike lane” means any portion of a roadway or shoulder designated for single directional bicycle flow.

- (i) “Crosswalk” means that part of a roadway that is:

(1) Within the prolongation or connection of the lateral lines of sidewalks at any place where 2 or more roadways of any type meet or join, measured from the curbs or, in the absence of curbs, from the edges of the roadway; [or]

(2) **WITHIN THE PROLONGATION OR CONNECTION OF THE LATERAL LINES OF A BICYCLE WAY WHERE A BICYCLE WAY AND A ROADWAY OF ANY TYPE MEET OR JOIN, MEASURED FROM THE CURBS OR, IN THE ABSENCE OF CURBS, FROM THE EDGES OF THE ROADWAY; OR**

(3) Distinctly indicated for pedestrian crossing by lines or other markings.

(v) “Shoulder” means that portion of a highway contiguous with the roadway for the accommodation of stopped vehicles, for emergency use, **FOR USE BY BICYCLES AND MOTOR SCOOTERS**, and for the lateral support of the base and surface courses of the roadway.

21–202.

(b) Vehicular traffic facing a circular green signal may proceed straight through or, unless a sign at the place prohibits the turn, turn right or left.

(c) Vehicular traffic described under subsection (b) of this section, including any vehicle turning right or left, shall yield the right-of-way to any other vehicle and any pedestrian lawfully within the intersection or an adjacent crosswalk when the signal is shown.

(d) Vehicular traffic facing a green arrow signal, whether shown alone or with another indication, cautiously may enter the intersection, but only to make the movement indicated by the arrow or to make another movement permitted by other indications shown at the same time.

(e) Vehicular traffic described under subsection (d) of this section shall yield the right-of-way to any pedestrian **OR BICYCLE** lawfully within an adjacent crosswalk and to any other traffic lawfully using the intersection.

(i) Unless a sign prohibiting a turn is in place, vehicular traffic facing a steady red signal, after stopping as required by subsection (h) of this section, cautiously may enter the intersection and make:

- (1) A right turn; or
- (2) A left turn from a one-way street onto a one-way street.

(j) If a sign permitting any other turn is in place, vehicular traffic facing a steady red signal, after stopping as required by subsection (h) of this section, cautiously may enter the intersection and make the turn indicated by the sign.

(k) In each instance, vehicular traffic described in subsections (i) and (j) of this section shall yield the right-of-way to any pedestrian **OR BICYCLE** lawfully within an adjacent crosswalk and to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.

21-304.

(b) The driver of a vehicle may overtake and pass another vehicle to the right only if it is safe to do so.

(c) **[The] EXCEPT FOR AN OPERATOR OF A BICYCLE OR MOTOR SCOOTER, A PERSON MAY NOT MAKE THE** movement described under subsection (b) of this section **[may not be made]** by driving off the roadway.

21-1103.

(a) Except as provided in subsection (b), (c), or (d) of this section, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway.

(b) (1) For **THE** purposes of this subsection, “bicycle” does not include “moped”, as defined in § 11-134.1 of this article.

(2) Where **[permitted] ALLOWED** by local ordinance, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area.

(3) IN A PLACE WHERE A PERSON MAY RIDE A BICYCLE ON A SIDEWALK OR SIDEWALK AREA, A PERSON MAY ALSO RIDE A BICYCLE FROM THE CURB OR EDGE OF THE ROADWAY IN OR THROUGH A CROSSWALK TO THE OPPOSITE CURB OR EDGE OF THE ROADWAY.

(c) Unless prohibited by local ordinance, an individual with a disability may use a special vehicle other than a wheelchair on sidewalks or sidewalk areas.

(d) An individual may use a wheelchair on sidewalks or sidewalk areas in accordance with § 21-501.1 of this title.

21-1205.1.

(a) Notwithstanding any other provision of this title, a person may not ride a bicycle or a motor scooter:

(1) On any roadway where the posted maximum speed limit is more than 50 miles an hour; or

(2) On any expressway, except on an adjacent bicycle path or way approved by the State Highway Administration, or on any other controlled access highway signed in accordance with § 21-313 of this title.

(b) (1) **WHERE THERE IS NOT A BIKE LANE PAVED TO A SMOOTH SURFACE, A PERSON OPERATING A BICYCLE OR A MOTOR SCOOTER MAY USE THE ROADWAY OR THE SHOULDER.**

(2) Where there is a bike lane paved to a smooth surface [or a shoulder paved to a smooth surface], a person operating a bicycle or a motor scooter shall use the bike lane [or shoulder] and may not ride on the roadway, except in the following situations:

(i) When overtaking and passing another bicycle, motor scooter, pedestrian, or other vehicle within the bike lane [or shoulder] if the overtaking and passing cannot be done safely within the bike lane [or shoulder];

(ii) When preparing for a left turn at an intersection or into an alley, private road, or driveway;

(iii) When reasonably necessary to leave the bike lane [or shoulder] to avoid debris or other hazardous condition; or

(iv) When reasonably necessary to leave the bike lane [or shoulder] because the bike lane [or shoulder] is overlaid with a right turn lane, merge lane, or other marking that breaks the continuity of the bike lane [or shoulder].

[(2)] (3) A person operating a bicycle or a motor scooter may not leave a bike lane [or shoulder] until the movement can be made with reasonable safety and then only after giving an appropriate signal.

[(3)] (4) The Department shall [promulgate rules and] **ADOPT** regulations pertaining to this subsection [which will include, but not be limited to], **INCLUDING** a definition of “smooth surface”.

(c) A motor scooter may not be operated at a speed in excess of 30 miles per hour.

(d) Notwithstanding any other provision of this title, a person may not operate an EPAMD on any roadway where there are sidewalks adjacent to the roadway or the posted maximum speed limit is more than 30 miles an hour.

(e) An EPAMD may not be operated at a speed in excess of 15 miles per hour.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 519

(Senate Bill 129)

AN ACT concerning

International Marriage Brokers – Regulation

FOR the purpose of requiring an international marriage broker to provide certain information to a recruit; requiring a client of an international marriage broker to provide certain information to the international marriage broker and to affirm that certain information is accurate and complete; requiring an international marriage broker to ~~request~~ conduct a certain criminal history records ~~checks from the Criminal Justice Information System Central Repository; requiring the Central Repository to process certain State and national criminal history records checks on submission of certain information and fees~~ check; prohibiting an international marriage broker from providing ~~services~~ certain information to a certain client or recruit until certain information is received and provided to a recruit; prohibiting an international marriage broker from further dissemination of certain information; authorizing an international marriage broker to disclose certain information only after obtaining certain written consent; providing that a certain international marriage broker shall be deemed to be doing business in the State; establishing penalties for violating this Act; requiring the court to consider certain factors in determining a certain penalty; requiring the Department of Labor, Licensing, and Regulation, in consultation with the Department of Public Safety and Correctional Services, to report on and make certain recommendations relating to registering and licensing international marriage brokers; defining certain terms; and generally relating to international marriage brokers.

BY adding to

Article – Business Regulation

Section 19–601 through ~~19–606~~ 19–607 to be under the new subtitle “Subtitle 6.
International Marriage Brokers”

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

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

Article – Business Regulation

SUBTITLE 6. INTERNATIONAL MARRIAGE BROKERS.

19–601.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BASIC RIGHTS INFORMATION” MEANS INFORMATION APPLICABLE TO A NONCITIZEN, INCLUDING INFORMATION ABOUT HUMAN RIGHTS, IMMIGRATION, AND EMERGENCY ASSISTANCE AND RESOURCES.

~~(C) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 10–213 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~(D)~~ (C) “CLIENT” MEANS AN INDIVIDUAL WHO IS A CITIZEN OR RESIDENT OF THE UNITED STATES AND THE STATE OF MARYLAND AND WHO USES THE SERVICES OF AN INTERNATIONAL MARRIAGE BROKER TO MEET RECRUITS.

~~(E)~~ (D) “CRIMINAL HISTORY RECORD INFORMATION” MEANS CRIMINAL HISTORY RECORD INFORMATION AS DESCRIBED IN § 10–201 OF THE CRIMINAL PROCEDURE ARTICLE ~~THAT IS OBTAINED FROM THE CENTRAL REPOSITORY.~~

~~(F)~~ (E) (1) “INTERNATIONAL MARRIAGE BROKER” MEANS A CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER LEGAL ENTITY THAT DOES BUSINESS IN THE UNITED STATES AND OFFERS TO MARYLAND RESIDENTS DATING, MATRIMONIAL, OR SOCIAL REFERRAL SERVICES INVOLVING RECRUITS BY:

(I) EXCHANGING NAMES, TELEPHONE NUMBERS, ADDRESSES, PHOTOGRAPHS, OR STATISTICS OR OTHERWISE FACILITATING COMMUNICATION BETWEEN A CLIENT AND A RECRUIT; OR

(II) PROVIDING A SOCIAL ENVIRONMENT FOR INTRODUCING CLIENTS TO RECRUITS IN ~~A COUNTRY OTHER THAN THE UNITED STATES~~ PERSON.

(2) “INTERNATIONAL MARRIAGE BROKER” DOES NOT INCLUDE:

(I) A TRADITIONAL MARRIAGE BROKER ~~OF A RELIGIOUS NATURE~~ THAT OPERATES ON A NONPROFIT BASIS AND OTHERWISE OPERATES IN COMPLIANCE WITH THE LAWS OF THE COUNTRIES IN WHICH IT OPERATES, INCLUDING THE LAWS OF THE UNITED STATES; OR

(II) AN ~~ORGANIZATION THAT DOES NOT CHARGE A FEE BASED ON GENDER OR COUNTRY OF ORIGIN TO ANY PARTY FOR THE SERVICES PROVIDED~~ ENTITY THAT PROVIDES DATING SERVICES IF ITS PRINCIPAL BUSINESS IS NOT TO PROVIDE INTERNATIONAL DATING SERVICES BETWEEN MARYLAND RESIDENTS AND FOREIGN NATIONALS AND IT CHARGES COMPARABLE RATES AND OFFERS COMPARABLE SERVICES TO ALL INDIVIDUALS IT SERVES REGARDLESS OF THE INDIVIDUAL’S GENDER OR COUNTRY OF CITIZENSHIP.

(G) “MARITAL HISTORY INFORMATION” MEANS A DECLARATION OF AN INDIVIDUAL’S CURRENT MARITAL STATUS, THE NUMBER OF TIMES THE INDIVIDUAL HAS BEEN MARRIED, THE NUMBER OF DOMESTIC VIOLENCE PROTECTIVE ORDERS ISSUED AGAINST THE INDIVIDUAL, AND WHETHER ANY PREVIOUS MARRIAGE OCCURRED AS A RESULT OF RECEIVING SERVICES FROM AN INTERNATIONAL MARRIAGE BROKER.

(H) “RECRUIT” MEANS AN INDIVIDUAL WHO IS NOT A CITIZEN OR RESIDENT OF THE UNITED STATES AND WHO USES THE SERVICES OF OR IS RECRUITED BY AN INTERNATIONAL MARRIAGE BROKER FOR DATING, MATRIMONIAL, OR SOCIAL REFERRAL SERVICES.

19-602.

(A) (1) AN INTERNATIONAL MARRIAGE BROKER SHALL PROVIDE EACH RECRUIT WITH CRIMINAL HISTORY RECORD INFORMATION AND MARITAL HISTORY INFORMATION OF ITS CLIENT AND BASIC HUMAN RIGHTS INFORMATION BEFORE ~~ANY~~ PERSONAL CONTACT INFORMATION ABOUT A RECRUIT IS GIVEN TO THE CLIENT.

(2) THE HUMAN RIGHTS INFORMATION PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE PREPARED BY AN ORGANIZATION THAT IS NOT AFFILIATED WITH THE INTERNATIONAL MARRIAGE BROKER.

(B) THE INFORMATION REQUIRED IN SUBSECTION (A) OF THIS SECTION MUST BE:

(1) IN THE RECRUIT'S NATIVE LANGUAGE; AND

(2) DISPLAYED IN A MANNER THAT:

(I) SEPARATES THE CRIMINAL HISTORY RECORD INFORMATION, THE MARITAL HISTORY INFORMATION, AND THE BASIC RIGHTS INFORMATION FROM ANY OTHER INFORMATION; AND

(II) IS HIGHLY NOTICEABLE.

(C) THE INTERNATIONAL MARRIAGE BROKER SHALL PAY THE COSTS INCURRED TO TRANSLATE THE INFORMATION.

19-603.

(A) ~~A~~ IN ACCORDANCE WITH FEDERAL LAW, A CLIENT SHALL:

~~(1) PROVIDE TWO COMPLETE SETS OF THE CLIENT'S LEGIBLE FINGERPRINTS THAT MEET THE REQUIREMENTS OF § 19-604(C)(1) OF THIS SUBTITLE TO THE INTERNATIONAL MARRIAGE BROKER; AND~~

~~(2)~~ (1) PROVIDE THE CLIENT'S OWN MARITAL HISTORY INFORMATION TO THE INTERNATIONAL MARRIAGE BROKER; AND

~~(3) (2) PROVIDE THE CLIENT'S OWN STATE AND FEDERAL CRIMINAL HISTORY TO THE INTERNATIONAL MARRIAGE BROKER; AND~~

~~(4) (3)~~ (2) NOTIFY THE INTERNATIONAL MARRIAGE BROKER IF THE CLIENT HAS PREVIOUSLY SPONSORED AN INTERNATIONAL SPOUSE.

(B) THE INTERNATIONAL MARRIAGE BROKER SHALL REQUIRE THE CLIENT TO AFFIRM THAT THE MARITAL HISTORY INFORMATION IS COMPLETE AND ACCURATE AND INCLUDES INFORMATION REGARDING MARRIAGES, ANNULMENTS, DISSOLUTIONS, AND THE NUMBER OF DOMESTIC VIOLENCE PROTECTIVE ORDERS ISSUED AGAINST THE CLIENT THAT OCCURRED IN THIS STATE, IN ANOTHER STATE, OR IN A FOREIGN COUNTRY.

(C) THE INTERNATIONAL MARRIAGE BROKER MAY NOT PROVIDE ANY ~~SERVICES~~ PERSONAL CONTACT INFORMATION TO THE CLIENT OR THE RECRUIT, INCLUDING THE LAST NAME, PHONE NUMBER, ADDRESS, OR ELECTRONIC MAIL ADDRESS OF THE CLIENT OR THE RECRUIT, UNTIL THE INTERNATIONAL MARRIAGE BROKER HAS:

(1) RECEIVED THE ~~REQUESTED CRIMINAL HISTORY RECORD~~ INFORMATION ~~IN ACCORDANCE WITH~~ FROM THE CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER § 19-604 OF THIS SUBTITLE;

(2) RECEIVED THE REQUESTED MARITAL HISTORY INFORMATION;
AND

(3) PROVIDED THE INFORMATION TO THE RECRUIT.

(D) INFORMATION OBTAINED BY THE INTERNATIONAL MARRIAGE BROKER UNDER THIS SECTION SHALL BE CONFIDENTIAL AND MAY NOT BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DISSEMINATED.

19-604.

~~(A) THE AT THE TIME AN INTERNATIONAL MARRIAGE BROKER CONTRACTS FOR SERVICES WITH A CLIENT, PRIOR TO THE RELEASE OF ANY PERSONAL CONTACT INFORMATION TO THE CLIENT OR THE RECRUIT, THE INTERNATIONAL MARRIAGE BROKER SHALL REQUEST WITH REFERENCE TO A CLIENT CONDUCT A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS FROM THE CENTRAL REPOSITORY ON A FORM APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY~~ CHECK OF THE CLIENT, INCLUDING A SEARCH OF THE SEX OFFENDER REGISTRY.

~~(B) FOR EACH REQUEST FOR STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS UNDER SUBSECTION (A) OF THIS SECTION, THE CENTRAL REPOSITORY SHALL PROCESS THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS AND FORWARD TO THE INTERNATIONAL MARRIAGE BROKER AND THE CLIENT A PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE.~~

~~(C) AN INTERNATIONAL MARRIAGE BROKER SHALL SUBMIT TO THE CENTRAL REPOSITORY:~~

~~(1) TWO COMPLETE SETS OF THE CLIENT'S LEGIBLE FINGERPRINTS TAKEN AT ANY DESIGNATED STATE OR LOCAL LAW ENFORCEMENT OFFICE IN THE STATE OR OTHER LOCATION APPROVED BY THE SECRETARY ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL~~

~~REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;~~

~~(2) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK; AND~~

~~(3) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.~~

19-605.

AN INTERNATIONAL MARRIAGE BROKER MAY DISCLOSE *PERSONAL CONTACT* INFORMATION ON A RECRUIT ONLY AFTER OBTAINING CONSENT FROM THE RECRUIT, WRITTEN IN THE RECRUIT'S NATIVE LANGUAGE.

~~19-605.~~ 19-606.

AN INTERNATIONAL MARRIAGE BROKER SHALL BE DEEMED TO BE DOING BUSINESS IN THE STATE IF IT CONTRACTS FOR SERVICES WITH A MARYLAND RESIDENT OR IS CONSIDERED TO BE DOING BUSINESS UNDER OTHER LAWS OF THE STATE.

~~19-606.~~ 19-607.

(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$12,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH, IN ADDITION TO ANY PENALTY IMPOSED UNDER FEDERAL LAW.

(B) IN DETERMINING THE PENALTY, THE COURT SHALL CONSIDER:

(1) ANY PREVIOUS VIOLATIONS OF THIS SUBTITLE BY THE INTERNATIONAL MARRIAGE BROKER;

(2) THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE NATURE, CIRCUMSTANCES, AND EXTENT OF THE VIOLATION;

(3) THE DEMONSTRATED GOOD FAITH OF THE INTERNATIONAL MARRIAGE BROKER; AND

(4) THE NECESSITY OF DETERRING FUTURE VIOLATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2010, the Department of Labor, Licensing, and Regulation, in consultation with the Department of Public Safety and Correctional Services, shall:

- (a) report on the feasibility of registering or licensing international marriage brokers;
- (b) recommend whether to implement a registration or licensing scheme through legislation; and
- (c) provide draft legislation to implement any recommended registration or licensing scheme.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 520

(House Bill 65)

AN ACT concerning

International Marriage Brokers – Regulation

FOR the purpose of requiring an international marriage broker to provide certain information to a recruit; requiring a client of an international marriage broker to provide certain information to the international marriage broker and to affirm that certain information is accurate and complete; requiring an international marriage broker to ~~request~~ conduct a certain criminal history records ~~checks check from the Criminal Justice Information System Central Repository; requiring the Central Repository to process certain State and national criminal history records checks on submission of certain information and fees;~~ certain information to a certain client or recruit until certain information is received and provided to a recruit; prohibiting an international marriage broker from providing ~~services~~ certain information to a certain client or recruit until certain information is received and provided to a recruit; prohibiting an international marriage broker from further dissemination of certain information; authorizing an international marriage broker to disclose certain information only after obtaining certain written consent; providing that a certain international marriage broker shall be deemed to be doing business in the State; establishing penalties for violating this Act; requiring the court to consider certain factors in determining a certain penalty; defining certain terms; and generally relating to international marriage brokers.

BY adding to

Article – Business Regulation

Section 19–601 through 19–607 to be under the new subtitle “Subtitle 6.
International Marriage Brokers”

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

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

Article – Business Regulation

SUBTITLE 6. INTERNATIONAL MARRIAGE BROKERS.

19–601.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BASIC RIGHTS INFORMATION” MEANS INFORMATION APPLICABLE TO A NONCITIZEN, INCLUDING INFORMATION ABOUT HUMAN RIGHTS, IMMIGRATION, AND EMERGENCY ASSISTANCE AND RESOURCES.

~~(C) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 10–213 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~(D)~~ (C) “CLIENT” MEANS AN INDIVIDUAL WHO IS A CITIZEN OR RESIDENT OF THE UNITED STATES AND THE STATE OF MARYLAND AND WHO USES THE SERVICES OF AN INTERNATIONAL MARRIAGE BROKER TO MEET RECRUITS.

~~(E)~~ (D) “CRIMINAL HISTORY RECORD INFORMATION” MEANS CRIMINAL HISTORY RECORD INFORMATION AS DESCRIBED IN § 10–201 OF THE CRIMINAL PROCEDURE ARTICLE ~~THAT IS OBTAINED FROM THE CENTRAL REPOSITORY.~~

~~(F)~~ (E) (1) “INTERNATIONAL MARRIAGE BROKER” MEANS A CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER LEGAL ENTITY THAT DOES BUSINESS IN THE UNITED STATES AND OFFERS TO MARYLAND RESIDENTS DATING, MATRIMONIAL, OR SOCIAL REFERRAL SERVICES INVOLVING RECRUITS BY:

(I) EXCHANGING NAMES, TELEPHONE NUMBERS, ADDRESSES, PHOTOGRAPHS, OR STATISTICS OR OTHERWISE FACILITATING COMMUNICATION BETWEEN A CLIENT AND A RECRUIT; OR

(II) PROVIDING A SOCIAL ENVIRONMENT FOR INTRODUCING CLIENTS TO RECRUITS IN PERSON.

(2) “INTERNATIONAL MARRIAGE BROKER” DOES NOT INCLUDE:

(I) A TRADITIONAL MARRIAGE BROKER THAT OPERATES ON A NONPROFIT BASIS AND OTHERWISE OPERATES IN COMPLIANCE WITH THE LAWS OF THE COUNTRIES IN WHICH IT OPERATES, INCLUDING THE LAWS OF THE UNITED STATES; OR

(II) ~~AN ORGANIZATION THAT DOES NOT CHARGE A FEE BASED ON GENDER OR COUNTRY OF ORIGIN TO ANY PARTY FOR THE SERVICES PROVIDED; OR PROVIDED~~ ENTITY THAT PROVIDES DATING SERVICES IF ITS PRINCIPAL BUSINESS IS NOT TO PROVIDE INTERNATIONAL DATING SERVICES BETWEEN MARYLAND RESIDENTS AND FOREIGN NATIONALS AND IT CHARGES COMPARABLE RATES AND OFFERS COMPARABLE SERVICES TO ALL INDIVIDUALS IT SERVES REGARDLESS OF THE INDIVIDUAL’S GENDER OR COUNTRY OF CITIZENSHIP.

~~(III) AN ONLINE DATING SERVICE.~~

~~(C)~~ (F) “MARITAL HISTORY INFORMATION” MEANS A DECLARATION OF AN INDIVIDUAL’S CURRENT MARITAL STATUS, THE NUMBER OF TIMES THE INDIVIDUAL HAS BEEN MARRIED, THE NUMBER OF DOMESTIC VIOLENCE PROTECTIVE ORDERS ISSUED AGAINST THE INDIVIDUAL, AND WHETHER ANY PREVIOUS MARRIAGE OCCURRED AS A RESULT OF RECEIVING SERVICES FROM AN INTERNATIONAL MARRIAGE BROKER.

~~(H)~~ (G) “RECRUIT” MEANS AN INDIVIDUAL WHO IS NOT A CITIZEN OR RESIDENT OF THE UNITED STATES AND WHO USES THE SERVICES OF OR IS RECRUITED BY AN INTERNATIONAL MARRIAGE BROKER FOR DATING, MATRIMONIAL, OR SOCIAL REFERRAL SERVICES.

19-602.

(A) (1) AN INTERNATIONAL MARRIAGE BROKER SHALL PROVIDE EACH RECRUIT WITH CRIMINAL HISTORY RECORD INFORMATION AND MARITAL HISTORY INFORMATION OF ITS CLIENT AND BASIC HUMAN RIGHTS INFORMATION BEFORE ~~ANY~~ PERSONAL CONTACT INFORMATION ABOUT A RECRUIT IS GIVEN TO THE CLIENT.

(2) THE HUMAN RIGHTS INFORMATION PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE PREPARED BY AN ORGANIZATION THAT IS NOT AFFILIATED WITH THE INTERNATIONAL MARRIAGE BROKER.

(B) THE INFORMATION REQUIRED IN SUBSECTION (A) OF THIS SECTION MUST BE:

(1) IN THE RECRUIT'S NATIVE LANGUAGE; AND

(2) DISPLAYED IN A MANNER THAT:

(I) SEPARATES THE CRIMINAL HISTORY RECORD INFORMATION, THE MARITAL HISTORY INFORMATION, AND THE BASIC RIGHTS INFORMATION FROM ANY OTHER INFORMATION; AND

(II) IS HIGHLY NOTICEABLE.

(C) THE INTERNATIONAL MARRIAGE BROKER SHALL PAY THE COSTS INCURRED TO TRANSLATE THE INFORMATION.

19-603.

(A) IN ACCORDANCE WITH FEDERAL LAW, A CLIENT SHALL:

~~(1) PROVIDE TWO COMPLETE SETS OF THE CLIENT'S LEGIBLE FINGERPRINTS THAT MEET THE REQUIREMENTS OF § 19-604(C)(1) OF THIS SUBTITLE TO THE INTERNATIONAL MARRIAGE BROKER;~~

~~(2)~~ (1) PROVIDE THE CLIENT'S OWN MARITAL HISTORY INFORMATION TO THE INTERNATIONAL MARRIAGE BROKER; AND

~~(3) PROVIDE THE CLIENT'S OWN STATE AND FEDERAL CRIMINAL HISTORY TO THE INTERNATIONAL MARRIAGE BROKER; AND~~

~~(4)~~ (2) NOTIFY THE INTERNATIONAL MARRIAGE BROKER IF THE CLIENT HAS PREVIOUSLY SPONSORED AN INTERNATIONAL SPOUSE.

(B) THE INTERNATIONAL MARRIAGE BROKER SHALL REQUIRE THE CLIENT TO AFFIRM THAT THE MARITAL HISTORY INFORMATION IS COMPLETE AND ACCURATE AND INCLUDES INFORMATION REGARDING MARRIAGES, ANNULMENTS, DISSOLUTIONS, AND THE NUMBER OF DOMESTIC VIOLENCE PROTECTIVE ORDERS ISSUED AGAINST THE CLIENT THAT OCCURRED IN THIS STATE, IN ANOTHER STATE, OR IN A FOREIGN COUNTRY.

(C) THE INTERNATIONAL MARRIAGE BROKER MAY NOT PROVIDE ANY ~~SERVICES~~ PERSONAL CONTACT INFORMATION TO THE CLIENT OR THE RECRUIT, INCLUDING THE LAST NAME, PHONE NUMBER, ADDRESS, OR ELECTRONIC MAIL ADDRESS OF THE CLIENT OR THE RECRUIT, UNTIL THE INTERNATIONAL MARRIAGE BROKER HAS:

(1) RECEIVED THE ~~REQUESTED CRIMINAL HISTORY RECORD~~ INFORMATION ~~IN ACCORDANCE WITH~~ FROM THE CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER § 19-604 OF THIS SUBTITLE;

(2) RECEIVED THE REQUESTED MARITAL HISTORY INFORMATION;
AND

(3) PROVIDED THE INFORMATION TO THE RECRUIT.

(D) INFORMATION OBTAINED BY THE INTERNATIONAL MARRIAGE BROKER UNDER THIS SECTION SHALL BE CONFIDENTIAL AND MAY NOT BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DISSEMINATED.

19-604.

~~(A) THE AT THE TIME AN INTERNATIONAL MARRIAGE BROKER CONTRACTS FOR SERVICES WITH A CLIENT, PRIOR TO THE RELEASE OF ANY PERSONAL CONTACT INFORMATION TO THE CLIENT OR THE RECRUIT, THE INTERNATIONAL MARRIAGE BROKER SHALL REQUEST WITH REFERENCE TO A CLIENT CONDUCT A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS FROM THE CENTRAL REPOSITORY ON A FORM APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY. CHECK OF THE CLIENT, INCLUDING A SEARCH OF THE SEX OFFENDER REGISTRY.~~

~~(B) FOR EACH REQUEST FOR STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS UNDER SUBSECTION (A) OF THIS SECTION, THE CENTRAL REPOSITORY SHALL PROCESS THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS AND FORWARD TO THE INTERNATIONAL MARRIAGE BROKER AND THE CLIENT A PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE.~~

~~(C) AN INTERNATIONAL MARRIAGE BROKER SHALL SUBMIT TO THE CENTRAL REPOSITORY:~~

~~(1) TWO COMPLETE SETS OF THE CLIENT'S LEGIBLE FINGERPRINTS TAKEN AT ANY DESIGNATED STATE OR LOCAL LAW ENFORCEMENT OFFICE IN THE STATE OR OTHER LOCATION APPROVED BY THE~~

~~SECRETARY ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;~~

~~(2) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK; AND~~

~~(3) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.~~

19-605.

AN INTERNATIONAL MARRIAGE BROKER MAY DISCLOSE PERSONAL CONTACT INFORMATION ON A RECRUIT ONLY AFTER OBTAINING CONSENT FROM THE RECRUIT, WRITTEN IN THE RECRUIT'S NATIVE LANGUAGE.

19-606.

AN INTERNATIONAL MARRIAGE BROKER SHALL BE DEEMED TO BE DOING BUSINESS IN THE STATE IF IT CONTRACTS FOR SERVICES WITH A MARYLAND RESIDENT OR IS CONSIDERED TO BE DOING BUSINESS UNDER OTHER LAWS OF THE STATE.

19-607.

(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$12,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH, IN ADDITION TO ANY PENALTY IMPOSED UNDER FEDERAL LAW.

(B) IN DETERMINING THE PENALTY, THE COURT SHALL CONSIDER:

(1) ANY PREVIOUS VIOLATIONS OF THIS SUBTITLE BY THE INTERNATIONAL MARRIAGE BROKER;

(2) THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE NATURE, CIRCUMSTANCES, AND EXTENT OF THE VIOLATION;

(3) THE DEMONSTRATED GOOD FAITH OF THE INTERNATIONAL MARRIAGE BROKER; AND

(4) THE NECESSITY OF DETERRING FUTURE VIOLATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 521

(Senate Bill 152)

AN ACT concerning

Harford County – Sheriff's Office – Power to Enforce Noise Control Laws

FOR the purpose of authorizing the Secretary of the Environment to delegate enforcement of certain noise control provisions in Harford County to the Sheriff of Harford County; *providing certain exceptions relating to target shooting and hunting*; and generally relating to enforcement of noise control provisions in Harford County.

BY repealing and reenacting, with amendments,
Article – Environment
Section 3–403(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Environment

3–403.

(a) (1) The Department shall enforce the sound level limits and noise control rules and regulations adopted under this title.

(2) IN HARFORD COUNTY, THE SECRETARY MAY DELEGATE ENFORCEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE SHERIFF OF HARFORD COUNTY, EXCEPT ENFORCEMENT REGARDING TRAPSHOOTING;

(1) TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET SHOOTING BETWEEN THE HOURS OF 9 A.M. AND 10 P.M. AT A SHOOTING SPORTS CLUB THAT IS CHARTERED AND IN OPERATION IN HARFORD COUNTY;

**(II) *LAWFUL TRAPSHOOTING, SKEETSHOOTING, OR OTHER
TARGET SHOOTING BETWEEN THE HOURS OF 9 A.M. AND 8 P.M.; OR***

(III) *LAWFUL HUNTING.*

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 522

(Senate Bill 189)

AN ACT concerning

**~~Vehicle Laws – Reckless and Negligent Driving – Penalties for Death or
Serious Bodily Injury~~**
Victims' Rights – Fatal Vehicular Accident – Suspension of License

FOR the purpose of ~~establishing that if a person violates a certain provision of law relating to reckless and negligent driving and the violation contributes to an accident that results in the death or the serious bodily injury of another, the person is subject to a certain fine and the Motor Vehicle Administration is authorized to suspend the person's license for a certain period of time; providing that a licensee may request a hearing on a license suspension imposed under this Act; and generally relating to penalties for reckless and negligent driving that contributes to an accident that results in death or serious bodily injury~~ authorizing a victim's representative to be present at a certain administrative hearing concerning a fatal vehicular accident; authorizing a victim's representative to make an oral statement or submit a written statement for consideration at a certain administrative hearing concerning a fatal vehicular accident; requiring a law enforcement officer, during the investigation of a fatal vehicular accident, to inform a victim's representative of the right to file a certain request with the Motor Vehicle Administration; requiring certain notice to a victim's representative under certain circumstances; authorizing the Administration to suspend a license of a person who is convicted of a moving violation that contributed to an accident resulting in the death of an individual; providing for certain procedures; defining certain terms; and generally relating to victims' rights and license suspensions concerning certain fatal vehicular accidents.

~~BY repealing and reenacting, without amendments,
Article – Transportation
Section 21-901.1~~

~~Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Transportation~~

~~Section 27-114~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2009 Supplement)~~

BY adding to

Article – Transportation

Section 12-206.1 and 16-206(a)(5) and (f)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

~~21-901.1.~~

~~(a) A person is guilty of reckless driving if he drives a motor vehicle:~~

~~(1) In wanton or willful disregard for the safety of persons or property;~~
~~or~~

~~(2) In a manner that indicates a wanton or willful disregard for the safety of persons or property.~~

~~(b) A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.~~

~~27-114.~~

~~(a) If a person violates any provision of Title 21, Subtitle 4 OR § 21-901.1 of this article and the violation contributes to an accident that results in the death or, as defined in § 27-113 of this title, serious bodily injury of another, the person is guilty of a misdemeanor and on conviction:~~

~~(1) The person is subject to a fine of not more than \$1,000; and~~

~~(2) The Administration may suspend the person's license for not more than 180 days.~~

~~(b) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee may request a hearing on a license suspension imposed under this section.~~

12-206.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "VICTIM" MEANS A PERSON WHO DIES AS THE RESULT OF THE COMMISSION OF A MOVING VIOLATION BY ANOTHER PERSON.

(3) "VICTIM'S REPRESENTATIVE" MEANS A MEMBER OF THE FAMILY OF A VICTIM OR A GUARDIAN OR PERSONAL REPRESENTATIVE OF A VICTIM.

(B) (1) DURING THE INVESTIGATION OF A MOVING VIOLATION, A LAW ENFORCEMENT OFFICER SHALL INFORM A VICTIM'S REPRESENTATIVE OF THE RIGHT TO FILE A VICTIM'S REPRESENTATION NOTIFICATION FORM WITH THE ADMINISTRATION TO REQUEST TO BE NOTIFIED OF A HEARING UNDER § 16-206(F) OF THIS ARTICLE.

(2) A VICTIM'S REPRESENTATION NOTIFICATION FORM UNDER THIS SUBSECTION MAY ONLY BE FILED WITHIN 20 DAYS AFTER THE CONVICTION OF THE MOVING VIOLATION.

(C) (1) IF A VICTIM'S REPRESENTATIVE FILES A VICTIM'S REPRESENTATION NOTIFICATION FORM UNDER SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION SHALL GIVE THE VICTIM'S REPRESENTATIVE NOTICE IN ACCORDANCE WITH § 12-114 OF THIS TITLE AT LEAST 21 DAYS BEFORE A HEARING UNDER § 16-206(F) OF THIS ARTICLE.

(2) NOTICE PROVIDED UNDER THIS SUBSECTION SHALL STATE:

(I) THE DATE, TIME, PLACE, AND NATURE OF THE HEARING;

(II) THE LEGAL AUTHORITY AND JURISDICTION OF THE ADMINISTRATION TO HEAR THE MATTER;

(III) THE NATURE OF THE PROPOSED ACTION THAT THE ADMINISTRATION IS TO CONSIDER;

(IV) THAT A COPY OF THE HEARING PROCEDURES IS AVAILABLE ON REQUEST AND THE COST TO OBTAIN A COPY;

(V) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO BE PRESENT AT THE HEARING;

(VI) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO SUBMIT A WRITTEN STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE HEARING; AND

(VII) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO MAKE AN ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE HEARING.

(3) (I) IF A VICTIM'S REPRESENTATIVE INTENDS TO MAKE AN ORAL STATEMENT, THE VICTIM'S REPRESENTATIVE SHALL NOTIFY THE ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.

(II) IF A VICTIM'S REPRESENTATIVE INTENDS TO SUBMIT A WRITTEN STATEMENT, THE STATEMENT SHALL BE SUBMITTED TO THE ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.

(D) (1) IF A VICTIM'S REPRESENTATIVE PROVIDES NOTICE IN ACCORDANCE WITH SUBSECTION (C)(3)(I) OF THIS SECTION, THE ADMINISTRATION SHALL ALLOW THE VICTIM'S REPRESENTATIVE TO MAKE AN ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE HEARING.

(2) IF A VICTIM'S REPRESENTATIVE SUBMITS A WRITTEN STATEMENT IN ACCORDANCE WITH SUBSECTION (C)(3)(II) OF THIS SECTION, THE ADMINISTRATION SHALL:

(I) PROVIDE A COPY OF THE WRITTEN STATEMENT TO THE LICENSEE BEFORE THE HEARING BEGINS; AND

(II) CONSIDER THE WRITTEN STATEMENT AT THE HEARING.

16-206.

(a) (5) (I) THE ADMINISTRATION MAY SUSPEND THE LICENSE OF A PERSON WHO IS CONVICTED OF A MOVING VIOLATION THAT CONTRIBUTED TO AN ACCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

(II) A SUSPENSION UNDER THIS PARAGRAPH MAY NOT EXCEED 6 MONTHS.

(III) THIS PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF THE ADMINISTRATION TO SUSPEND, REVOKE, OR REFUSE TO ISSUE OR RENEW A LICENSE UNDER ANY OTHER PROVISION OF LAW.

(F) IN ACCORDANCE WITH TITLE 12, SUBTITLE 2 OF THIS ARTICLE, THE ADMINISTRATION SHALL PROVIDE NOTICE OF A SUSPENSION UNDER SUBSECTION (A)(5) OF THIS SECTION AND THE LICENSEE MAY REQUEST A HEARING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 523

(Senate Bill 202)

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

FOR the purpose of authorizing the creation of a State Debt in the amount of \$4,543,000, the proceeds to be used as a grant to the Interagency Committee on School Construction for certain development or improvement purposes; providing for disbursement of the loan proceeds and the allocation of funds to eligible school systems, subject to a requirement that the grantee document the provision of a required federal matching fund; providing that, after a certain date, any bonds authorized under this Act shall be cancelled and be of no further effect; requiring that a certain monetary amount of indebtedness incurred on behalf of the State through this Act shall be allocated in accordance with a certain provision of law relating to the Aging School Program; providing that the proceeds of the loan under this Act shall be expended not later than a certain number of years after the issuance of the bonds authorized under this Act; authorizing the Board of Public Works to sell certain bonds at certain sales in proportion to the documented matching fund; and providing generally for the issuance and sale of bonds evidencing the loan.

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Aging School

Program – Qualified Zone Academy Bonds Loan of 2010 in a total principal amount of \$4,543,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation qualified zone academy bonds, as defined in ~~§ 1307E(d)(1)~~ 54E of the Internal Revenue Code of the United States, as amended, authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Annotated Code of Maryland, and ~~§ 1307E~~ §§ 54A and 54E of the Internal Revenue Code, as amended.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article. Notwithstanding ~~§ 8–123~~ §§ 8–123 and 8–124 of the State Finance and Procurement Article, the Board of Public Works may sell the bonds authorized herein at one or more private sales that best meet the terms and conditions of sale set by the Board. The bonds authorized under this Act shall be issued and sold no later than December 31, 2010.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller, and held separately in a qualified zone academy bond account, and expended, on approval by the Board of Public Works, for the following public purposes: as a grant to the Interagency Committee on School Construction (referred to hereafter in this Act as “the grantee”) for allocation to eligible school systems under the Aging School Program for the renovation, repair, and capital improvements of qualified zone academies, as defined in ~~§ 1307E(d)(4)(A)~~ 54E(d)(1) of the Internal Revenue Code, as amended, and in accordance with the Aging School Program of the Interagency Committee on School Construction, as provided under § 5–303 of the Education Article of the Annotated Code of Maryland.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest, if any, on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) (a) The grantee shall document the provision of a matching fund as provided in this paragraph.

(b) No part of the matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of real property. The fund shall consist of private business ~~contributions, which may consist of funds or in kind contributions,~~ contributions as required under ~~§ 1307E(d)(2)~~ 54E(b) of the Internal Revenue Code, as amended, and may consist of funds or in kind contributions. In case of any dispute as to what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board’s decision is final.

(c) The grantee shall present evidence to the satisfaction of the Board of Public Works of the provision and documentation of the matching fund, and the Board of Public Works shall authorize the sale of the bonds in proportion to the documented matching fund and the disbursement of the proceeds ~~of the grant under the provisions of this Act~~ for the purposes set forth in Section 1(3) above.

~~(d) As the grantee documents the provision of the matching fund and meets other requirements of § 1397E of the Internal Revenue Code, as amended, the Board of Public Works shall authorize the disbursement of an installment of the proceeds of the grant in proportion to the matching fund documented at that time by the grantee.~~

~~(e) This method of documentation of the matching fund shall continue until the first to occur of the disbursement of the total amount of the grant or June 1, 2012.~~

~~(f) The grantee has until June 1, 2012, to present the final evidence satisfactory to the Board of Public Works that the total matching fund will be provided and documented. If satisfactory evidence is presented, the Board shall certify this fact to the State Treasurer, and the final proceeds of the loan proportional to the final installment of the matching fund shall be expended for the purposes provided in this Act. After June 1, 2012, any amount of the loan that has not been authorized by the Board of Public Works for disbursement shall be canceled and be of no further effect.~~

(6) After December 31, 2010, any bonds authorized under this Act that have not been issued and sold by the Board of Public Works shall be cancelled and be of no further effect.

(7) \$1,000,000 of any indebtedness incurred on behalf of the State of Maryland through the Aging School Program – Qualified Zone Academy Bonds Loan of 2010 shall be allocated as provided in § 5–206(f) of the Education Article.

(8) The proceeds of the loan shall be expended for the purposes provided in this Act not later than 3 years after the issuance of the bonds authorized under this Act.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 20, 2010.

AN ACT concerning

Dorchester County – County Transfer Tax – Repeal of Sunset Provision

FOR the purpose of repealing the termination provision applicable to certain authority for Dorchester County to impose a county transfer tax; and generally relating to the Dorchester County transfer tax.

BY repealing and reenacting, with amendments,
Chapter 715 of the Acts of the General Assembly of 1994
Section 2

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

Chapter 715 of the Acts of 1994

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1994. [It shall remain effective for a period of 20 years and at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 525

(Senate Bill 229)

AN ACT concerning

Blue Ribbon Commission on Maryland Transportation Funding

FOR the purpose of establishing a Blue Ribbon Commission on Maryland Transportation Funding; requiring the Commission to review, evaluate, and make recommendations concerning certain issues; specifying the membership and staffing of the Commission; requiring the Governor to designate the chair of the Commission; prohibiting members of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to submit an interim and final report of its findings and recommendations by certain dates; providing for the termination of this Act; and generally relating to the Blue Ribbon Commission on Maryland Transportation Funding.

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

(a) There is a Blue Ribbon Commission on Maryland Transportation Funding.

(b) The Commission shall review, evaluate, and make recommendations concerning:

(1) the current State funding sources and structure of the Maryland Transportation Trust Fund;

(2) short- and long-term transit construction and maintenance funding needs;

(3) short- and long-term highway construction and maintenance funding needs;

~~(4)~~ (5) short- and long-term pedestrian and bicycle facility construction and maintenance funding needs;

~~(4)~~ (5) options for public-private partnerships, including partnerships with local governments, to meet transportation funding needs;

~~(5)~~ (6) the structure of regional transportation authorities and the ability of these authorities to meet transportation needs in various regions of the State;

~~(6)~~ (7) the impact of economic development and smart growth on transportation funding; and

~~(7)~~ (8) options for sustainable, long-term revenue sources for transportation.

(c) The Commission shall be composed of ~~21 members as follows~~ the following members:

(1) (i) two members of the Senate of Maryland, appointed by the President of the Senate; and

(ii) two members of the House of Delegates, appointed by the Speaker of the House; and

(2) the following members appointed by the Governor:

(i) the Secretary of Transportation;

- (ii) the Secretary of Budget and Management;
- (iii) the Secretary of Business and Economic Development;
- (iv) the Secretary of Planning;
- (v) a representative of the Washington Metropolitan Transit Authority;
- (vi) three representatives from the business community, including two representatives of statewide or regional organizations;
- (vii) two representatives of the transit community;
- (viii) two representatives of the environmental community, including one representative with a background in smart growth;
- (ix) a representative of the American Automobile Association;
- (x) a representative of the freight rail industry;
- (xi) a representative of the motor carrier industry; ~~and~~
- (xii) two representatives of the Maryland Association of Counties;
- (xiii) a representative of the transportation construction industry;
- (xiv) two representatives of the Maryland Municipal League;
- ~~(xiv)~~ (xv) two representatives of labor unions; and
- ~~(xv)~~ (xvi) two other individuals representatives of rural areas in the State.

(d) The Governor shall designate the chair of the Commission after consultation with the President of the Senate and the Speaker of the House.

(e) To the extent practicable, the presiding officers and the Governor shall attempt to ensure regional, economic, ethnic, and gender diversity on the Commission.

(f) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement of expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Department of Transportation ~~and the Department of Legislative Services~~ shall provide staff support to the Commission.

(h) On or before January 1, 2011, the Commission shall submit an interim report of its findings and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

(i) On or before ~~January 1, 2012~~ November 1, 2011, the Commission shall submit a final report of its findings and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. It shall remain effective for a period of 2 years and, at the end of June 30, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 526

(House Bill 710)

AN ACT concerning

Blue Ribbon Commission on Maryland Transportation Funding

FOR the purpose of establishing a Blue Ribbon Commission on Maryland Transportation Funding; requiring the Commission to review, evaluate, and make recommendations concerning certain issues; specifying the membership and staffing of the Commission; requiring the Governor to designate the chair of the Commission; prohibiting members of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to submit an interim and final report of its findings and recommendations by certain dates; providing for the termination of this Act; and generally relating to the Blue Ribbon Commission on Maryland Transportation Funding.

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

(a) There is a Blue Ribbon Commission on Maryland Transportation Funding.

(b) The Commission shall review, evaluate, and make recommendations concerning:

(1) the current State funding sources and structure of the Maryland Transportation Trust Fund;

(2) short- and long-term transit construction and maintenance funding needs;

(3) short- and long-term highway construction and maintenance funding needs;

(4) short- and long-term pedestrian and bicycle facility construction and maintenance funding needs;

~~(4)~~ (5) options for public-private partnerships, including partnerships with local governments, to meet transportation funding needs;

~~(5)~~ (6) the structure of regional transportation authorities and the ability of these authorities to meet transportation needs in various regions of the State;

~~(6)~~ (7) the impact of economic development and smart growth on transportation funding; and

~~(7)~~ (8) options for sustainable, long-term revenue sources for transportation.

(c) The Commission shall be composed of ~~21 members as follows~~ the following members:

(1) (i) two members of the Senate of Maryland, appointed by the President of the Senate; and

(ii) two members of the House of Delegates, appointed by the Speaker of the House; and

(2) the following members appointed by the Governor:

(i) the Secretary of Transportation;

(ii) the Secretary of Budget and Management;

(iii) the Secretary of Business and Economic Development;

(iv) the Secretary of Planning;

(v) a representative of the Washington Metropolitan Transit Authority;

(vi) three representatives from the business community, including two representatives of statewide or regional organizations;

(vii) two representatives of the transit community;

(viii) two representatives of the environmental community, including one representative with a background in smart growth;

(ix) a representative of the American Automobile Association;

(x) a representative of the freight rail industry;

(xi) a representative of the motor carrier industry; ~~and~~

~~(xii) two other individuals~~

(xii) two representatives of the Maryland Association of Counties;

(xiii) a representative of the transportation construction industry;

(xiv) two representatives of the Maryland Municipal League;

(xv) two representatives of labor unions; and

(xvi) two representatives of rural areas in the State.

(d) The Governor shall designate the chair of the Commission after consultation with the President of the Senate and the Speaker of the House.

(e) To the extent practicable, the presiding officers and the Governor shall attempt to ensure regional, economic, ethnic, and gender diversity on the Commission.

(f) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement of expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Department of Transportation ~~and the Department of Legislative Services~~ shall provide staff support to the Commission.

(h) On or before January 1, 2011, the Commission shall submit an interim report of its findings and recommendations to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly.

(i) On or before ~~January 1, 2012~~ November 1, 2011, the Commission shall submit a final report of its findings and recommendations to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. It shall remain effective for a period of 2 years and, at the end of June 30, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 527

(Senate Bill 234)

AN ACT concerning

High Performance Buildings Act – Applicable to Community College Capital Projects

FOR the purpose of making the High Performance Buildings Act applicable to community college capital projects that receive State funds; authorizing a community college to apply for a waiver from certain high performance building requirements under a certain waiver process established by the Department of Budget and Management and the Department of General Services; making this Act applicable to certain capital projects that have not initiated a certain Request for Proposal on or before a certain date; making a technical correction; and generally relating to the construction of high performance buildings at community colleges.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3-602.1
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Article – State Finance and Procurement

3-602.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “High performance building” means a building that:

(i) meets or exceeds the current version of the U.S. Green Building Council’s LEED (Leadership in Energy and Environmental Design) Green Building Rating System Silver rating; or

(ii) achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretaries of Budget and Management and General Services.

(3) “Major renovation” means the renovation of a building where:

(i) the building shell is to be reused for the new construction;

(ii) the heating, ventilating, and air conditioning (HVAC), electrical, and plumbing systems are to be replaced; and

(iii) the scope of the renovation is 7,500 square feet or greater.

(b) It is the intent of the General Assembly that, to the extent practicable:

(1) the State shall employ green building technologies when constructing or renovating a State building not subject to this section; and

(2) high performance buildings shall meet the criteria and standards established under the “High [Efficiency] **PERFORMANCE** Green Building Program” adopted by the Maryland Green Building Council.

(c) (1) This subsection applies to:

(I) capital projects that are funded solely with State funds; AND

(II) COMMUNITY COLLEGE CAPITAL PROJECTS THAT RECEIVE STATE FUNDS.

(2) Except as provided in subsections (d) and (e) of this section, if a capital project includes the construction or major renovation of a building that is 7,500 square feet or greater, the building shall be constructed or renovated to be a high performance building.

(d) The following types of unoccupied buildings are not required to be constructed or renovated to be high performance buildings:

(1) warehouse and storage facilities;

- (2) garages;
- (3) maintenance facilities;
- (4) transmitter buildings;
- (5) pumping stations; and
- (6) other similar types of buildings, as determined by the Department.

(e) (1) The Department of Budget and Management and the Department of General Services shall jointly establish a process to allow a unit of State government **OR A COMMUNITY COLLEGE** to obtain a waiver from complying with subsection (c) of this section.

(2) The waiver process shall:

(i) include a review by the Maryland Green Building Council established under § 4–809 of this article, to determine if the use of a high performance building in a proposed capital project is not practicable; and

(ii) require the approval of a waiver by the Secretaries of Budget and Management, General Services, and Transportation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to capital projects that have not initiated a Request for Proposal for the selection of an architectural and engineering consultant on or before July 1, 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 528

(House Bill 1044)

AN ACT concerning

High Performance Buildings Act – Applicable to Community College Capital Projects

FOR the purpose of making the High Performance Buildings Act applicable to community college capital projects that receive State funds; authorizing a community college to apply for a waiver from certain high performance building

requirements under a certain waiver process established by the Department of Budget and Management and the Department of General Services; making this Act applicable to certain capital projects that have not initiated a certain Request for Proposal on or before a certain date; making a technical correction; and generally relating to the construction of high performance buildings at community colleges.

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 3–602.1

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

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

Article – State Finance and Procurement

3–602.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “High performance building” means a building that:

(i) meets or exceeds the current version of the U.S. Green Building Council’s LEED (Leadership in Energy and Environmental Design) Green Building Rating System Silver rating; or

(ii) achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretaries of Budget and Management and General Services.

(3) “Major renovation” means the renovation of a building where:

(i) the building shell is to be reused for the new construction;

(ii) the heating, ventilating, and air conditioning (HVAC), electrical, and plumbing systems are to be replaced; and

(iii) the scope of the renovation is 7,500 square feet or greater.

(b) It is the intent of the General Assembly that, to the extent practicable:

(1) the State shall employ green building technologies when constructing or renovating a State building not subject to this section; and

(2) high performance buildings shall meet the criteria and standards established under the “High [Efficiency] **PERFORMANCE** Green Building Program” adopted by the Maryland Green Building Council.

(c) (1) This subsection applies to:

(I) capital projects that are funded solely with State funds; **AND**

(II) **COMMUNITY COLLEGE CAPITAL PROJECTS THAT RECEIVE STATE FUNDS.**

(2) Except as provided in subsections (d) and (e) of this section, if a capital project includes the construction or major renovation of a building that is 7,500 square feet or greater, the building shall be constructed or renovated to be a high performance building.

(d) The following types of unoccupied buildings are not required to be constructed or renovated to be high performance buildings:

- (1) warehouse and storage facilities;
- (2) garages;
- (3) maintenance facilities;
- (4) transmitter buildings;
- (5) pumping stations; and
- (6) other similar types of buildings, as determined by the Department.

(e) (1) The Department of Budget and Management and the Department of General Services shall jointly establish a process to allow a unit of State government **OR A COMMUNITY COLLEGE** to obtain a waiver from complying with subsection (c) of this section.

(2) The waiver process shall:

(i) include a review by the Maryland Green Building Council established under § 4–809 of this article, to determine if the use of a high performance building in a proposed capital project is not practicable; and

(ii) require the approval of a waiver by the Secretaries of Budget and Management, General Services, and Transportation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to capital projects that have not initiated a Request for Proposal for the selection of an architectural and engineering consultant on or before July 1, 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 529

(Senate Bill 261)

AN ACT concerning

Criminal Law – ~~Sexual Solicitation of a Minor and~~ Human Trafficking – Prohibitions ~~and Proof~~

FOR the purpose of prohibiting a person from knowingly engaging in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance the other or a third person would suffer physical restraint or serious physical harm; prohibiting a person from knowingly destroying, concealing, removing, confiscating, or possessing certain documents of another person while violating certain prohibitions; ~~providing that the State need only prove that a reasonable person, based on certain criteria, should have known that a certain minor had not attained a certain age under certain circumstances;~~ making it a felony to knowingly take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse; providing that a person who knowingly benefits from participation in a violation of this Act is subject to the same penalties that would apply if the person had violated this Act; providing that a person who knowingly aids, abets, or conspires with one or more other persons to violate this Act shall be subject to the same penalties that apply for a violation of this Act; defining a certain term; and generally relating to ~~sexual solicitation of a minor and~~ human trafficking.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section ~~3-324, 11-301, 11-301~~ and 11-303

Annotated Code of Maryland

(2002 Volume and 2009 Supplement)

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

Article – Criminal Law

~~§ 3-324.~~

~~(a) In this section, “solicit” means to command, authorize, urge, entice, request, or advise a person by any means, including:~~

- ~~(1) in person;~~
- ~~(2) through an agent or agency;~~
- ~~(3) over the telephone;~~
- ~~(4) through any print medium;~~
- ~~(5) by mail;~~
- ~~(6) by computer or Internet; or~~
- ~~(7) by any other electronic means.~~

~~(b) A person may not, with the intent to commit a violation of § 3-304, § 3-306, or § 3-307 of this subtitle or § 11-304, § 11-305, or § 11-306 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3-304, § 3-306, or § 3-307 of this subtitle or § 11-304, § 11-305, or § 11-306 of this article.~~

~~(c) A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:~~

- ~~(1) originated in the State; or~~
- ~~(2) is received in the State.~~

~~(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both.~~

~~(e) IN A PROSECUTION UNDER THIS SECTION, THE STATE NEED ONLY PROVE THAT A REASONABLE PERSON, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, SHOULD HAVE KNOWN THAT THE MINOR HAD NOT ATTAINED THE AGE OF 18 YEARS.~~

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

(b) "Assignment" means the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.

(c) "Prostitution" means the performance of a sexual act, sexual contact, or vaginal intercourse for hire.

(d) "Sexual act" has the meaning stated in § 3-301 of this article.

(e) "Sexual contact" has the meaning stated in § 3-301 of this article.

(F) "SEXUALLY EXPLICIT PERFORMANCE" MEANS A PUBLIC OR PRIVATE, LIVE, PHOTOGRAPHED, RECORDED, OR VIDEOTAPED ACT OR SHOW IN WHICH THE PERFORMER IS WHOLLY OR PARTIALLY NUDE, AND WHICH IS INTENDED TO SEXUALLY AROUSE OR APPEAL TO THE PRURIENT INTEREST OF PATRONS OR VIEWERS.

[(f)] (G) "Solicit" means urging, advising, inducing, encouraging, requesting, or commanding another.

[(g)] (H) "Vaginal intercourse" has the meaning stated in § 3-301 of this article.

11-303.

(a) (1) A person may not knowingly:

(i) take or cause another to be taken to any place for prostitution;

(ii) place, cause to be placed, or harbor another in any place for prostitution;

(iii) persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;

(iv) [unlawfully take or detain another with the intent to use force, threat, or persuasion to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse; or

(v)] receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignment;

(V) ENGAGE IN A DEVICE, SCHEME, OR CONTINUING COURSE OF CONDUCT INTENDED TO CAUSE ANOTHER TO BELIEVE THAT IF THE OTHER DID NOT TAKE PART IN A SEXUALLY EXPLICIT PERFORMANCE, THE OTHER OR A THIRD PERSON WOULD SUFFER PHYSICAL RESTRAINT OR SERIOUS PHYSICAL HARM; OR

(VI) DESTROY, CONCEAL, REMOVE, CONFISCATE, OR POSSESS AN ACTUAL OR PURPORTED PASSPORT, IMMIGRATION DOCUMENT, OR GOVERNMENT IDENTIFICATION DOCUMENT OF ANOTHER WHILE OTHERWISE VIOLATING OR ATTEMPTING TO VIOLATE THIS SUBSECTION.

(2) A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

(b) (1) ~~(H)~~ A person may not violate subsection (a) of this section involving a victim who is a minor.

~~(H) IN A PROSECUTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE NEED ONLY PROVE THAT A REASONABLE PERSON, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, SHOULD HAVE KNOWN THAT THE MINOR HAD NOT ATTAINED THE AGE OF 18 YEARS.~~

(2) A PERSON MAY NOT KNOWINGLY TAKE OR DETAIN ANOTHER WITH THE INTENT TO USE FORCE, THREAT, COERCION, OR FRAUD TO COMPEL THE OTHER TO MARRY THE PERSON OR A THIRD PERSON OR PERFORM A SEXUAL ACT, SEXUAL CONTACT, OR VAGINAL INTERCOURSE.

(c) (1) (i) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the misdemeanor of human trafficking and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(ii) A person who violates subsection (a) of this section is subject to § 5–106(b) of the Courts Article.

(2) A person who violates subsection (b) of this section is guilty of the felony of human trafficking and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$15,000 or both.

(d) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.

(E) (1) A PERSON WHO KNOWINGLY BENEFITS FINANCIALLY OR BY RECEIVING ANYTHING OF VALUE FROM PARTICIPATION IN A VENTURE THAT INCLUDES AN ACT DESCRIBED IN SUBSECTION (A) OR (B) OF THIS SECTION IS SUBJECT TO THE SAME PENALTIES THAT WOULD APPLY IF THE PERSON HAD VIOLATED THAT SUBSECTION.

(2) A PERSON WHO KNOWINGLY AIDS, ABETS, OR CONSPIRES WITH ONE OR MORE OTHER PERSONS TO VIOLATE ANY SUBSECTION OF THIS SECTION IS SUBJECT TO THE SAME PENALTIES THAT APPLY FOR A VIOLATION OF THAT SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 530

(House Bill 283)

AN ACT concerning

Criminal Law – ~~Sexual Solicitation of a Minor and~~ Human Trafficking – Prohibitions and Proof

FOR the purpose of prohibiting a person from knowingly engaging in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance the other or a third person would suffer physical restraint or serious physical harm; prohibiting a person from knowingly destroying, concealing, removing, confiscating, or possessing certain documents of another person while violating certain prohibitions; ~~providing that the State need only prove that a reasonable person, based on certain criteria, should have known that a certain minor had not attained a certain age under certain circumstances;~~ making it a felony to knowingly take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse; providing that a person who knowingly benefits from participation in a violation of this Act is subject to the same penalties that would apply if the person had violated this Act; providing that a person who knowingly aids, abets, or conspires with one or more other persons to violate this Act shall be subject to the same penalties that apply for a violation of this Act; defining a certain term; and generally relating to ~~sexual solicitation of a minor and~~ human trafficking.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~3-324, 11-301, 11-301~~ and 11-303
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

Article – Criminal Law

~~3-324.~~

~~(a) In this section, “solicit” means to command, authorize, urge, entice, request, or advise a person by any means, including:~~

- ~~(1) in person;~~
- ~~(2) through an agent or agency;~~
- ~~(3) over the telephone;~~
- ~~(4) through any print medium;~~
- ~~(5) by mail;~~
- ~~(6) by computer or Internet; or~~
- ~~(7) by any other electronic means.~~

~~(b) A person may not, with the intent to commit a violation of § 3-304, § 3-306, or § 3-307 of this subtitle or § 11-304, § 11-305, or § 11-306 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3-304, § 3-306, or § 3-307 of this subtitle or § 11-304, § 11-305, or § 11-306 of this article.~~

~~(c) A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:~~

- ~~(1) originated in the State; or~~
- ~~(2) is received in the State.~~

~~(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both.~~

~~(E) IN A PROSECUTION UNDER THIS SECTION, THE STATE NEED ONLY PROVE THAT A REASONABLE PERSON, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, SHOULD HAVE KNOWN THAT THE MINOR HAD NOT ATTAINED THE AGE OF 18 YEARS.~~

11-301.

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

(b) "Assignment" means the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.

(c) "Prostitution" means the performance of a sexual act, sexual contact, or vaginal intercourse for hire.

(d) "Sexual act" has the meaning stated in § 3-301 of this article.

(e) "Sexual contact" has the meaning stated in § 3-301 of this article.

(F) "SEXUALLY EXPLICIT PERFORMANCE" MEANS A PUBLIC OR PRIVATE, LIVE, PHOTOGRAPHED, RECORDED, OR VIDEOTAPED ACT OR SHOW IN WHICH THE PERFORMER IS WHOLLY OR PARTIALLY NUDE, AND WHICH IS INTENDED TO SEXUALLY AROUSE OR APPEAL TO THE PRURIENT INTEREST OF PATRONS OR VIEWERS.

[(f)] (G) "Solicit" means urging, advising, inducing, encouraging, requesting, or commanding another.

[(g)] (H) "Vaginal intercourse" has the meaning stated in § 3-301 of this article.

11-303.

(a) (1) A person may not knowingly:

(i) take or cause another to be taken to any place for prostitution;

(ii) place, cause to be placed, or harbor another in any place for prostitution;

(iii) persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;

(iv) [unlawfully take or detain another with the intent to use force, threat, or persuasion to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse; or

(v)] receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation;

(V) ENGAGE IN A DEVICE, SCHEME, OR CONTINUING COURSE OF CONDUCT INTENDED TO CAUSE ANOTHER TO BELIEVE THAT IF THE OTHER DID NOT TAKE PART IN A SEXUALLY EXPLICIT PERFORMANCE, THE OTHER OR A THIRD PERSON WOULD SUFFER PHYSICAL RESTRAINT OR SERIOUS PHYSICAL HARM; OR

(VI) DESTROY, CONCEAL, REMOVE, CONFISCATE, OR POSSESS AN ACTUAL OR PURPORTED PASSPORT, IMMIGRATION DOCUMENT, OR GOVERNMENT IDENTIFICATION DOCUMENT OF ANOTHER WHILE OTHERWISE VIOLATING OR ATTEMPTING TO VIOLATE THIS SUBSECTION.

(2) A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

(b) **(1)** ~~(H)~~ A person may not violate subsection (a) of this section involving a victim who is a minor.

~~**(H) IN A PROSECUTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE NEED ONLY PROVE THAT A REASONABLE PERSON, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, SHOULD HAVE KNOWN THAT THE MINOR HAD NOT ATTAINED THE AGE OF 18 YEARS.**~~

(2) A PERSON MAY NOT KNOWINGLY TAKE OR DETAIN ANOTHER WITH THE INTENT TO USE FORCE, THREAT, COERCION, OR FRAUD TO COMPEL THE OTHER TO MARRY THE PERSON OR A THIRD PERSON OR PERFORM A SEXUAL ACT, SEXUAL CONTACT, OR VAGINAL INTERCOURSE.

(c) (1) (i) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the misdemeanor of human trafficking and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(ii) A person who violates subsection (a) of this section is subject to § 5–106(b) of the Courts Article.

(2) A person who violates subsection (b) of this section is guilty of the felony of human trafficking and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$15,000 or both.

(d) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.

(E) (1) A PERSON WHO KNOWINGLY BENEFITS FINANCIALLY OR BY RECEIVING ANYTHING OF VALUE FROM PARTICIPATION IN A VENTURE THAT INCLUDES AN ACT DESCRIBED IN SUBSECTION (A) OR (B) OF THIS SECTION IS SUBJECT TO THE SAME PENALTIES THAT WOULD APPLY IF THE PERSON HAD VIOLATED THAT SUBSECTION.

(2) A PERSON WHO KNOWINGLY AIDS, ABETS, OR CONSPIRES WITH ONE OR MORE OTHER PERSONS TO VIOLATE ANY SUBSECTION OF THIS SECTION IS SUBJECT TO THE SAME PENALTIES THAT APPLY FOR A VIOLATION OF THAT SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 531

(Senate Bill 265)

AN ACT concerning

**Assisted Living Programs – ~~Elevator Installation – Exemption~~
Noncommercial Elevator Units – Installation and Inspection**

FOR the purpose of ~~exempting certain licensed assisted living programs from the registration and inspection requirements for installing an elevator; authorizing the adoption of certain regulations to enhance the safety of certain elevator units~~ authorizing the Commission of Labor and Industry to adopt regulations to authorize and regulate the installation and inspection of noncommercial elevator units in certain assisted living programs; defining a certain term; and generally relating to assisted living programs and the registration installation and inspection of elevators.

BY repealing and reenacting, with amendments,
Article – Public Safety

Section ~~12-804~~ 12-805

Annotated Code of Maryland

(2003 Volume and 2009 Supplement)

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

Article – Public Safety

~~12-804.~~

~~(a) IN THIS SECTION, “ASSISTED LIVING PROGRAM” HAS THE MEANING STATED IN § 19-1801 OF THE HEALTH – GENERAL ARTICLE.~~

~~(b) Part II of this subtitle does not apply to an elevator unit that is:~~

~~(1) installed in a privately owned single family residential dwelling;~~
~~[or]~~

~~(2) installed in a building or structure under federal control or regulation; OR~~

~~(3) INSTALLED IN AN ASSISTED LIVING PROGRAM WITH FIVE OR FEWER BEDS THAT IS LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER § 19-1804.1 OF THE HEALTH – GENERAL ARTICLE.~~

~~[(b)] (c) Sections 5-205(j), 5-207, 5-214, 5-215, and 5-216 and Title 5, Subtitle 8 of the Labor and Employment Article apply to Part II of this subtitle.~~

~~(d) THE COMMISSIONER MAY ADOPT REGULATIONS TO ENHANCE THE SAFETY OF ELEVATOR UNITS INSTALLED IN ACCORDANCE WITH SUBSECTION (B)(3) OF THIS SECTION.~~

12-805.

(a) IN THIS SECTION, “ASSISTED LIVING PROGRAM” HAS THE MEANING STATED IN § 19-1801 OF THE HEALTH – GENERAL ARTICLE.

(B) The Commissioner shall administer and enforce Part II of this subtitle.

[(b)] (C) (1) The Commissioner shall adopt regulations that conform generally to the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code A17.1-1971, and all subsequent amendments and revisions to it.

(2) If necessary to fulfill the Commissioner's responsibilities under Part II of this subtitle, the Commissioner shall:

(i) adopt regulations that amend standards set forth in the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code A17.1-1971, and all subsequent amendments and revisions to it; and

(ii) adopt other regulations.

(3) THE COMMISSIONER MAY ADOPT REGULATIONS TO AUTHORIZE AND REGULATE THE INSTALLATION AND INSPECTION OF NONCOMMERCIAL ELEVATOR UNITS IN ASSISTED LIVING PROGRAMS WITH FIVE OR FEWER BEDS THAT ARE LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER § 19-1804.1 OF THE HEALTH – GENERAL ARTICLE.

[(3)] (4) The regulations shall be consistent with the requirements of § 12-1006 of this title.

[(c)] (D) The Commissioner may assign duties and functions imposed by Part II of this subtitle to the chief elevator inspector.

[(d)] (E) The cost of administering Part II of this subtitle is provided for under § 5-204 of the Labor and Employment Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 532

(Senate Bill 289)

AN ACT concerning

Allegany County and Garrett County – Turkey Hunting – Sundays

FOR the purpose of authorizing a person to hunt turkey on certain Sundays during certain months in Allegany County and Garrett County; and generally relating to hunting on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources

Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Natural Resources

10–410.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays; [and]

(iv) Subject to the provisions of § 10–411 of this subtitle, in Dorchester, Frederick, St. Mary's, Somerset, Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow during open season on the last three Sundays in October and the second Sunday in November; AND

(V) EXCEPT ON EASTER SUNDAY, IN ALLEGANY COUNTY AND GARRETT COUNTY, A PERSON HUNTING TURKEY ON THE LAST SUNDAY IN APRIL AND THE FIRST SUNDAY IN MAY.

(3) Provided that the provisions of § 10–415 of this subtitle are met and subject to paragraph (4) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

(i) The bow hunting season in November; and

(ii) The deer firearms season.

(4) The Sunday deer hunting provisions under paragraph (3) of this subsection do not apply:

(i) In Baltimore, Carroll, Howard, and Prince George's counties;
and

(ii) In Baltimore City.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 533

(Senate Bill 291)

AN ACT concerning

Health Occupations Boards – Revisions

FOR the purpose of requiring certain health occupations boards to provide certain notification to certain licensees or certificate holders of board vacancies; requiring certain health occupations boards to collect certain racial and ethnic information; requiring that, to the extent practicable, certain members of certain health occupations boards reasonably reflect certain geographic, racial, ethnic, cultural, and gender diversity; requiring certain health occupations

boards to develop collaboratively certain training and materials for certain board members; requiring the Secretary of Health and Mental Hygiene to confirm the appointment of certain directors; requiring that after certain consultation and to the extent permitted by certain resources, certain health occupations boards establish certain subcommittees to be responsible for certain investigations, determine whether certain charges should be brought, and participate in certain preadjudication case resolution conferences; prohibiting certain health occupations boards from bringing certain charges based solely on certain complaints the board receives after a certain period of time; requiring certain health occupations boards that are authorized to use peer review to provide certain licensees and certificate holders an opportunity to review and respond to certain reports; requiring certain health occupations boards to consider certain reports and responses before taking certain action; authorizing certain health occupations boards to establish certain programs to provide certain training, mentoring, or other remediation for certain licensees or certificate holders who commit a certain number of standard of care violations; requiring certain health occupations boards to adopt certain sanctioning guidelines; requiring certain health occupations boards to post certain orders for disciplinary action on certain websites; requiring the Secretary to establish certain goals for the timeliness of complaint resolution; requiring the Secretary to monitor the timeliness of complaint resolution for certain health occupations boards; requiring the Secretary to establish certain goals on or before a certain date; requiring certain health occupations boards to collaborate with the Office of the Attorney General to make certain information available to the public concerning certain roles for assistant attorneys general; establishing that certain departure from sanctioning guidelines, failure to meet certain timeliness goals, and noncompliance with certain guidelines concerning certain roles for assistant attorneys general may not be grounds for certain hearings or appeals; requiring the Secretary, Department, and health occupations boards to make certain reports to certain committees of the General Assembly on or before certain dates; providing for the construction and the application of this Act; defining certain terms; and generally relating to revisions for the health occupations boards.

BY adding to

Article – Health Occupations

Section 1–214 through 1–218; and 1–601 through 1–609 to be under the new subtitle “Subtitle 6. General Clarification of the Disciplinary Process”

Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health Occupations

1–214.

TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO EACH HEALTH OCCUPATIONS BOARD AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE SHALL REASONABLY REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE.

1-215.

(A) EACH HEALTH OCCUPATIONS BOARD AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE SHALL NOTIFY ALL LICENSEES OR CERTIFICATE HOLDERS OF BOARD VACANCIES.

(B) A HEALTH OCCUPATIONS BOARD MAY GIVE NOTICE OF A BOARD VACANCY BY ELECTRONIC MAIL OR A NOTICE ON THE BOARD'S WEBSITE.

1-216.

THE HEALTH OCCUPATIONS BOARDS AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE SHALL DEVELOP COLLABORATIVELY A TRAINING PROCESS AND MATERIALS FOR NEW BOARD MEMBERS THAT INCLUDE TRAINING IN CULTURAL COMPETENCY.

1-217.

THE SECRETARY SHALL CONFIRM THE APPOINTMENT OF EACH ~~ADMINISTRATIVE~~ ADMINISTRATOR OR EXECUTIVE DIRECTOR TO EACH HEALTH OCCUPATIONS BOARD AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE.

1-218.

EACH HEALTH OCCUPATIONS BOARD AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE SHALL COLLECT RACIAL AND ETHNIC INFORMATION ABOUT THE APPLICANT AS PART OF THE BOARD'S LICENSING, CERTIFYING, OR RENEWAL PROCESS.

SUBTITLE 6. GENERAL CLARIFICATION OF THE DISCIPLINARY PROCESS.

1-601.

IN THIS SUBTITLE, "HEALTH OCCUPATIONS BOARD" MEANS A BOARD AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE.

1-602.

(A) AFTER CONSULTATION WITH THE SECRETARY AND TO THE EXTENT PERMITTED BY EXISTING ADMINISTRATIVE AND FISCAL RESOURCES, EACH HEALTH OCCUPATIONS BOARD SHALL ESTABLISH A DISCIPLINARY SUBCOMMITTEE.

(B) TO THE EXTENT DEEMED PRACTICABLE BY EACH BOARD, A DISCIPLINARY SUBCOMMITTEE SHALL:

(1) BE RESPONSIBLE FOR THE INVESTIGATION OF COMPLAINTS;

(2) DETERMINE WHETHER THE HEALTH OCCUPATIONS BOARD SHOULD BRING CHARGES AGAINST A LICENSEE OR CERTIFICATE HOLDER; AND

(3) PARTICIPATE IN PREADJUDICATION CASE RESOLUTION CONFERENCES RESULTING FROM THE CHARGES.

1-603.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A HEALTH OCCUPATIONS BOARD MAY NOT BRING CHARGES AGAINST A LICENSEE OR CERTIFICATE HOLDER BASED SOLELY ON EVENTS CONTAINED IN A COMPLAINT THE BOARD RECEIVES MORE THAN 6 YEARS AFTER:

(1) THE DAY THE COMPLAINANT ACTUALLY DISCOVERED THE FACTS THAT FORM THE BASIS OF THE COMPLAINT; OR

(2) THE DAY WHEN A REASONABLE PERSON EXERCISING DUE DILIGENCE SHOULD HAVE DISCOVERED THE FACTS THAT FORM THE BASIS OF THE COMPLAINT.

(B) THIS SECTION DOES NOT APPLY TO A COMPLAINT BASED ON:

(1) CRIMINAL CONVICTIONS OR SEXUAL MISCONDUCT OR OTHER SIMILAR BOUNDARY VIOLATIONS;

(2) RECIPROCAL DISCIPLINE MATTERS;

(3) ONGOING SUBSTANCE ABUSE;

(4) FRAUDULENT CONCEALMENT OF MATERIAL INFORMATION;

OR

(5) ~~ACTS THAT WERE PART OF A PATIENT'S REPRESSED MEMORY;~~
~~OR~~

~~(6)~~ ACTS THAT OCCUR WHILE A PATIENT IS A MINOR.

1-604.

(A) IF A STATUTE AUTHORIZES A HEALTH OCCUPATIONS BOARD TO USE A SYSTEM OF PEER REVIEW IN STANDARD OF CARE CASES AND THE PEER REVIEWER OR PEER REVIEWERS DETERMINE THAT THERE HAS BEEN A VIOLATION OF A STANDARD OF CARE, THE BOARD SHALL PROVIDE THE LICENSEE OR CERTIFICATE HOLDER UNDER INVESTIGATION WITH AN OPPORTUNITY TO REVIEW THE FINAL PEER REVIEW REPORT AND PROVIDE THE BOARD WITH A WRITTEN RESPONSE WITHIN 10 BUSINESS DAYS AFTER THE REPORT WAS SENT TO THE LICENSEE OR CERTIFICATE HOLDER.

(B) IF A HEALTH OCCUPATIONS BOARD RECEIVES A WRITTEN RESPONSE TO A FINAL PEER REVIEW REPORT, THE BOARD SHALL CONSIDER BOTH THE REPORT AND RESPONSE BEFORE TAKING ANY ACTION.

1-605.

(A) AS AN ALTERNATIVE TO A FORMAL HEARING, EACH HEALTH OCCUPATIONS BOARD MAY ESTABLISH A PROGRAM FOR LICENSEES OR CERTIFICATE HOLDERS WHO COMMIT A SINGLE STANDARD OF CARE VIOLATION.

(B) A PROGRAM ESTABLISHED UNDER THIS SECTION SHALL PROVIDE TRAINING, MENTORING, OR OTHER FORMS OF REMEDIATION AS DETERMINED BY THE HEALTH OCCUPATIONS BOARD.

(C) A HEALTH OCCUPATIONS BOARD MAY REFER A LICENSEE TO THE PROGRAM.

1-606.

(A) EACH HEALTH OCCUPATIONS BOARD SHALL ADOPT SPECIFIC SANCTIONING GUIDELINES, INCLUDING:

(1) A RANGE OF SANCTIONS THAT IS BASED ON HISTORICAL DATA OR A NORMATIVE PROCESS FOR EACH TYPE OF VIOLATION; AND

(2) A LIST OF MITIGATING AND AGGRAVATING CIRCUMSTANCES THAT MAY BE USED TO DECIDE IF A SANCTION FALLS WITHIN OR OUTSIDE THE ESTABLISHED RANGE OF SANCTIONS.

(B) SANCTIONING GUIDELINES ADOPTED UNDER THIS SECTION SHALL:

(1) CONFORM TO A GENERAL FRAMEWORK OR INCORPORATE A COMMON SET OF ELEMENTS; AND

(2) BE USED AS A GUIDE FOR SANCTIONING LICENSEES AND CERTIFICATE HOLDERS IN FORMAL AND INFORMAL PROCEEDINGS.

(C) (1) TO THE EXTENT A HEALTH OCCUPATIONS BOARD DEPARTS FROM THE SANCTIONING GUIDELINES ADOPTED UNDER THIS SECTION, THE BOARD SHALL STATE ITS REASONS.

(2) A DEPARTURE FROM THE GUIDELINES ALONE IS NOT GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.

1-607.

EACH HEALTH OCCUPATIONS BOARD SHALL POST ON THE BOARD'S WEBSITE EACH FINAL, PUBLIC ORDER FOR A DISCIPLINARY SANCTION ISSUED TO A LICENSEE OR CERTIFICATE HOLDER.

1-608.

(A) THE SECRETARY SHALL MONITOR THE TIMELINESS OF COMPLAINT RESOLUTION FOR EACH HEALTH OCCUPATIONS BOARD.

(B) (1) ON OR BEFORE OCTOBER 1, 2012, THE SECRETARY SHALL ESTABLISH GOALS FOR THE TIMELINESS OF COMPLAINT RESOLUTION FOR ALL OF THE BOARDS, A GROUP OF BOARDS, OR A SPECIFIC BOARD, INCLUDING:

(I) AFTER A COMPLAINT IS FILED WITH A BOARD, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO COMPLETE AN INVESTIGATION AND DETERMINE WHETHER TO BRING CHARGES;

(II) AFTER A BOARD MAKES A DECISION TO CHARGE, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO ISSUE CHARGES;

(III) AFTER A BOARD ISSUES CHARGES, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO SCHEDULE A HEARING; AND

(IV) AFTER THE DATE OF AN OPINION FROM THE OFFICE OF ADMINISTRATIVE HEARINGS, OR THE FINAL DAY OF ANY HEARING, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO ISSUE A FINAL DECISION.

(2) WHEN DETERMINING THE TIME FRAMES FOR COMPLAINT RESOLUTION, THE SECRETARY SHALL CONSIDER:

(I) THE ADMINISTRATIVE AND FISCAL CONSTRAINTS OF EACH HEALTH OCCUPATIONS BOARD; AND

(II) THE RECOMMENDATIONS FROM THE TASK FORCE ON DISCIPLINE OF HEALTH CARE PROFESSIONALS AND IMPROVED PATIENT CARE.

(3) THE GOALS ESTABLISHED BY THE SECRETARY IN ACCORDANCE WITH THIS SECTION ARE NONBINDING AND FAILURE TO MEET THE GOALS MAY NOT BE USED AS GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.

(C) ON OR BEFORE OCTOBER 1, 2012, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON THE GOALS FOR THE TIMELINESS OF COMPLAINT RESOLUTION ESTABLISHED UNDER THIS SECTION.

1-609.

(A) EACH HEALTH OCCUPATIONS BOARD SHALL COLLABORATE WITH THE OFFICE OF THE ATTORNEY GENERAL TO MAKE GUIDELINES AVAILABLE TO THE PUBLIC CONCERNING THE SEPARATE ROLES FOR ASSISTANT ATTORNEYS GENERAL AS COUNSEL AND PROSECUTOR FOR THE BOARD.

(B) NONCOMPLIANCE WITH THE GUIDELINES MADE AVAILABLE UNDER THIS SECTION MAY NOT BE USED AS GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2011, each health occupations board shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on:

(1) its success in meeting the goals and requirements of this Act; and

(2) ways in which separation of the board's disciplinary functions can be further achieved.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2011, the health occupations boards in collaboration with the Department of Health and Mental Hygiene shall jointly:

(1) study whether under certain circumstances it may be appropriate to expunge disciplinary proceedings from a licensee's file after a specified period of time; and

(2) report the findings of the study to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be construed to diminish, alter, or enhance the existing authority of any party to exercise any responsibility in the appointment of membership to any health occupations board, as provided by the Health Occupations Article.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any complaint made to a health occupations board before the effective date of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 534

(House Bill 114)

AN ACT concerning

Health Occupations Boards – Revisions

FOR the purpose of requiring certain health occupations boards to provide certain notification to certain licensees or certificate holders of board vacancies; requiring certain health occupations boards to collect certain racial and ethnic information; requiring that, to the extent practicable, certain members of certain health occupations boards reasonably reflect certain geographic, racial, ethnic, cultural, and gender diversity; requiring certain health occupations boards to develop collaboratively certain training and materials for certain board members; requiring the Secretary of Health and Mental Hygiene to confirm the appointment of certain directors; requiring that after certain consultation and to the extent permitted by certain resources, certain health

occupations boards establish certain subcommittees to be responsible for certain investigations, determine whether certain charges should be brought, and participate in certain preadjudication case resolution conferences; prohibiting certain health occupations boards from bringing certain charges based solely on certain complaints the board receives after a certain period of time; requiring certain health occupations boards that are authorized to use peer review to provide certain licensees and certificate holders an opportunity to review and respond to certain reports; requiring certain health occupations boards to consider certain reports and responses before taking certain action; authorizing certain health occupations boards to establish certain programs to provide certain training, mentoring, or other remediation for certain licensees or certificate holders who commit a certain number of standard of care violations; requiring certain health occupations boards to adopt certain sanctioning guidelines; requiring certain health occupations boards to post certain orders for disciplinary action on certain websites; requiring the Secretary to establish certain goals for the timeliness of complaint resolution; requiring the Secretary to monitor the timeliness of complaint resolution for certain health occupations boards; requiring the Secretary to establish certain goals on or before a certain date; requiring certain health occupations boards to collaborate with the Office of the Attorney General to make certain information available to the public concerning certain roles for assistant attorneys general; establishing that certain departure from sanctioning guidelines, failure to meet certain timeliness goals, and noncompliance with certain guidelines concerning certain roles for assistant attorneys general may not be grounds for certain hearings or appeals; requiring the Secretary, Department, and health occupations boards to make certain reports to certain committees of the General Assembly on or before certain dates; providing for the construction and the application of this Act; defining certain terms; and generally relating to revisions for the health occupations boards.

BY adding to

Article – Health Occupations

Section 1–214 through 1–218; and 1–601 through 1–609 to be under the new subtitle “Subtitle 6. General Clarification of the Disciplinary Process”

Annotated Code of Maryland

(2009 Replacement Volume)

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

Article – Health Occupations

1–214.

TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO EACH HEALTH OCCUPATIONS BOARD AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE SHALL REASONABLY REFLECT THE

GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE.

1-215.

(A) EACH HEALTH OCCUPATIONS BOARD AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE SHALL NOTIFY ALL LICENSEES OR CERTIFICATE HOLDERS OF BOARD VACANCIES.

(B) A HEALTH OCCUPATIONS BOARD MAY GIVE NOTICE OF A BOARD VACANCY BY ELECTRONIC MAIL OR A NOTICE ON THE BOARD'S WEBSITE.

1-216.

THE HEALTH OCCUPATIONS BOARDS AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE SHALL DEVELOP COLLABORATIVELY A TRAINING PROCESS AND MATERIALS FOR NEW BOARD MEMBERS THAT INCLUDE TRAINING IN CULTURAL COMPETENCY.

1-217.

THE SECRETARY SHALL CONFIRM THE APPOINTMENT OF EACH ~~ADMINISTRATIVE~~ ADMINISTRATOR OR EXECUTIVE DIRECTOR TO EACH HEALTH OCCUPATIONS BOARD AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE.

1-218.

EACH HEALTH OCCUPATIONS BOARD AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE SHALL COLLECT RACIAL AND ETHNIC INFORMATION ABOUT THE APPLICANT AS PART OF THE BOARD'S LICENSING, CERTIFYING, OR RENEWAL PROCESS.

SUBTITLE 6. GENERAL CLARIFICATION OF THE DISCIPLINARY PROCESS.

1-601.

IN THIS SUBTITLE, "HEALTH OCCUPATIONS BOARD" MEANS A BOARD AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE UNDER THIS ARTICLE.

1-602.

(A) AFTER CONSULTATION WITH THE SECRETARY AND TO THE EXTENT PERMITTED BY EXISTING ADMINISTRATIVE AND FISCAL RESOURCES, EACH

HEALTH OCCUPATIONS BOARD SHALL ESTABLISH A DISCIPLINARY SUBCOMMITTEE.

(B) TO THE EXTENT DEEMED PRACTICABLE BY EACH BOARD, A DISCIPLINARY SUBCOMMITTEE SHALL:

- (1) BE RESPONSIBLE FOR THE INVESTIGATION OF COMPLAINTS;
- (2) DETERMINE WHETHER THE HEALTH OCCUPATIONS BOARD SHOULD BRING CHARGES AGAINST A LICENSEE OR CERTIFICATE HOLDER; AND
- (3) PARTICIPATE IN PREADJUDICATION CASE RESOLUTION CONFERENCES RESULTING FROM THE CHARGES.

1-603.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A HEALTH OCCUPATIONS BOARD MAY NOT BRING CHARGES AGAINST A LICENSEE OR CERTIFICATE HOLDER BASED SOLELY ON EVENTS CONTAINED IN A COMPLAINT THE BOARD RECEIVES MORE THAN 6 YEARS AFTER:

- (1) THE DAY THE COMPLAINANT ACTUALLY DISCOVERED THE FACTS THAT FORM THE BASIS OF THE COMPLAINT; OR
- (2) THE DAY WHEN A REASONABLE PERSON EXERCISING DUE DILIGENCE SHOULD HAVE DISCOVERED THE FACTS THAT FORM THE BASIS OF THE COMPLAINT.

(B) THIS SECTION DOES NOT APPLY TO A COMPLAINT BASED ON:

- (1) CRIMINAL CONVICTIONS OR SEXUAL MISCONDUCT OR OTHER SIMILAR BOUNDARY VIOLATIONS;
 - (2) RECIPROCAL DISCIPLINE MATTERS;
 - (3) ONGOING SUBSTANCE ABUSE;
 - (4) FRAUDULENT CONCEALMENT OF MATERIAL INFORMATION;
- OR
- (5) ~~ACTS THAT WERE PART OF A PATIENT'S REPRESSED MEMORY;~~
- OR
- ~~(6)~~ ACTS THAT OCCUR WHILE A PATIENT IS A MINOR.

1-604.

(A) IF A STATUTE AUTHORIZES A HEALTH OCCUPATIONS BOARD TO USE A SYSTEM OF PEER REVIEW IN STANDARD OF CARE CASES AND THE PEER REVIEWER OR PEER REVIEWERS DETERMINE THAT THERE HAS BEEN A VIOLATION OF A STANDARD OF CARE, THE BOARD SHALL PROVIDE THE LICENSEE OR CERTIFICATE HOLDER UNDER INVESTIGATION WITH AN OPPORTUNITY TO REVIEW THE FINAL PEER REVIEW REPORT AND PROVIDE THE BOARD WITH A WRITTEN RESPONSE WITHIN 10 BUSINESS DAYS AFTER THE REPORT WAS SENT TO THE LICENSEE OR CERTIFICATE HOLDER.

(B) IF A HEALTH OCCUPATIONS BOARD RECEIVES A WRITTEN RESPONSE TO A FINAL PEER REVIEW REPORT, THE BOARD SHALL CONSIDER BOTH THE REPORT AND RESPONSE BEFORE TAKING ANY ACTION.

1-605.

(A) AS AN ALTERNATIVE TO A FORMAL HEARING, EACH HEALTH OCCUPATIONS BOARD MAY ESTABLISH A PROGRAM FOR LICENSEES OR CERTIFICATE HOLDERS WHO COMMIT A SINGLE STANDARD OF CARE VIOLATION.

(B) A PROGRAM ESTABLISHED UNDER THIS SECTION SHALL PROVIDE TRAINING, MENTORING, OR OTHER FORMS OF REMEDIATION AS DETERMINED BY THE HEALTH OCCUPATIONS BOARD.

(C) A HEALTH OCCUPATIONS BOARD MAY REFER A LICENSEE TO THE PROGRAM.

1-606.

(A) EACH HEALTH OCCUPATIONS BOARD SHALL ADOPT SPECIFIC SANCTIONING GUIDELINES, INCLUDING:

(1) A RANGE OF SANCTIONS THAT IS BASED ON HISTORICAL DATA OR A NORMATIVE PROCESS FOR EACH TYPE OF VIOLATION; AND

(2) A LIST OF MITIGATING AND AGGRAVATING CIRCUMSTANCES THAT MAY BE USED TO DECIDE IF A SANCTION FALLS WITHIN OR OUTSIDE THE ESTABLISHED RANGE OF SANCTIONS.

(B) SANCTIONING GUIDELINES ADOPTED UNDER THIS SECTION SHALL:

(1) CONFORM TO A GENERAL FRAMEWORK OR INCORPORATE A COMMON SET OF ELEMENTS; AND

(2) BE USED AS A GUIDE FOR SANCTIONING LICENSEES AND CERTIFICATE HOLDERS IN FORMAL AND INFORMAL PROCEEDINGS.

(C) (1) TO THE EXTENT A HEALTH OCCUPATIONS BOARD DEPARTS FROM THE SANCTIONING GUIDELINES ADOPTED UNDER THIS SECTION, THE BOARD SHALL STATE ITS REASONS.

(2) A DEPARTURE FROM THE GUIDELINES ALONE IS NOT GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.

1-607.

EACH HEALTH OCCUPATIONS BOARD SHALL POST ON THE BOARD'S WEBSITE EACH FINAL, PUBLIC ORDER FOR A DISCIPLINARY SANCTION ISSUED TO A LICENSEE OR CERTIFICATE HOLDER.

1-608.

(A) THE SECRETARY SHALL MONITOR THE TIMELINESS OF COMPLAINT RESOLUTION FOR EACH HEALTH OCCUPATIONS BOARD.

(B) (1) ON OR BEFORE OCTOBER 1, 2012, THE SECRETARY SHALL ESTABLISH GOALS FOR THE TIMELINESS OF COMPLAINT RESOLUTION FOR ALL OF THE BOARDS, A GROUP OF BOARDS, OR A SPECIFIC BOARD, INCLUDING:

(I) AFTER A COMPLAINT IS FILED WITH A BOARD, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO COMPLETE AN INVESTIGATION AND DETERMINE WHETHER TO BRING CHARGES;

(II) AFTER A BOARD MAKES A DECISION TO CHARGE, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO ISSUE CHARGES;

(III) AFTER A BOARD ISSUES CHARGES, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO SCHEDULE A HEARING; AND

(IV) AFTER THE DATE OF AN OPINION FROM THE OFFICE OF ADMINISTRATIVE HEARINGS, OR THE FINAL DAY OF ANY HEARING, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO ISSUE A FINAL DECISION.

(2) WHEN DETERMINING THE TIME FRAMES FOR COMPLAINT RESOLUTION, THE SECRETARY SHALL CONSIDER:

(I) THE ADMINISTRATIVE AND FISCAL CONSTRAINTS OF EACH HEALTH OCCUPATIONS BOARD; AND

(II) THE RECOMMENDATIONS FROM THE TASK FORCE ON DISCIPLINE OF HEALTH CARE PROFESSIONALS AND IMPROVED PATIENT CARE.

(3) THE GOALS ESTABLISHED BY THE SECRETARY IN ACCORDANCE WITH THIS SECTION ARE NONBINDING AND FAILURE TO MEET THE GOALS MAY NOT BE USED AS GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.

(C) ON OR BEFORE OCTOBER 1, 2012, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON THE GOALS FOR THE TIMELINESS OF COMPLAINT RESOLUTION ESTABLISHED UNDER THIS SECTION.

1-609.

(A) EACH HEALTH OCCUPATIONS BOARD SHALL COLLABORATE WITH THE OFFICE OF THE ATTORNEY GENERAL TO MAKE GUIDELINES AVAILABLE TO THE PUBLIC CONCERNING THE SEPARATE ROLES FOR ASSISTANT ATTORNEYS GENERAL AS COUNSEL AND PROSECUTOR FOR THE BOARD.

(B) NONCOMPLIANCE WITH THE GUIDELINES MADE AVAILABLE UNDER THIS SECTION MAY NOT BE USED AS GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2011, each health occupations board shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on:

(1) its success in meeting the goals and requirements of this Act; and

(2) ways in which separation of the board's disciplinary functions can be further achieved.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2010, the health occupations boards in collaboration with the Department of Health and Mental Hygiene shall jointly:

(1) study whether under certain circumstances it may be appropriate to expunge disciplinary proceedings from a licensee's file after a specified period of time; and

(2) report the findings of the study to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be construed to diminish, alter, or enhance the existing authority of any party to exercise any responsibility in the appointment of membership to any health occupations board, as provided by the Health Occupations Article.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any complaint made to a health occupations board before the effective date of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 535

(Senate Bill 313)

AN ACT concerning

Health Insurance – Annual Preventive Care

FOR the purpose of ~~prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations that provide covered benefits for annual preventive care from denying coverage solely because a certain number of days has not elapsed since the previous annual preventive care occurred;~~ requiring the certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for the certain types of annual preventive care if certain conditions are met; prohibiting certain provisions from being construed to require coverage for a certain service; making certain requirements applicable to health maintenance organizations; defining a certain term; providing for the application of this Act; and generally relating to health insurance coverage for annual preventive care.

BY adding to

Article – Insurance

Section 15–134

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

BY adding to

Article – Health – General

Section 19–706(cccc)

Annotated Code of Maryland

(2009 Replacement Volume)

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

Article – Insurance

15–134.

(A) (1) IN THIS SECTION, “ANNUAL PREVENTIVE CARE” MEANS AN ANNUAL PREVENTIVE VISIT, SCREENING, OR EXAMINATION THAT IS A COVERED BENEFIT UNDER A POLICY OR CONTRACT ISSUED OR DELIVERED BY AN ENTITY SUBJECT TO THIS SECTION.

(2) “ANNUAL PREVENTIVE CARE” INCLUDES, IF THE SERVICE IS A COVERED BENEFIT:

(I) AN ANNUAL CHILD WELLNESS VISIT;

(II) A ROUTINE GYNECOLOGICAL VISIT; ~~AND~~

(III) A SCREENING TEST OR EXAMINATION FOR COLORECTAL CANCER, CHLAMYDIA, HUMAN PAPILLOMAVIRUS, PROSTATE CANCER, OR BREAST CANCER; AND

(IV) AN ANNUAL VISION VISIT THAT INCLUDES A VISION EXAMINATION.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) AN ENTITY SUBJECT TO THIS SECTION THAT PROVIDES COVERED BENEFITS FOR ANNUAL PREVENTIVE CARE:

~~(1) MAY NOT DENY COVERAGE FOR THE ANNUAL PREVENTIVE CARE SOLELY BECAUSE 365 DAYS HAVE NOT YET ELAPSED SINCE THE PREVIOUS ANNUAL PREVENTIVE CARE OCCURRED; AND~~

~~(2)~~ SHALL PROVIDE COVERAGE FOR THE ANNUAL PREVENTIVE CARE IF:

~~(H) (1)~~ THE ANNUAL PREVENTIVE CARE IS PROVIDED NO MORE THAN ~~45 DAYS BEFORE THE ANNIVERSARY DATE FOR THE ANNUAL PREVENTIVE CARE~~ ONCE AT ANY TIME DURING THE PLAN YEAR ESTABLISHED IN THE POLICY OR CONTRACT; AND

~~(H) (2)~~ ANY OTHER REQUIREMENTS FOR COVERAGE OF THE ANNUAL PREVENTIVE CARE ARE MET.

(D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE COVERAGE FOR A SERVICE NOT OTHERWISE REQUIRED BY LAW.

Article – Health – General

19–706.

(CCCC) THE REQUIREMENTS OF § 15–134 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2010, or, for policies, contracts, and health benefit plans in effect in the State on October 1, 2010, but not subject to renewal before October 1, 2011, no later than October 1, 2011.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 536**(House Bill 878)**

AN ACT concerning

Health Insurance – Annual Preventive Care

FOR the purpose of ~~prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations that provide covered benefits for annual preventive care from denying coverage solely because a certain number of days has not elapsed since the previous annual preventive care occurred;~~ requiring the certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for the certain types of annual preventive care if certain conditions are met; prohibiting certain provisions from being construed to require coverage for a certain service; making certain requirements applicable to health maintenance organizations; defining a certain term; providing for the application of this Act; and generally relating to health insurance coverage for annual preventive care.

BY adding to

Article – Insurance

Section 15–134

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

BY adding to

Article – Health – General

Section 19–706(cccc)

Annotated Code of Maryland

(2009 Replacement Volume)

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

Article – Insurance**15–134.**

(A) (1) IN THIS SECTION, “ANNUAL PREVENTIVE CARE” MEANS AN ANNUAL PREVENTIVE VISIT, SCREENING, OR EXAMINATION THAT IS A COVERED BENEFIT UNDER A POLICY OR CONTRACT ISSUED OR DELIVERED BY AN ENTITY SUBJECT TO THIS SECTION.

(2) “ANNUAL PREVENTIVE CARE” INCLUDES, IF THE SERVICE IS A COVERED BENEFIT:

- (I) AN ANNUAL CHILD WELLNESS VISIT;
- (II) A ROUTINE GYNECOLOGICAL VISIT; ~~AND~~
- (III) A SCREENING TEST OR EXAMINATION FOR COLORECTAL CANCER, CHLAMYDIA, HUMAN PAPILLOMAVIRUS, PROSTATE CANCER, OR BREAST CANCER; AND
- (IV) AN ANNUAL VISION VISIT THAT INCLUDES A VISION EXAMINATION.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) AN ENTITY SUBJECT TO THIS SECTION THAT PROVIDES COVERED BENEFITS FOR ANNUAL PREVENTIVE CARE;

~~(1) MAY NOT DENY COVERAGE FOR THE ANNUAL PREVENTIVE CARE SOLELY BECAUSE 365 DAYS HAVE NOT YET ELAPSED SINCE THE PREVIOUS ANNUAL PREVENTIVE CARE OCCURRED; AND~~

~~(2)~~ SHALL PROVIDE COVERAGE FOR THE ANNUAL PREVENTIVE CARE IF:

~~(1)~~ (1) THE ANNUAL PREVENTIVE CARE IS PROVIDED NO MORE THAN ~~45 DAYS BEFORE THE ANNIVERSARY DATE FOR THE ANNUAL PREVENTIVE CARE~~ ONCE AT ANY TIME DURING THE PLAN YEAR ESTABLISHED IN THE POLICY OR CONTRACT; AND

~~(2)~~ (2) ANY OTHER REQUIREMENTS FOR COVERAGE OF THE ANNUAL PREVENTIVE CARE ARE MET.

(D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE COVERAGE FOR A SERVICE NOT OTHERWISE REQUIRED BY LAW.

Article – Health – General

19–706.

(CCCC) THE REQUIREMENTS OF § 15–134 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2010, or, for policies, contracts, and health benefit plans in effect in the State on October 1, 2010, but not subject to renewal before October 1, 2011, no later than October 1, 2011.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 537

(Senate Bill 314)

AN ACT concerning

**Health Insurance – Assignment of Benefits and Reimbursement of
Nonpreferred Providers**

FOR the purpose of providing that the difference between certain coinsurance percentages may not be greater than a certain amount under certain circumstances; prohibiting certain provisions in a preferred provider insurance policy from applying to certain on-call physicians *or hospital-based physicians*; prohibiting a certain allowed amount in certain insurance policies from being less than a certain amount; providing that an insured of certain health ~~insurance-carriers~~ insurers may not be liable to certain on-call physicians *or hospital-based physicians* for certain services under certain circumstances; prohibiting certain on-call physicians *or hospital-based physicians* from taking certain actions against an insured under certain circumstances; authorizing the on-call physicians *or hospital-based physicians* to collect certain payments from an insured under certain circumstances; requiring certain ~~carriers~~ insurers or their agents to pay certain on-call physicians *or hospital-based physicians* for certain health care services delivered to an insured at ~~a certain rate~~ *certain rates* under certain circumstances; requiring certain ~~carriers~~ insurers to disclose certain information under certain circumstances; authorizing certain ~~carriers~~ insurers to seek reimbursement from an insured for a claim or portion of a claim submitted by certain on-call physicians *or hospital-based physicians* under

certain circumstances; authorizing certain ~~carriers~~ insurers to require certain on-call physicians *or hospital-based physicians* to provide certain information under certain circumstances; authorizing the enforcement of certain provisions of this Act in a certain manner under certain circumstances; ~~requiring the Maryland Health Care Commission to review annually payments to certain on-call physicians and report its findings to the Maryland Insurance Administration;~~ authorizing the Maryland Insurance Administration to take a certain action to investigate and enforce a violation of certain provisions of this Act; authorizing the Maryland Insurance Commissioner to impose a certain penalty for each violation of certain provisions of this Act; requiring the Administration, in consultation with the Maryland Health Care Commission, to adopt certain regulations; providing that certain ~~carriers~~ insurers may not prohibit the assignment of benefits to ~~a provider~~ certain providers by an insured, ~~subscriber, or enrollee~~; prohibiting certain ~~carriers~~ insurers from refusing to directly reimburse ~~a provider~~ certain providers under an assignment of benefits; requiring certain ~~carriers~~ insurers to include certain information with a payment to an insured, ~~subscriber, or enrollee~~ under certain circumstances; requiring certain physicians to provide certain information to ~~a patient~~ an insured under certain circumstances; requiring certain physicians to submit a certain disclosure form to an insurer under certain circumstances; requiring the Maryland Insurance Commissioner to develop certain disclosure forms; authorizing an insurer to refuse to directly reimburse a certain provider under certain circumstances; *declaring the intent of the General Assembly that a certain rate paid to a certain nonpreferred provider be no less than the rate paid as of a certain date;* requiring the Maryland Health Care Commission, in consultation with the Maryland Insurance Administration and the Office of the Attorney General, to conduct a certain study and submit certain reports; requiring the Administration to conduct a certain study and submit a certain report to the Governor and the General Assembly on or before a certain date; prohibiting the Administration from imposing certain penalties for a violation of certain provisions of this Act until a certain date; defining certain terms; making a certain conforming change; providing for the application of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act; *providing for the termination of this Act;* and generally relating to the assignment of benefits and reimbursement of nonpreferred providers.

~~BY adding to~~

~~Article – Health – General
Section 19-706(eeee)
Annotated Code of Maryland
(2009 Replacement Volume)~~

BY repealing and reenacting, with amendments,

Article – Insurance
Section 14-201, 14-205, and 15-304
Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

BY adding to

Article – Insurance

Section 14-205.2 and ~~15-134~~ 14-205.3

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

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

~~Article – Health – General~~

~~19-706.~~

~~(CCCC) THE PROVISIONS OF § 15-134 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.~~

Article – Insurance

14-201.

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

(B) “ALLOWED AMOUNT” MEANS THE DOLLAR AMOUNT THAT AN INSURER DETERMINES IS THE VALUE OF THE HEALTH CARE SERVICE PROVIDED BY A PROVIDER BEFORE ANY COST SHARING AMOUNTS ARE APPLIED.

(C) “ASSIGNMENT OF BENEFITS” MEANS THE TRANSFER OF HEALTH CARE COVERAGE REIMBURSEMENT BENEFITS OR OTHER RIGHTS UNDER A PREFERRED PROVIDER INSURANCE POLICY BY AN INSURED.

(D) “BALANCE BILL” MEANS THE DIFFERENCE BETWEEN A NONPREFERRED PROVIDER’S BILL FOR A HEALTH CARE SERVICE AND THE INSURER’S ALLOWED AMOUNT.

(E) “COST SHARING AMOUNTS” MEANS THE AMOUNTS THAT AN INSURED IS RESPONSIBLE FOR UNDER A PREFERRED PROVIDER INSURANCE POLICY, INCLUDING ANY DEDUCTIBLES, COINSURANCE, OR COPAYMENTS.

(F) “COVERED SERVICE” MEANS A HEALTH CARE SERVICE THAT IS A COVERED BENEFIT UNDER A PREFERRED PROVIDER INSURANCE POLICY.

(G) “HEALTH CARE SERVICES” HAS THE MEANING STATED IN § 19-701 OF THE HEALTH – GENERAL ARTICLE.

(H) “HOSPITAL-BASED PHYSICIAN” MEANS:

(1) A PHYSICIAN LICENSED IN THE STATE WHO IS UNDER CONTRACT TO PROVIDE HEALTH CARE SERVICES TO PATIENTS AT A HOSPITAL; OR

(2) A GROUP PHYSICIAN PRACTICE THAT INCLUDES PHYSICIANS LICENSED IN THE STATE THAT IS UNDER CONTRACT TO PROVIDE HEALTH CARE SERVICES TO PATIENTS AT A HOSPITAL.

[(b)] ~~(H)~~ (I) “Insured” means a person covered for benefits under a preferred provider insurance policy offered or administered by an insurer.

~~(H)~~ (J) “MEDICARE ECONOMIC INDEX” MEANS THE FIXED-WEIGHT INPUT PRICE INDEX THAT:

(1) MEASURES THE WEIGHTED AVERAGE ANNUAL PRICE CHANGE FOR VARIOUS INPUTS NEEDED TO PRODUCE PHYSICIAN SERVICES; AND

(2) IS USED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES IN THE CALCULATION OF REIMBURSEMENT OF PHYSICIAN SERVICES UNDER TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT.

~~(J) “NONHOSPITAL-BASED PHYSICIAN” MEANS A PHYSICIAN WHO:~~

~~(1) IS AUTHORIZED UNDER THE MARYLAND MEDICAL PRACTICE ACT TO PRACTICE MEDICINE IN THE STATE; AND~~

~~(2) IS NOT UNDER CONTRACT WITH A HOSPITAL TO PROVIDE HEALTH CARE SERVICES TO PATIENTS IN THE HOSPITAL, EXCEPT AS AN ON-CALL PHYSICIAN.~~

[(c)] (K) “Nonpreferred provider” means a provider that is eligible for payment under a preferred provider insurance policy, but that is not a preferred provider under the applicable provider service contract.

(L) “ON-CALL PHYSICIAN” MEANS A ~~NONHOSPITAL-BASED~~ PHYSICIAN WHO:

(1) HAS PRIVILEGES AT A HOSPITAL; ~~AND~~

(2) IS REQUIRED TO RESPOND WITHIN AN AGREED UPON TIME PERIOD TO PROVIDE HEALTH CARE SERVICES FOR UNASSIGNED PATIENTS AT THE REQUEST OF A HOSPITAL OR A HOSPITAL EMERGENCY DEPARTMENT; AND

(3) IS NOT A HOSPITAL-BASED PHYSICIAN.

[(d)] (M) “Preferential basis” means an arrangement under which the insured or subscriber under a preferred provider insurance policy is entitled to receive health care services from preferred providers at no cost, at a reduced fee, or under more favorable terms than if the insured or subscriber received similar services from a nonpreferred provider.

[(e)] (N) “Preferred provider” means a provider that has entered into a provider service contract.

[(f)] (O) “Preferred provider insurance policy” means:

(1) a policy or insurance contract that is issued or delivered in the State by an insurer, under which health care services are to be provided to the insured by a preferred provider on a preferential basis; or

(2) another contract that is offered by an employer, third party administrator, or other entity, under which health care services are to be provided to the subscriber by a preferred provider on a preferential basis.

[(g)] (P) “Provider” means a physician, hospital, or other person that is licensed or otherwise authorized to provide health care services.

[(h)] (Q) “Provider service contract” means a contract between a provider and an insurer, employer, third party administrator, or other entity, under which the provider agrees to provide health care services on a preferential basis under specific preferred provider insurance policies.

(R) “SIMILARLY LICENSED PROVIDER” MEANS:

(1) FOR A PHYSICIAN:

(I) A PHYSICIAN WHO IS BOARD CERTIFIED OR ELIGIBLE IN THE SAME PRACTICE SPECIALTY; OR

~~(2)~~ (II) A GROUP PHYSICIAN PRACTICE THAT CONTAINS BOARD CERTIFIED OR ELIGIBLE PHYSICIANS IN THE SAME PRACTICE SPECIALTY; OR

(2) FOR A HEALTH CARE PROVIDER WHO IS NOT A PHYSICIAN, A HEALTH CARE PROVIDER WHO HOLDS THE SAME TYPE OF LICENSE OR CERTIFICATION.

[(i)] (S) “Subscriber” means a person covered for benefits under a preferred provider insurance policy issued by a person that is not an insurer.

14-205.

(a) If a preferred provider insurance policy offered by an insurer provides benefits for a service that is within the lawful scope of practice of a health care provider licensed under the Health Occupations Article, an insured covered by the preferred provider insurance policy is entitled to receive the benefits for that service either through direct payments to the health care provider or through reimbursement to the insured.

(b) (1) A preferred provider insurance policy offered by an insurer under this subtitle shall provide for payment of services rendered by nonpreferred providers as provided in this subsection.

(2) Unless the insurer demonstrates to the satisfaction of the Commissioner that an alternative level of payment is more appropriate, [aggregate payments made in a full calendar year to nonpreferred providers, after all deductible and copayment provisions have been applied, on average may not be less than 80% of the aggregate payments made in that full calendar year to preferred providers for similar services, in the same geographic area, under their provider service contracts] FOR EACH COVERED SERVICE UNDER A PREFERRED PROVIDER INSURANCE POLICY, THE DIFFERENCE BETWEEN THE COINSURANCE PERCENTAGE APPLICABLE TO NONPREFERRED PROVIDERS AND THE COINSURANCE PERCENTAGE APPLICABLE TO PREFERRED PROVIDERS MAY NOT BE GREATER THAN 20 PERCENTAGE POINTS.

(3) IF THE PREFERRED PROVIDER INSURANCE POLICY CONTAINS A PROVISION FOR THE INSURED TO PAY THE BALANCE BILL, THE PROVISION MAY NOT APPLY TO AN ON-CALL PHYSICIAN OR A HOSPITAL-BASED PHYSICIAN WHO HAS ACCEPTED AN ASSIGNMENT OF BENEFITS IN ACCORDANCE WITH § 14-205.2 OF THIS SUBTITLE.

(4) THE INSURER'S ALLOWED AMOUNT FOR A HEALTH CARE SERVICE COVERED UNDER THE PREFERRED PROVIDER INSURANCE POLICY PROVIDED BY NONPREFERRED PROVIDERS MAY NOT BE LESS THAN THE ALLOWED AMOUNT PAID TO A SIMILARLY LICENSED PROVIDER WHO IS A PREFERRED PROVIDER FOR THE SAME HEALTH CARE SERVICE IN THE SAME GEOGRAPHIC REGION.

(c) (1) In this subsection, "unfair discrimination" means an act, method of competition, or practice engaged in by an insurer:

(i) that is prohibited by Title 27, Subtitle 2 of this article; or

(ii) that, although not specified in Title 27, Subtitle 2 of this article, the Commissioner believes is unfair or deceptive and that results in the institution of an action by the Commissioner under § 27-104 of this article.

(2) If the rates for each institutional provider under a preferred provider insurance policy offered by an insurer vary based on individual negotiations, geographic differences, or market conditions and are approved by the Health Services Cost Review Commission, the rates do not constitute unfair discrimination under this article.

14-205.2.

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “COVERED SERVICE” MEANS A HEALTH CARE SERVICE THAT IS A COVERED BENEFIT UNDER A PREFERRED PROVIDER INSURANCE POLICY ISSUED BY AN INSURER.~~

~~(3) “HEALTH CARE SERVICES” HAS THE MEANING STATED IN § 19-701 OF THE HEALTH GENERAL ARTICLE.~~

~~(4) “MEDICARE ECONOMIC INDEX” MEANS THE FIXED WEIGHT INPUT PRICE INDEX THAT:~~

~~(I) MEASURES THE WEIGHTED AVERAGE ANNUAL PRICE CHANGE FOR VARIOUS INPUTS NEEDED TO PRODUCE PHYSICIAN SERVICES; AND~~

~~(II) IS USED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES IN THE CALCULATION OF REIMBURSEMENT OF PHYSICIAN SERVICES UNDER TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT.~~

~~(5) “NONHOSPITAL BASED PHYSICIAN” MEANS A PHYSICIAN WHO:~~

~~(I) IS AUTHORIZED UNDER THE MARYLAND MEDICAL PRACTICE ACT TO PRACTICE MEDICINE IN THE STATE; AND~~

~~(II) IS NOT UNDER CONTRACT WITH A HOSPITAL TO PROVIDE HEALTH CARE SERVICES TO PATIENTS IN THE HOSPITAL.~~

~~(6) “ON-CALL PHYSICIAN” MEANS A NONHOSPITAL BASED PHYSICIAN WHO:~~

~~(I) HAS PRIVILEGES AT A HOSPITAL; AND~~

~~(H) IS REQUIRED TO RESPOND WITHIN AN AGREED UPON TIME PERIOD TO PROVIDE EMERGENCY HEALTH CARE SERVICES FOR UNASSIGNED PATIENTS WHO PRESENT AT A HOSPITAL EMERGENCY DEPARTMENT.~~

~~(7) "SIMILARLY LICENSED PROVIDER" MEANS:~~

~~(I) A PHYSICIAN WHO IS BOARD CERTIFIED OR ELIGIBLE IN THE SAME PRACTICE SPECIALTY; OR~~

~~(II) A GROUP PHYSICIAN PRACTICE THAT CONTAINS BOARD CERTIFIED OR ELIGIBLE PHYSICIANS IN THE SAME PRACTICE SPECIALTY.~~

~~(B)~~ (A) THIS EXCEPT AS OTHERWISE PROVIDED, THIS SECTION APPLIES TO BOTH ON-CALL PHYSICIANS AND HOSPITAL-BASED PHYSICIANS WHO:

(1) ARE NONPREFERRED PROVIDERS; ~~AND~~

(2) OBTAIN ~~A VALID~~ AN ASSIGNMENT OF BENEFITS FROM AN INSURED; AND

(3) NOTIFY THE INSURER OF AN INSURED IN A MANNER SPECIFIED BY THE COMMISSIONER THAT THE ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN HAS OBTAINED AND ACCEPTED THE ASSIGNMENT OF BENEFITS FROM THE INSURED.

~~(C)~~ (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN INSURED MAY NOT BE LIABLE TO AN ON-CALL PHYSICIAN OR A HOSPITAL-BASED PHYSICIAN SUBJECT TO THIS SECTION FOR COVERED SERVICES RENDERED BY THE ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN.

(2) AN ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN SUBJECT TO THIS SECTION OR A REPRESENTATIVE OF AN ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN SUBJECT TO THIS SECTION MAY NOT:

(I) COLLECT OR ATTEMPT TO COLLECT FROM AN INSURED OF AN INSURER ANY MONEY OWED TO THE ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN BY THE INSURER FOR COVERED SERVICES RENDERED TO THE INSURED BY THE ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN; OR

(II) MAINTAIN ANY ACTION AGAINST AN INSURED OF AN INSURER TO COLLECT OR ATTEMPT TO COLLECT ANY MONEY OWED TO THE ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN BY THE INSURER FOR COVERED SERVICES RENDERED TO THE INSURED BY THE ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN.

(3) AN ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN SUBJECT TO THIS SECTION OR A REPRESENTATIVE OF AN ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN SUBJECT TO THIS SECTION MAY COLLECT OR ATTEMPT TO COLLECT FROM AN INSURED OF AN INSURER:

(I) ANY DEDUCTIBLE, COPAYMENT, OR COINSURANCE AMOUNT OWED BY THE INSURED ~~TO THE INSURER~~ FOR COVERED SERVICES RENDERED TO THE INSURED BY THE ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN;

(II) IF MEDICARE IS THE PRIMARY INSURER AND THE INSURER IS THE SECONDARY INSURER, ANY AMOUNT UP TO THE MEDICARE APPROVED OR LIMITING AMOUNT, AS SPECIFIED UNDER THE FEDERAL SOCIAL SECURITY ACT, THAT IS NOT OWED TO THE ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN BY MEDICARE OR THE INSURER AFTER COORDINATION OF BENEFITS HAS BEEN COMPLETED, FOR MEDICARE COVERED SERVICES RENDERED TO THE INSURED BY THE ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN; AND

(III) ANY PAYMENT OR CHARGES FOR SERVICES THAT ARE NOT COVERED SERVICES.

~~(D)~~ (C) (1) THIS SUBSECTION APPLIES ONLY TO ON-CALL PHYSICIANS SUBJECT TO THIS SECTION.

(2) FOR A COVERED SERVICE RENDERED TO AN INSURED OF AN INSURER BY AN ON-CALL PHYSICIAN SUBJECT TO THIS SECTION, THE INSURER OR ITS AGENT:

~~(1)~~ (I) SHALL PAY THE ON-CALL PHYSICIAN WITHIN 30 DAYS AFTER THE RECEIPT OF A CLAIM IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THIS TITLE; AND

~~(2)~~ (II) SHALL PAY A CLAIM SUBMITTED BY THE ON-CALL PHYSICIAN FOR A COVERED SERVICE RENDERED TO AN INSURED IN A HOSPITAL, NO LESS THAN THE GREATER OF:

~~(H)~~ 1. 140% OF THE AVERAGE RATE THE INSURER PAID AS OF FOR THE 12-MONTH PERIOD THAT ENDS ON JANUARY 1 OF THE PREVIOUS CALENDAR YEAR IN THE SAME GEOGRAPHIC AREA, AS DEFINED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, FOR THE SAME COVERED SERVICE, TO SIMILARLY LICENSED PROVIDERS UNDER WRITTEN CONTRACT WITH THE INSURER; OR

~~(H) 140% OF THE RATE PAID BY MEDICARE, AS PUBLISHED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, FOR THE SAME COVERED SERVICE TO A SIMILARLY LICENSED PROVIDER IN THE SAME GEOGRAPHIC AREA AS OF AUGUST 1, 2008, INFLATED BY THE CHANGE IN THE MEDICARE ECONOMIC INDEX FROM 2008 TO THE CURRENT YEAR.~~

2. THE AVERAGE RATE THE INSURER PAID FOR THE 12-MONTH PERIOD THAT ENDED ON JANUARY 1, 2010, IN THE SAME GEOGRAPHIC AREA, AS DEFINED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, FOR THE SAME COVERED SERVICE TO A SIMILARLY LICENSED PROVIDER NOT UNDER WRITTEN CONTRACT WITH THE INSURER, INFLATED BY THE CHANGE IN THE MEDICARE ECONOMIC INDEX FROM 2010 TO THE CURRENT YEAR.

(D) (1) THIS SUBSECTION APPLIES ONLY TO HOSPITAL-BASED PHYSICIANS SUBJECT TO THIS SECTION.

(2) FOR A COVERED SERVICE RENDERED TO AN INSURED OF AN INSURER BY A HOSPITAL-BASED PHYSICIAN SUBJECT TO THIS SECTION, THE INSURER OR ITS AGENT:

(I) SHALL PAY THE HOSPITAL-BASED PHYSICIAN WITHIN 30 DAYS AFTER THE RECEIPT OF THE CLAIM IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THIS TITLE; AND

(II) SHALL PAY A CLAIM SUBMITTED BY THE HOSPITAL-BASED PHYSICIAN FOR A COVERED SERVICE RENDERED TO AN INSURED NO LESS THAN THE GREATER OF:

1. 140% OF THE AVERAGE RATE THE INSURER PAID FOR THE 12-MONTH PERIOD THAT ENDS ON JANUARY 1 OF THE PREVIOUS CALENDAR YEAR IN THE SAME GEOGRAPHIC AREA, AS DEFINED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, FOR THE SAME COVERED SERVICE, TO SIMILARLY LICENSED PROVIDERS, WHO ARE HOSPITAL-BASED PHYSICIANS, UNDER WRITTEN CONTRACT WITH THE INSURER; OR

2. THE FINAL ALLOWED AMOUNT OF THE INSURER FOR THE SAME COVERED SERVICE FOR THE 12-MONTH PERIOD THAT ENDED ON JANUARY 1, 2010, INFLATED BY THE CHANGE IN THE MEDICARE ECONOMIC INDEX TO THE CURRENT YEAR, TO THE HOSPITAL-BASED PHYSICIAN BILLING UNDER THE SAME FEDERAL TAX IDENTIFICATION NUMBER THE HOSPITAL-BASED PHYSICIAN USED IN CALENDAR YEAR 2009.

~~(E) (D)~~ (E) (1) FOR THE PURPOSES OF ~~SUBSECTION (D)(C)(2)(I)~~ SUBSECTIONS (C)(2)(II)1 AND (D)(2)(II)1 OF THIS SECTION, AN INSURER SHALL CALCULATE THE AVERAGE RATE PAID TO SIMILARLY LICENSED PROVIDERS UNDER WRITTEN CONTRACT WITH THE INSURER FOR THE SAME COVERED SERVICE BY SUMMING THE CONTRACTED RATE FOR ALL OCCURRENCES OF THE CURRENT PROCEDURAL TERMINOLOGY CODE FOR THAT COVERED SERVICE AND THEN DIVIDING BY THE TOTAL NUMBER OF OCCURRENCES OF THE CURRENT PROCEDURAL TERMINOLOGY CODE.

(2) FOR THE PURPOSES OF SUBSECTION (C)(2)(II)2 OF THIS SECTION, AN INSURER SHALL CALCULATE THE AVERAGE RATE PAID TO SIMILARLY LICENSED PROVIDERS NOT UNDER WRITTEN CONTRACT WITH THE INSURER FOR THE SAME COVERED SERVICE BY SUMMING THE RATES PAID TO SIMILARLY LICENSED PROVIDERS NOT UNDER WRITTEN CONTRACT WITH THE INSURER FOR ALL OCCURRENCES OF THE CURRENT PROCEDURAL TERMINOLOGY CODE FOR THAT COVERED SERVICE AND THEN DIVIDING BY THE TOTAL NUMBER OF OCCURRENCES OF THE CURRENT PROCEDURAL TERMINOLOGY CODE.

~~(F) (E)~~ (F) AN INSURER SHALL DISCLOSE, ON REQUEST OF AN ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN SUBJECT TO THIS SECTION, THE REIMBURSEMENT RATE REQUIRED UNDER SUBSECTION ~~(D)(C)(2)(II) OR (D)(2)(II)~~ (D)(2)(II) OF THIS SECTION.

~~(G) (F)~~ (G) (1) AN INSURER MAY SEEK REIMBURSEMENT FROM AN INSURED FOR ANY PAYMENT UNDER SUBSECTION ~~(D)(C)(2)(II) OR (D)(2)(II)~~ OF THIS SECTION FOR A CLAIM OR PORTION OF A CLAIM SUBMITTED BY AN ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN SUBJECT TO THIS SECTION AND PAID BY THE INSURER THAT THE INSURER DETERMINES IS THE RESPONSIBILITY OF THE INSURED BASED ON THE INSURANCE CONTRACT.

(2) THE INSURER MAY REQUEST AND THE ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN SHALL PROVIDE ADJUNCT CLAIMS DOCUMENTATION TO ASSIST IN MAKING THE DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION OR UNDER SUBSECTION (D) (C) OF THIS SECTION.

~~(H) (G)~~ (H) (1) AN ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN SUBJECT TO THIS SECTION MAY ENFORCE THE PROVISIONS OF THIS SECTION BY FILING A COMPLAINT AGAINST AN INSURER WITH THE ADMINISTRATION OR BY FILING A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION UNDER § 1-501 OR § 4-201 OF THE COURTS ARTICLE.

(2) THE ADMINISTRATION OR A COURT SHALL AWARD REASONABLE ATTORNEY'S FEES ~~IF THE COMPLAINT OF THE ON CALL PHYSICIAN IS SUSTAINED~~ IF THE ADMINISTRATION OR COURT FINDS THAT:

(I) THE INSURER'S CONDUCT IN MAINTAINING OR DEFENDING THE PROCEEDING WAS IN BAD FAITH; OR

(II) THE INSURER ACTED WILLFULLY IN THE ABSENCE OF A BONA FIDE DISPUTE.

~~(I) THE MARYLAND HEALTH CARE COMMISSION ANNUALLY SHALL:~~

~~(1) REVIEW PAYMENTS TO ON CALL PHYSICIANS SUBJECT TO THIS SECTION TO DETERMINE THE COMPLIANCE OF INSURERS WITH THE REQUIREMENTS OF THIS SECTION; AND~~

~~(2) REPORT ITS FINDINGS TO THE ADMINISTRATION.~~

~~(J) (H)~~ (I) THE ADMINISTRATION MAY TAKE ANY ACTION AUTHORIZED UNDER THIS ARTICLE, INCLUDING CONDUCTING AN EXAMINATION UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE, TO INVESTIGATE AND ENFORCE A VIOLATION OF THE PROVISIONS OF THIS SECTION.

~~(K) (H)~~ (J) IN ADDITION TO ANY OTHER PENALTIES UNDER THIS ARTICLE, THE COMMISSIONER MAY IMPOSE A PENALTY NOT TO EXCEED \$5,000 ON AN INSURER ~~THAT VIOLATES THE PROVISIONS OF THIS SECTION IF THE VIOLATION IS COMMITTED WITH SUCH FREQUENCY AS TO INDICATE A GENERAL BUSINESS PRACTICE OF THE INSURER~~ FOR EACH VIOLATION OF THIS SECTION.

~~(L) (J)~~ (K) THE ADMINISTRATION, IN CONSULTATION WITH THE MARYLAND HEALTH CARE COMMISSION, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

~~15-134.~~ 14-205.3.

(A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “ASSIGNMENT OF BENEFITS” MEANS THE TRANSFER OF HEALTH CARE COVERAGE REIMBURSEMENT BENEFITS OR OTHER RIGHTS UNDER A HEALTH BENEFIT PLAN BY AN INSURED, SUBSCRIBER, OR ENROLLEE TO A PROVIDER.~~

~~(3) (i) “CARRIER” MEANS:~~

~~1. AN INSURER THAT PROVIDES BENEFITS ON AN EXPENSE INCURRED BASIS;~~

~~2. A NONPROFIT HEALTH SERVICE PLAN;~~

~~3. A HEALTH MAINTENANCE ORGANIZATION;~~

~~4. ANY PERSON OR ENTITY ACTING AS A THIRD PARTY ADMINISTRATOR; OR~~

~~5. ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT PLANS THAT:~~

~~A. PROVIDE BENEFITS ON AN EXPENSE INCURRED BASIS; AND~~

~~B. ARE SUBJECT TO REGULATION BY THE STATE.~~

~~(ii) “CARRIER” INCLUDES AN ENTITY THAT ARRANGES A PROVIDER PANEL FOR A CARRIER.~~

~~(4) “HEALTH BENEFIT PLAN” HAS THE MEANING STATED IN § 15-1201 OF THIS TITLE.~~

~~(5) “HEALTH CARE SERVICES” HAS THE MEANING STATED IN § 19-701 OF THE HEALTH GENERAL ARTICLE.~~

~~(6) “NONHOSPITAL BASED PHYSICIAN” MEANS A PHYSICIAN WHO:~~

~~(i) IS AUTHORIZED UNDER THE MARYLAND MEDICAL PRACTICE ACT TO PRACTICE MEDICINE IN THE STATE; AND~~

~~(ii) IS NOT UNDER CONTRACT WITH A HOSPITAL TO PROVIDE HEALTH CARE SERVICES TO PATIENTS IN THE HOSPITAL.~~

~~(7) "NONPARTICIPATING PROVIDER" MEANS A PROVIDER WHO IS NOT ON A CARRIER'S PROVIDER PANEL.~~

~~(8) "PROVIDER" MEANS A PHYSICIAN WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY LAW TO PROVIDE HEALTH CARE SERVICES.~~

~~(9) "PROVIDER PANEL" HAS THE MEANING STATED IN § 15-112 OF THIS TITLE. THIS SECTION DOES NOT APPLY TO ON-CALL PHYSICIANS OR HOSPITAL-BASED PHYSICIANS.~~

(B) ~~A CARRIER~~ AN INSURER MAY NOT:

(1) PROHIBIT THE ASSIGNMENT OF BENEFITS TO A PROVIDER WHO IS A PHYSICIAN BY AN INSURED, ~~SUBSCRIBER, OR ENROLLEE~~; OR

(2) REFUSE TO ~~REIMBURSE DIRECTLY~~ DIRECTLY REIMBURSE A NONPREFERRED PROVIDER WHO IS A PHYSICIAN UNDER A VALID AN ASSIGNMENT OF BENEFITS.

(C) IF AN INSURED, ~~SUBSCRIBER, OR ENROLLEE OF A CARRIER HAS NOT ASSIGNED A BENEFIT TO A NONPARTICIPATING PROVIDER UNDER A VALID~~ HAS NOT PROVIDED AN ASSIGNMENT OF BENEFITS, THE CARRIER INSURER SHALL INCLUDE THE FOLLOWING INFORMATION WITH THE PAYMENT TO THE INSURED, SUBSCRIBER, OR ENROLLEE FOR HEALTH CARE SERVICES RENDERED BY THE NONPARTICIPATING NONPREFERRED PROVIDER WHO IS A PHYSICIAN:

(1) THE SPECIFIC CLAIM COVERED BY THE PAYMENT;

(2) THE AMOUNT PAID FOR THE CLAIM;

(3) THE AMOUNT THAT IS THE INSURED'S, ~~SUBSCRIBER'S, OR ENROLLEE'S~~ RESPONSIBILITY; AND

(4) A STATEMENT INSTRUCTING THE INSURED, ~~SUBSCRIBER, OR ENROLLEE~~ TO USE THE PAYMENT TO PAY THE ~~NONPARTICIPATING NONPREFERRED PROVIDER IN THE EVENT THE INSURED, SUBSCRIBER, OR ENROLLEE HAS NOT PAID THE NONPARTICIPATING NONPREFERRED PROVIDER IN FULL FOR THE HEALTH CARE SERVICES RENDERED BY THE NONPARTICIPATING NONPREFERRED PROVIDER.~~

(D) ~~(1) THIS SUBSECTION DOES NOT APPLY TO AN ON-CALL PHYSICIAN AS DEFINED IN § 14-205.2 OF THIS ARTICLE.~~

~~(2)~~ IF A ~~NONHOSPITAL-BASED~~ PHYSICIAN WHO IS A NONPREFERRED PROVIDER SEEKS AN ASSIGNMENT OF BENEFITS FROM A ~~PATIENT~~ AN INSURED, THE ~~NONHOSPITAL-BASED~~ PHYSICIAN SHALL PROVIDE THE FOLLOWING INFORMATION TO THE ~~PATIENT~~ INSURED, PRIOR TO PERFORMING A HEALTH CARE SERVICE:

~~(H)~~ (1) A STATEMENT INFORMING THE ~~PATIENT~~ INSURED THAT THE ~~NONHOSPITAL-BASED~~ PHYSICIAN IS A ~~NONPARTICIPATING NONPREFERRED~~ PROVIDER; ~~AND~~

~~(H)~~ (2) A STATEMENT INFORMING THE ~~PATIENT~~ INSURED THAT THE ~~NONHOSPITAL-BASED~~ PHYSICIAN MAY CHARGE THE INSURED, SUBSCRIBER, OR ENROLLEE FOR HEALTH CARE SERVICES NOT COVERED UNDER THE INSURED'S, SUBSCRIBER'S, OR ENROLLEE'S HEALTH BENEFIT PLAN FOR NONCOVERED SERVICES;

(3) A STATEMENT INFORMING THE INSURED THAT THE ~~NONHOSPITAL-BASED~~ PHYSICIAN MAY CHARGE THE INSURED THE BALANCE BILL FOR COVERED SERVICES;

(4) AN ESTIMATE OF THE COST OF SERVICES THAT THE ~~NONHOSPITAL-BASED~~ PHYSICIAN WILL PROVIDE TO THE INSURED;

(5) ANY TERMS OF PAYMENT THAT MAY APPLY; AND

(6) WHETHER INTEREST WILL APPLY AND, IF SO, THE AMOUNT OF INTEREST CHARGED BY THE ~~NONHOSPITAL-BASED~~ PHYSICIAN.

(E) A ~~NONHOSPITAL-BASED~~ PHYSICIAN WHO IS A NONPREFERRED PROVIDER SHALL SUBMIT THE DISCLOSURE FORM DEVELOPED BY THE COMMISSIONER UNDER SUBSECTION (F) OF THIS SECTION TO DOCUMENT TO THE INSURER THE ASSIGNMENT OF BENEFITS BY AN INSURED.

~~(E)~~ (F) THE COMMISSIONER SHALL DEVELOP DISCLOSURE FORMS TO IMPLEMENT THE REQUIREMENTS UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION.

(G) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, AN INSURER MAY REFUSE TO DIRECTLY REIMBURSE A NONPREFERRED PROVIDER UNDER AN ASSIGNMENT OF BENEFITS IF:

(1) THE INSURER RECEIVES NOTICE OF THE ASSIGNMENT OF BENEFITS AFTER THE TIME THE INSURER HAS PAID THE BENEFITS TO THE INSURED;

(2) THE INSURER, DUE TO AN INADVERTENT ADMINISTRATIVE ERROR, HAS PREVIOUSLY PAID THE INSURED;

(3) THE INSURED WITHDRAWS THE ASSIGNMENT OF BENEFITS BEFORE THE INSURER HAS PAID THE BENEFITS TO THE NONPREFERRED PROVIDER; OR

(4) THE INSURED PAID THE NONPREFERRED PROVIDER THE FULL AMOUNT DUE AT THE TIME OF SERVICE.

15-304.

(a) [Subject] EXCEPT AS PROVIDED IN §§ 14-205.2 AND 14-205.3 OF THIS ARTICLE, AND SUBJECT to subsection (b) of this section, on request of the policyholder, a policy of group health insurance may contain a provision that all or part of the benefits provided by the policy for hospital, nursing, medical, or surgical services, at the insurer's option, may be paid directly to the hospital or person that provides the services.

(b) A policy of group health insurance may not require that hospital, nursing, medical, or surgical services be provided by a particular hospital or person.

(c) A direct payment made under subsection (a) of this section discharges the insurer's obligation with respect to the amount paid.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the rate paid by an insurer to a nonpreferred provider who is an on-call physician or a hospital-based physician under the provisions of § 14-205.2 of the Insurance Article, as enacted by Section 1 of this Act, be no less than the rate paid by the insurer to the nonpreferred provider as of December 31, 2009.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Health Care Commission, in consultation with the Maryland Insurance Administration and the Office of the Attorney General, shall study:

(1) the benefits and costs associated with the direct reimbursement of nonparticipating providers by health insurance carriers under a valid assignment of benefits;

(2) the impact of enacting a cap on balance billing for nonpreferred, on-call physicians and hospital-based physicians;

(3) the impact on consumers of prohibiting health insurance carriers from refusing to accept a valid assignment of benefits; and

(4) the impact of requiring direct reimbursement of nonparticipating providers by health insurance carriers on a health insurance carrier's ability to maintain an adequate number of primary and specialty providers in their ~~networks~~ networks, including the impact on billed charges, allowed charges, and patient responsibility for remaining charges, by specialty.

(b) On or before January 1, 2011, the Maryland Health Care Commission shall determine baseline parameters to conduct the study required under subsection (a) of this section.

(c) (1) On or before July 1, 2012, the Maryland Health Care Commission shall submit an interim report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on its findings under this section.

(2) On or before October 1, 2014, the Maryland Health Care Commission shall submit a final report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on its findings under this section.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Administration shall study:

(1) the benefits, *including payments:*

(i) provided by ~~health~~ insurers *before the effective date of Section 1 of this Act* under preferred provider insurance policies for covered services rendered by nonpreferred providers at hospitals that are preferred providers during emergencies and elective admissions; and

(ii) *as reported by each insurer contacted by the Administration;*
and

(2) the impact of these benefits on complaints filed by insureds with insurers and the Administration regarding balance billing.

(b) On or before December 1, ~~2011~~ 2010, the Administration shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on its findings under this section and any recommendations *including a methodology for determining the final allowed amount to be paid for a claim under § 14-205.2 of the Insurance Article, as enacted by Section 1 of this Act.*

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration may not impose any monetary penalties on a health insurer

for a violation of § 14-205.2 of the Insurance Article, as enacted by Section 1 of this Act, until July 1, 2012.

SECTION ~~3~~ ~~5~~ 6. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect ~~January 1~~ July 1, 2011, and shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after ~~January 1~~ July 1, 2011.

SECTION ~~4~~ ~~6~~ 7. AND BE IT FURTHER ENACTED, That, except as provided in Section ~~3~~ ~~5~~ 6 of this Act, this Act shall take effect October 1, 2010. It shall remain effective for a period of 5 years and, at the end of September 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 538

(Senate Bill 321)

AN ACT concerning

The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010

FOR the purpose of prohibiting a driver of a certain school vehicle from using a handheld telephone under certain circumstances; prohibiting a holder of a learner's instructional permit or provisional driver's license who is 18 years of age or older from driving a motor vehicle while using a handheld telephone; prohibiting a certain driver of a motor vehicle that is in motion from using the driver's hands to use a handheld telephone except under certain circumstances; providing that a violation of this Act may be enforced only as a secondary action; establishing penalties for a violation of this Act; authorizing the court to waive a certain penalty under certain circumstances; providing for exceptions to certain provisions of this Act relating to prohibitions on using handheld telephones while driving; defining certain terms; and generally relating to prohibitions against the use of handheld telephones while operating a motor vehicle.

BY adding to

Article – Transportation

Section 21-1124.2

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

21-1124.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “HANDHELD TELEPHONE” MEANS A HANDHELD DEVICE USED TO ACCESS WIRELESS TELEPHONE SERVICE.

(3) “9-1-1 SYSTEM” HAS THE MEANING STATED IN § 1-301 OF THE PUBLIC SAFETY ARTICLE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) EMERGENCY USE OF A HANDHELD TELEPHONE, INCLUDING CALLS TO:

- (I) A 9-1-1 SYSTEM;
- (II) A HOSPITAL;
- (III) AN AMBULANCE SERVICE PROVIDER;
- (IV) A FIRE DEPARTMENT;
- (V) A LAW ENFORCEMENT AGENCY; OR
- (VI) A FIRST AID SQUAD; ~~AND~~

(2) USE OF A HANDHELD TELEPHONE BY THE FOLLOWING INDIVIDUALS WHEN ACTING WITHIN THE SCOPE OF OFFICIAL DUTY:

- (I) LAW ENFORCEMENT PERSONNEL; AND
- (II) EMERGENCY PERSONNEL; AND

(3) USE OF A HANDHELD TELEPHONE AS A TEXT MESSAGING DEVICE AS DEFINED IN § 21-1124.1 OF THIS SUBTITLE.

(C) THE FOLLOWING INDIVIDUALS MAY NOT USE A HANDHELD TELEPHONE WHILE OPERATING A MOTOR VEHICLE:

(1) A DRIVER OF A CLASS H (SCHOOL) VEHICLE THAT IS CARRYING PASSENGERS AND IN MOTION; AND

(2) A HOLDER OF A LEARNER'S INSTRUCTIONAL PERMIT OR A PROVISIONAL DRIVER'S LICENSE WHO IS 18 YEARS OF AGE OR OLDER.

(D) (1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL SPECIFIED IN SUBSECTION (C) OF THIS SECTION.

(2) A DRIVER OF A MOTOR VEHICLE THAT IS IN MOTION MAY NOT USE THE DRIVER'S HANDS TO USE A HANDHELD TELEPHONE OTHER THAN TO INITIATE OR TERMINATE A WIRELESS TELEPHONE CALL OR TO TURN ON OR TURN OFF THE HANDHELD TELEPHONE.

(E) A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.

(F) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO THE FOLLOWING PENALTIES:

(I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN ~~\$100~~ \$40; AND

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF ~~\$250~~ \$100.

(2) FOR A FIRST OFFENSE UNDER THIS SECTION, POINTS MAY NOT BE ASSESSED AGAINST THE INDIVIDUAL UNDER § 16-402 OF THIS ARTICLE UNLESS THE OFFENSE CONTRIBUTES TO AN ACCIDENT.

(G) THE COURT MAY WAIVE A PENALTY UNDER SUBSECTION (F) OF THIS SECTION FOR A PERSON WHO:

(1) IS CONVICTED OF A FIRST OFFENSE UNDER THIS SECTION; AND

(2) PROVIDES PROOF THAT THE PERSON HAS ACQUIRED A HANDS-FREE ACCESSORY, AN ATTACHMENT OR ADD-ON, A BUILT-IN FEATURE, OR AN ADDITION FOR THE PERSON'S HANDHELD TELEPHONE THAT WILL ALLOW THE PERSON TO OPERATE A MOTOR VEHICLE IN ACCORDANCE WITH THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 539

(Senate Bill 322)

AN ACT concerning

Motor Vehicles – Use of Video *and Electronic* Display Equipment

FOR the purpose of ~~altering the types of video display equipment that are prohibited from being located in certain areas of a motor vehicle; altering the standards for the location of video display equipment in a motor vehicle; altering certain exceptions to the prohibition against the use of video display equipment in certain locations in a motor vehicle~~ *prohibiting a person from driving a motor vehicle on a highway if the motor vehicle is equipped with certain video display equipment that is turned on under certain circumstances; altering a certain restriction on motor vehicles being equipped with television-type receiving equipment; altering the exceptions to the prohibition against locating certain electronic display equipment in certain areas of a motor vehicle; providing that a motor vehicle may be equipped with certain video display equipment only if the equipment is turned off under certain circumstances; providing for the application of this Act; defining a certain term*; and generally relating to the use of video *and electronic* display equipment in a motor vehicle.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–414
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 21–1128 and 22–414.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

~~22-414.~~

~~(a) [A] SUBJECT TO SUBSECTION (B) OF THIS SECTION, A motor vehicle driven on a highway in this State may not be equipped with [television type receiving] VIDEO DISPLAY equipment [in front of the back of the driver's seat or otherwise] THAT IS visible to the driver WHILE DRIVING.~~

~~(b) This section does not prevent:~~

~~(1) The use of [television type receiving] VIDEO DISPLAY equipment in a vehicle exclusively BY A PUBLIC SERVICE COMPANY OR for PUBLIC safety or law enforcement purposes, as approved by the Department of State Police;~~

~~(2) The use in a vehicle of equipment used exclusively for alphanumeric data and text transmission and reception; [or]~~

~~(3) The use in a vehicle of electronic VIDEO display equipment used in conjunction with THAT IS USED AS a vehicle navigation system; OR~~

~~(4) THE USE IN A VEHICLE OF VIDEO DISPLAY EQUIPMENT THAT EXCLUSIVELY FOR SAFETY, WHEN THE EQUIPMENT IS DESIGNED, INSTALLED, AND USED IN CONFORMANCE WITH THE INTENDED PURPOSE OF THE EQUIPMENT OR VEHICLE MANUFACTURER.~~

~~21-1128.~~

A PERSON MAY NOT DRIVE A MOTOR VEHICLE ON A HIGHWAY IF THE MOTOR VEHICLE IS EQUIPPED WITH TELEVISION-TYPE RECEIVING EQUIPMENT OR VIDEO DISPLAY EQUIPMENT, AS DEFINED UNDER § 22-414.1 OF THIS ARTICLE, THAT IS TURNED ON AND DISPLAYING AN IMAGE VISIBLE TO THE DRIVER.

~~22-414.~~

(a) A motor vehicle driven on a highway in this State may not be equipped with television-type receiving equipment [in front of the back of the driver's seat or otherwise] THAT IS TURNED ON AND DISPLAYING AN IMAGE visible to the driver.

(b) This section does not prevent:

(1) The use of television-type receiving equipment in a vehicle exclusively for safety or law enforcement purposes, as approved by the Department of State Police;

(2) The use in a vehicle of equipment used exclusively for alphanumeric data and text transmission and reception; or

(3) The use in a vehicle of electronic display equipment [used in conjunction with a]:

(I) USED IN CONJUNCTION WITH:

1. A vehicle navigation system; OR

2. BROADCAST AND SATELLITE RADIO SYSTEM GRAPHICS; OR

(II) DISPLAYING INFORMATION OR IMAGES RELATED TO THE OPERATION OR SAFETY OF A MOTOR VEHICLE.

22-414.1.

(A) IN THIS SECTION, “VIDEO DISPLAY EQUIPMENT” MEANS EQUIPMENT CAPABLE OF DISPLAYING A DYNAMIC VISUAL IMAGE, OTHER THAN TEXT, FROM A DIGITAL VIDEO DISC OR OTHER STORAGE DEVICE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A MOTOR VEHICLE DRIVEN ON A HIGHWAY IN THE STATE MAY BE EQUIPPED WITH VIDEO DISPLAY EQUIPMENT ONLY IF THE VIDEO DISPLAY EQUIPMENT IS TURNED OFF WHEN THE SCREEN ON THE VIDEO DISPLAY EQUIPMENT IS VISIBLE TO THE DRIVER.

(C) THIS SECTION DOES NOT APPLY TO EQUIPMENT ON A VEHICLE USED BY A PUBLIC SERVICE COMPANY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 540

(Senate Bill 324)

AN ACT concerning

Motor Vehicles – Approaching Emergency Vehicles and Personnel

FOR the purpose of requiring drivers approaching an emergency vehicle that is stopped, standing, or parked on a highway and using any visual signals, unless otherwise directed by a police officer or traffic control device, to ~~vacate the lane closest~~ make a lane change into an available lane not immediately adjacent to the emergency vehicle under certain circumstances or to slow to a reasonable and prudent speed that ~~ensures the safety of the emergency services personnel~~ is safe for certain existing conditions under certain circumstances; and generally relating to the rules of the road when approaching emergency vehicles and personnel.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–405
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

21–405.

(a) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall yield the right-of-way.

(b) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall drive immediately to a position parallel to and as close as possible to the edge or curb of the roadway, clear of any intersection.

(c) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall stop and stay in this position until the emergency vehicle has passed.

(d) A driver, when proceeding in the same direction as an emergency or police vehicle, may not pass an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or a police vehicle lawfully using an audible signal unless:

(1) The emergency vehicle has stopped; or

(2) Otherwise directed by a police officer.

(e) **UNLESS OTHERWISE DIRECTED BY A POLICE OFFICER OR A TRAFFIC CONTROL DEVICE, WHEN AN EMERGENCY VEHICLE USING ANY VISUAL SIGNAL THAT MEETS THE REQUIREMENTS OF § 22-218 OF THIS ARTICLE IS STOPPED, STANDING, OR PARKED ON A HIGHWAY, THE DRIVER OF A MOTOR VEHICLE APPROACHING THE EMERGENCY VEHICLE FROM THE REAR SHALL:**

(1) ~~ON A HIGHWAY THAT IS DIVIDED INTO TWO OR MORE CLEARLY MARKED LANES FOR VEHICULAR TRAFFIC MOVING IN THE SAME DIRECTION, VACATE THE LANE CLOSEST TO THE EMERGENCY VEHICLE~~ IF PRACTICABLE AND NOT OTHERWISE PROHIBITED, MAKE A LANE CHANGE INTO AN AVAILABLE LANE NOT IMMEDIATELY ADJACENT TO THE EMERGENCY VEHICLE WITH DUE REGARD FOR SAFETY AND TRAFFIC CONDITIONS; OR

(2) ~~IF THE DRIVER OF THE MOTOR VEHICLE IS UNABLE TO VACATE THE LANE CLOSEST TO THE EMERGENCY VEHICLE, OR ON A HIGHWAY THAT HAS ONLY ONE LANE OF TRAVEL MOVING TOWARD THE EMERGENCY VEHICLE, REDUCE THE SPEED OF THE MOTOR VEHICLE TO A REASONABLE AND PRUDENT SPEED THAT ENSURES THE SAFETY OF THE EMERGENCY SERVICES PERSONNEL~~ MAKE A LANE CHANGE IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION, SLOW TO A REASONABLE AND PRUDENT SPEED THAT IS SAFE FOR EXISTING WEATHER, ROAD, AND VEHICULAR OR PEDESTRIAN TRAFFIC CONDITIONS.

(F) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 541

(House Bill 499)

AN ACT concerning

Motor Vehicles – Approaching Emergency Vehicles and Personnel

FOR the purpose of requiring drivers approaching an emergency vehicle that is stopped, standing, or parked on a highway and using any visual signals, unless otherwise directed by a police officer or traffic control device, to ~~vacate the lane closest~~ make a lane change into an available lane not immediately adjacent to the emergency vehicle under certain circumstances or to slow to a reasonable and prudent speed that ~~ensures the safety of the emergency services personnel~~ is safe for certain existing conditions under certain circumstances; and generally relating to the rules of the road when approaching emergency vehicles and personnel.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–405
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

21–405.

(a) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall yield the right-of-way.

(b) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall drive immediately to a position parallel to and as close as possible to the edge or curb of the roadway, clear of any intersection.

(c) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall stop and stay in this position until the emergency vehicle has passed.

(d) A driver, when proceeding in the same direction as an emergency or police vehicle, may not pass an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or a police vehicle lawfully using an audible signal unless:

(1) The emergency vehicle has stopped; or

(2) Otherwise directed by a police officer.

(e) UNLESS OTHERWISE DIRECTED BY A POLICE OFFICER OR A TRAFFIC CONTROL DEVICE, WHEN AN EMERGENCY VEHICLE USING ANY VISUAL SIGNAL THAT MEETS THE REQUIREMENTS OF § 22-218 OF THIS ARTICLE IS STOPPED, STANDING, OR PARKED ON A HIGHWAY, THE DRIVER OF A MOTOR VEHICLE APPROACHING THE EMERGENCY VEHICLE FROM THE REAR SHALL:

(1) ~~ON A HIGHWAY THAT IS DIVIDED INTO TWO OR MORE CLEARLY MARKED LANES FOR VEHICULAR TRAFFIC MOVING IN THE SAME DIRECTION, VACATE THE LANE CLOSEST TO THE EMERGENCY VEHICLE~~ IF PRACTICABLE AND NOT OTHERWISE PROHIBITED, MAKE A LANE CHANGE INTO AN AVAILABLE LANE NOT IMMEDIATELY ADJACENT TO THE EMERGENCY VEHICLE WITH DUE REGARD FOR SAFETY AND TRAFFIC CONDITIONS; OR

(2) ~~IF THE DRIVER OF THE MOTOR VEHICLE IS UNABLE TO VACATE THE LANE CLOSEST TO THE EMERGENCY VEHICLE, OR ON A HIGHWAY THAT HAS ONLY ONE LANE OF TRAVEL MOVING TOWARD THE EMERGENCY VEHICLE, REDUCE THE SPEED OF THE MOTOR VEHICLE TO A REASONABLE AND PRUDENT SPEED THAT ENSURES THE SAFETY OF THE EMERGENCY SERVICES PERSONNEL~~ MAKE A LANE CHANGE IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION, SLOW TO A REASONABLE AND PRUDENT SPEED THAT IS SAFE FOR EXISTING WEATHER, ROAD, AND VEHICULAR OR PEDESTRIAN TRAFFIC CONDITIONS.

(F) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 542

(Senate Bill 325)

AN ACT concerning

State Board of Dental Examiners – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Dental Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by

extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; authorizing the solicitation of nominations for certain Board vacancies to be sent by electronic mail; expanding the grounds for discipline for a dentist and dental hygienist; altering certain defined terms; renaming and expanding the services of a certain committee to certain dental professionals; making technical changes; requiring the Board to report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Dental Examiners.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 4–202(b), 4–315(a)(30) and (31) and (b)(16) and (17), 4–501.1, 4–508, and 4–702

Annotated Code of Maryland

(2009 Replacement Volume)

BY adding to

Article – Health Occupations

Section 4–315(a)(32) and (b)(18)

Annotated Code of Maryland

(2009 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–403(b)(16)

Annotated Code of Maryland

(2009 Replacement Volume)

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

Article – Health Occupations

4–202.

(b) (1) For each licensed dentist vacancy, the Board shall:

(i) Send by **ELECTRONIC** mail **OR REGULAR MAIL** a [written] solicitation for nominations to fill the vacancy to:

1. Each dentist licensed by the Board; and
2. Each State dental organization affiliated with a national organization; and

(ii) Conduct a balloting process by which each dentist licensed by the State is eligible to vote to select the names of the licensed dentists to be submitted to the Governor.

(2) For each licensed dental hygienist vacancy, the Board shall:

(i) Send by **ELECTRONIC** mail **OR REGULAR MAIL** a [written] solicitation for nominations to fill the vacancy to:

1. Each dental hygienist licensed by the Board; and
2. Each State dental hygienist organization affiliated with a national organization; and

(ii) Conduct a balloting process by which each dental hygienist licensed by the State is eligible to vote to select the names of the licensed dental hygienists to be submitted to the Governor.

(3) The Board shall develop guidelines for the solicitation of nominations and balloting process that to the extent possible will result in the overall composition of the Board reasonably reflecting the geographic, racial, ethnic, and gender diversity of the State.

4–315.

(a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(30) Fails to begin to fulfill a public service requirement within 1 year of when the assignment is to begin that was a condition of the applicant or licensee receiving State or federal loans or scholarships for the applicant's or licensee's dental education; [or]

(31) Fails to comply with any Board order; **OR**

**(32) ~~FAILS TO COMPLY WITH AN INVESTIGATION OF THE BOARD~~
WILLFULLY AND WITHOUT LEGAL JUSTIFICATION, FAILS TO COOPERATE WITH A
LAWFUL INVESTIGATION CONDUCTED BY THE BOARD.**

(b) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may deny a general license to practice dental hygiene, a teacher's license to practice dental hygiene, or a temporary license to practice dental hygiene to any applicant, reprimand any licensed dental hygienist, place any licensed dental hygienist on probation, or suspend or revoke the license of any licensed dental hygienist, if the applicant or licensee:

(16) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease [Control's] **CONTROL AND PREVENTION'S** guidelines on universal precautions; [or]

(17) Fails to comply with any Board order; **OR**

**(18) ~~FAILS TO COMPLY WITH AN INVESTIGATION OF THE BOARD~~
WILLFULLY AND WITHOUT LEGAL JUSTIFICATION, FAILS TO COOPERATE WITH A
LAWFUL INVESTIGATION CONDUCTED BY THE BOARD.**

4–501.1.

(a) In this section, ["Dentist Rehabilitation"] **"DENTAL WELL-BEING Committee"** means the committee of the Maryland State Dental Association that evaluates and provides assistance to any provider of dental care in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, the Maryland State Dental Association shall appoint the members of the [Dentist Rehabilitation] **DENTAL WELL-BEING** Committee.

(2) At least one member of the [Dentist Rehabilitation] **DENTAL WELL-BEING** Committee shall be a member of the Maryland Dental Society.

(c) The Board shall fund the budget of the [Dentist Rehabilitation] **DENTAL WELL-BEING** Committee as provided in § 4–207 of this title.

(d) The Legislative Auditor shall audit the accounts and transactions of the [Dentist Rehabilitation] **DENTAL WELL-BEING** Committee as provided in § 2–1220 of the State Government Article.

4–508.

(a) In this section, “Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee” means the committee of the Maryland Dental Hygienists’ Association that evaluates and provides assistance to any dental hygienist, **DENTAL RADIATION TECHNOLOGIST, OR DENTAL ASSISTANT** in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(b) The Maryland Dental Hygienists’ Association shall appoint the members of the Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee.

(c) The Board shall fund the budget of the Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee as provided in § 4–207 of this title.

(d) The Legislative Auditor shall audit the accounts and transactions of the Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee as provided in § 2–1220 of the State Government Article.

(e) (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(f) A person who acts in good faith and within the scope of jurisdiction of a Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee is not civilly liable for any action as a member of the Dental [Hygienist Rehabilitation] **HYGIENE WELL-BEING** Committee or for giving information to, participating in, or contributing to the function of the [Rehabilitation] **WELL-BEING** Committee.

4–702.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2011] **2021**.

8–403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(16) Dental Examiners, State Board of (§ 4–201 of the Health Occupations Article: July 1, [2010] **2020**);

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Dental Examiners shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on or before October 1, 2011, in accordance with § 2–1246 of the State Government Article, on the implementation of recommendations of the Department of Legislative Services contained in the sunset evaluation report dated October 2009.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 543

(Senate Bill 336)

AN ACT concerning

Maryland Business Tax Reform Commission – Reporting Requirements

FOR the purpose of repealing a requirement that the Maryland Business Tax Reform Commission submit an interim report of its findings and recommendations to the Governor and General Assembly by a certain date; altering the due date for the Commission to submit a final report; and generally relating to the Maryland Business Tax Reform Commission.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–110

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

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

Article – Tax – General

10–110.

(a) There is a Maryland Business Tax Reform Commission.

(b) (1) The Commission shall review and evaluate the State's current business tax structure and make specific recommendations for changes to the State's business tax structure to provide for fair and equitable taxation for all corporations and other business entities doing business in the State.

(2) The Commission's recommendations may include, without limitation, changes such as tax rate changes, tax base broadening measures, measures to address tax avoidance strategies, and elimination of ineffective or inefficient tax policies intended as economic development incentives.

(3) The Commission's study shall include, at a minimum, a review and evaluation of the following options for business tax reform:

(i) the imposition of combined reporting using the "water's edge method" under the corporate income tax for unitary groups of affiliated corporations;

(ii) the imposition of other types of business taxes, in lieu of or in addition to the current taxes imposed, including gross receipts taxes, value added taxes, and alternative minimum taxes; and

(iii) improved methods for evaluation of the effectiveness and efficiency of tax policies intended as economic development incentives.

(c) The Commission shall be composed of 19 members, as follows:

(1) a chair, appointed by the Governor;

(2) three members of the Senate Budget and Taxation Committee, appointed by the President of the Senate;

(3) three members of the House Committee on Ways and Means, appointed by the Speaker of the House;

(4) the Comptroller of the Treasury, or the Comptroller's designee;

(5) the Secretary of Business and Economic Development, or the Secretary's designee;

(6) the Secretary of Budget and Management, or the Secretary's designee;

(7) the Director of the State Department of Assessments and Taxation, or the Director's designee;

(8) a representative of the Maryland Association of Counties;

(9) a representative of the Maryland Municipal League;

(10) a representative of the Maryland Chamber of Commerce;

(11) a representative of the Greater Baltimore Committee;

(12) a representative of an organization that represents Maryland manufacturers, appointed by the Governor; and

(13) three members of the public, each of whom shall be an attorney at law or an accountant knowledgeable about the State's business tax structure, appointed by the Governor.

(d) The Comptroller and the Department of Budget and Management shall provide staff support to the Commission.

(e) A member of the Commission:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) On or before December 15, 2010, [the Commission shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly.

(g) On or before December 15, 2011,] the Commission shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 544**(Senate Bill 339)**

AN ACT concerning

Estates and Trusts – Guardianship – Payment of Expenses After Death of Ward

FOR the purpose of requiring that, after the death of a minor or disabled person for whom a guardian of the property has been appointed, the guardian of the property of the minor or disabled person pay from the estate all commissions, fees, and expenses shown on the court–approved final guardianship account and retain the balance of the estate for delivery to an appointed personal representative of the decedent or other person entitled to it; and generally relating to guardianship of the property of a minor or disabled person.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13–214(c)(3)
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

Article – Estates and Trusts

13–214.

(c) (3) When a minor or disabled person dies, the guardian shall deliver to the appropriate probate court for safekeeping any will of the deceased person in his possession, **PAY FROM THE ESTATE ALL COMMISSIONS, FEES, AND EXPENSES SHOWN ON THE COURT–APPROVED FINAL GUARDIANSHIP ACCOUNT**, inform the personal representative or a beneficiary named in it that he has done so, and retain the **BALANCE OF THE** estate for delivery to an appointed personal representative of the decedent or other person entitled to it.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.
