

(2) IN THE FISCAL YEAR FOLLOWING THE FISCAL YEAR DURING WHICH THE AMOUNTS ARE PAID, ~~UNLESS THE GOVERNOR ELECTS TO INCLUDE THE PAYMENT IN THE BUDGET FOR THE PRECEDING FISCAL YEAR PURSUANT TO A REQUEST FROM THE ELIGIBLE INSTITUTION, WHICH REQUEST SHALL INCLUDE A JUSTIFICATION.~~

(C) PAYMENTS BY THE STATE UNDER THIS SUBTITLE MAY NOT EXCEED:

(1) \$500,000 \$250,000 TO EACH COMMUNITY COLLEGE;

(2) \$2,500,000 \$1,250,000 EACH TO THE UNIVERSITY OF MARYLAND COLLEGE PARK AND THE UNIVERSITY OF MARYLAND AT BALTIMORE; AND

(3) \$1,500,000 \$750,000 TO EACH OTHER ELIGIBLE INSTITUTION.

(D) (1) TO DETERMINE ELIGIBILITY FOR STATE PAYMENTS, EACH DONATION SHALL BE COMPARED TO THE AMOUNT DONATED DURING THE BASE YEAR. THE FOLLOWING CRITERIA SHALL BE THE BASIS FOR COMPARISON:

(I) EACH DONATION MUST BE FROM A NEW DONOR; OR

(II) EACH DONATION MUST REPRESENT AN INCREASE OVER THE AMOUNT GIVEN BY THE DONOR DURING THE BASE YEAR.

(2) A DONATION RECEIVED DURING THE BASE YEAR THAT FULFILLS A PLEDGE MADE PRIOR TO THE BASE YEAR MAY NOT BE INCLUDED IN THE DETERMINATION OF THE AMOUNT DONATED DURING THE BASE YEAR.

(3) EACH DONATION MUST BE SPECIFICALLY DESIGNATED AS AN ENDOWMENT.

17-303.

AN AFFILIATED FOUNDATION OF AN ELIGIBLE INSTITUTION THAT RECEIVES STATE PAYMENTS SHALL PROVIDE THE MARYLAND HIGHER EDUCATION COMMISSION AN ANNUAL AUDIT OF ALL PLEDGED AND PAID AMOUNTS AND THEIR SOURCES AND A COPY OF THE ANNUAL AUDIT SHALL BE PROVIDED TO THE LEGISLATIVE AUDITOR.

~~17-303~~ 17-304.

(A) AMOUNTS PAID BY THE STATE UNDER THIS SUBTITLE MAY BE APPLIED TO ANY ELIGIBLE PROGRAM AT THE ELIGIBLE INSTITUTION TO WHICH THE PAYMENT IS MADE.

(B) NO MORE THAN ONE-THIRD ONE-HALF OF THE TOTAL AMOUNT TO BE PAID BY THE STATE UNDER PROVISIONS OF THIS SUBTITLE MAY BE APPROPRIATED IN ANY FISCAL YEAR. THE PROVISIONS OF § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE DO NOT APPLY TO UNUSED PROGRAM FUNDS.