

LAWS
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STATE OF MARYLAND
ENACTED

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VOLUME III

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Chapter 362**(Senate Bill 87)**

AN ACT concerning

Property Tax – Homestead Tax Credit – Eligibility

FOR the purpose of altering the deadline for filing certain applications for the homestead property tax credit with the State Department of Assessments and Taxation under certain circumstances; authorizing the Department to reinstate the tax credit under certain circumstances; providing for the application of this Act; and generally relating to eligibility and application requirements for the homestead property tax credit program.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–105(d)(5) and (6)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Article – Tax – Property

9–105.

(d) (5) (i) If the dwelling was transferred for consideration in a deed dated on or after January 1 but before the beginning of the next taxable year and the deed [has not been] **WAS** recorded with the clerk of the circuit court or the Department [prior to the beginning of the next taxable year,] **ON OR AFTER JULY 1 BUT BEFORE SEPTEMBER 1 OF THE NEXT TAXABLE YEAR**, the new owner may submit a written application to the Department [within 60 days after the date of the deed] **ON OR BEFORE SEPTEMBER 1** requesting that the date of the deed be accepted by the Department as the date of transfer under paragraph (1) of this subsection.

(ii) 1. The applicant shall submit with the written application a copy of the executed deed evidencing the date of the transfer.

2. If the applicant fails to submit a copy of the executed deed as required under subparagraph 1 of this subparagraph, the Department shall deny the application.

(iii) The date of the transfer under this paragraph is the effective date of the deed as described under § 3-201 of the Real Property Article.

(6) (i) To qualify for the credit under this section, a homeowner shall submit an application for the credit to the Department as provided in this paragraph.

(ii) The application shall:

1. be made on the form that the Department provides;
2. provide the information required by the form; [and]
3. include a statement by the homeowner under oath that the facts stated in the application are true, correct, and complete; **AND**

4. BE FILED ON OR BEFORE JULY 1 OF THE FIRST TAXABLE YEAR FOR WHICH THE PROPERTY TAX CREDIT UNDER THIS SECTION IS TO BE ALLOWED.

(iii) **[The] FOR A DWELLING THAT WAS LAST TRANSFERRED FOR CONSIDERATION TO NEW OWNERSHIP ON OR BEFORE DECEMBER 31, 2007,** THE Department may not authorize and the State, county, and municipal corporation may not grant the property tax credit under this section **AFTER DECEMBER 31, 2012,** [for a dwelling] unless an application is filed with the Department as required under this paragraph[:

1. within 180 days following the date the dwelling is transferred for consideration to new ownership, for a dwelling that is transferred for consideration to new ownership after December 31, 2007; or

2. on or before December 31, 2012, for a dwelling that was last transferred for consideration to new ownership on or before December 31, 2007].

(IV) IF A DWELLING PREVIOUSLY RECEIVED A CREDIT UNDER THIS SECTION AND FAILED TO QUALIFY FOR 1 TAXABLE YEAR BECAUSE OF A FAILURE TO FILE THE APPLICATION REQUIRED UNDER THIS PARAGRAPH, THE DEPARTMENT:

- 1. SHALL GRANT THE CREDIT FOR THE DWELLING FOR THE NEXT FOLLOWING TAXABLE YEAR ON THE TIMELY FILING OF THE APPLICATION BY THE SAME HOMEOWNER WHO PREVIOUSLY RECEIVED THE CREDIT; AND**

2. SHALL CALCULATE THE PRIOR YEAR'S TAXABLE ASSESSMENT FOR THE DWELLING AS IF THE CREDIT HAD NOT BEEN LOST FOR THE 1 INTERVENING TAXABLE YEAR.

[(iv)] (v) The Department shall provide a homeowner the option to submit the application required under this paragraph electronically on the Department's website.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2009, and shall be applicable to all taxable years beginning after June 30, 2009.

Approved by the Governor, May 7, 2009.

Chapter 363

(Senate Bill 88)

AN ACT concerning

Tax - Property - Exempt Manufacturing Personal Property Application Deadline

FOR the purpose of providing that a property tax exemption for certain manufacturing personal property shall be granted for a certain taxable year under certain circumstances if the owner files a certain application within a certain period after the date of the first assessment notice that includes the manufacturing personal property; providing for the application of this Act; and generally relating to applications for property tax exemptions for certain manufacturing personal property.

BY repealing and reenacting, with amendments,
Article - Tax - Property
Section 7-104 and 11-103
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Article - Tax - Property

7-104.

(a) Except as provided in subsection (c) of this section and in §§ 7-202 and 7-215 of this title, property tax on wholly exempt property shall be abated for the taxable year that follows the date on which the property became exempt.

(b) If an owner of property subject to an exemption on June 30 files an application for abatement on or before the following September 1 with the Department or the supervisor, the tax is abated for the taxable year.

(c) If property that is exempt from property tax is transferred to a person whose use of the property qualifies the property for an exemption from the date of transfer, then the property tax shall be abated from that date if the transferee:

(1) files an application under § 7-103 of this subtitle on or before September 1 of the following taxable year; or

(2) files an application under § 7-225 of this title within 6 months after receipt of the first assessment notice which includes the manufacturing personal property that is issued after the date of the transfer.

(D) IF THE OWNER OF MANUFACTURING PERSONAL PROPERTY ON JANUARY 1 FILES AN APPLICATION UNDER § 7-225 OF THIS TITLE WITHIN 6 MONTHS AFTER THE DATE OF THE FIRST ASSESSMENT NOTICE FOR A TAXABLE YEAR THAT INCLUDES THE MANUFACTURING PERSONAL PROPERTY AND THE APPLICATION IS APPROVED, THE EXEMPTION SHALL BE GRANTED FOR THAT TAXABLE YEAR THAT APPEARS ON THE ASSESSMENT NOTICE.

11-103.

(a) If a person who has filed a report under this title determines that information was not reported accurately, the person may file an amended report within 3 years after the April 15th that the original report was due.

(b) A person filing an amended report under subsection (a) of this section may only claim an exemption for personal property used in manufacturing if an exemption for personal property used in the manufacturing process was previously approved for that taxable year under §§ 7-104(b) and 7-225(d) [or], under §§ 7-104(c) and 7-225(d), **OR UNDER §§ 7-104(D) AND 7-225(D)** of this article.

(c) After reviewing an amended report, the Department shall:

(1) issue a corrected assessment notice; or

(2) notify the person that the original assessment notice will not be adjusted.

(d) A person who receives a notice under subsection (c) of this section may appeal the change in value or classification related to the corrected information or the denial notice as provided in § 14-504 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009, and shall be applicable to all taxable years beginning after June 30, 2009.

Approved by the Governor, May 7, 2009.

Chapter 364

(Senate Bill 92)

AN ACT concerning

Motor Carriers – Identification Markers – Forged Documents – Criminal Penalties

FOR the purpose of prohibiting a ~~motor carrier person~~ person from ~~falsifying, duplicating, or attempting to falsify or duplicate certain~~ knowingly falsifying or using, holding, possessing, giving away, or selling certain falsified licenses, decals, or other official documents issued by the Comptroller related documents; prohibiting a ~~motor carrier person~~ person from ~~manufacturing, constructing, or possessing certain paraphernalia~~; ~~prohibiting a motor carrier from possessing, giving away, selling, or attempting to sell certain items~~; ~~prohibiting a motor carrier from holding or using~~ attempting to falsify or sell certain licenses or decals licenses, decals, or related documents that have been falsified or duplicated in violation of this Act; specifying certain penalties for certain violations of this Act; defining certain terms; defining “falsify” for purposes of this Act to include alter, counterfeit, duplicate, manufacture, construct, or forge; and generally relating to the falsification or duplication of certain licenses, decals, or ~~other official documents issued by the Comptroller~~ related documents.

BY adding to

Article – Tax – General

Section 9-223 and 13-1020(d)

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

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

Article – Tax – General

9-223.

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

(2) "FALSIFY" INCLUDES ALTER, COUNTERFEIT, DUPLICATE, MANUFACTURE, CONSTRUCT, OR FORGE.

(3) "IFTA IDENTIFICATION MARKER" MEANS ANY LICENSE OR DECAL REQUIRED BY LAW TO BE POSSESSED BY A MOTOR CARRIER AND DISPLAYED ON A COMMERCIAL MOTOR VEHICLE UNDER THE INTERSTATE AGREEMENTS AUTHORIZED BY § 9-205 OF THIS SUBTITLE.

~~(B) A MOTOR CARRIER MAY NOT FALSIFY OR DUPLICATE, OR ATTEMPT TO FALSIFY OR DUPLICATE, ANY IFTA IDENTIFICATION MARKER OR ANY OTHER OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER.~~

~~(C) A MOTOR CARRIER MAY NOT MANUFACTURE, CONSTRUCT, OR POSSESS ANY PARAPHERNALIA FOR USE IN ANY FALSIFICATION OR DUPLICATION PROHIBITED BY THIS SECTION.~~

~~(D) A MOTOR CARRIER MAY NOT POSSESS, GIVE AWAY, SELL, OR ATTEMPT TO SELL ANY ITEM FALSIFIED OR DUPLICATED IN VIOLATION OF THIS SECTION.~~

~~(E) A MOTOR CARRIER MAY NOT HOLD ANY IFTA IDENTIFICATION MARKER DESCRIBED IN THIS SECTION THAT HAS BEEN FALSIFIED OR DUPLICATED IN VIOLATION OF THIS SECTION.~~

~~(F) A MOTOR CARRIER MAY NOT USE ANY FALSIFIED OR DUPLICATED IFTA IDENTIFICATION MARKER DESCRIBED IN THIS SECTION.~~

(B) A PERSON MAY NOT KNOWINGLY:

(1) FALSIFY ANY IFTA IDENTIFICATION MARKER OR ~~OTHER~~ OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER RELATED DOCUMENT;

(2) USE, HOLD, POSSESS, GIVE AWAY, OR SELL A FALSIFIED IFTA IDENTIFICATION MARKER OR ~~OTHER OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER~~ RELATED DOCUMENT; OR

(3) ATTEMPT TO FALSIFY OR SELL ANY IFTA IDENTIFICATION MARKER OR ~~OTHER OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER~~ RELATED DOCUMENT.

13-1020.

(D) A MOTOR CARRIER WHO VIOLATES A PROVISION OF § 9-223 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 365

(House Bill 46)

AN ACT concerning

Caroline County – Alcoholic Beverages – *Special* Multiple Event Licenses

FOR the purpose of authorizing in Caroline County an applicant to purchase *special* multiple event alcoholic beverages licenses; specifying certain license fees; prohibiting the total number of days for which *special* multiple event licenses may be issued to a single applicant from exceeding a certain number of days; requiring that fees for *special* multiple event licenses be paid in advance; prohibiting the Board of License Commissioners from issuing certain refunds under certain circumstances; providing for certain restrictions on the issuance of *special* multiple event licenses; requiring that a certain server be on the licensed premises whenever alcoholic beverages are served under the license; and generally relating to alcoholic beverages licenses in Caroline County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7-101(j)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 7-101(j)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article 2B - Alcoholic Beverages

7-101.

(j) (1) The provisions of this subsection apply only in Caroline County.

(7) (I) **INSTEAD OF PURCHASING INDIVIDUAL EVENT LICENSES FOR A PARTICULAR CLASS OF LICENSE, AN APPLICANT MAY PURCHASE A SPECIAL MULTIPLE EVENT LICENSE FOR THE SAME CLASS OF LICENSE.**

(II) **FEES FOR A SPECIAL MULTIPLE EVENT LICENSE ARE:**

1. ~~\$125~~ \$250 FOR NOT MORE THAN 10 EVENTS PER YEAR;
2. ~~\$250~~ \$500 FOR NOT MORE THAN 20 EVENTS PER YEAR;
3. ~~\$375~~ \$750 FOR NOT MORE THAN 30 EVENTS PER YEAR; AND
4. ~~\$500~~ \$1,000 FOR NOT MORE THAN 40 EVENTS PER YEAR.

(III) **THE TOTAL NUMBER OF DAYS FOR WHICH SPECIAL MULTIPLE EVENT LICENSES MAY BE ISSUED TO A SINGLE APPLICANT MAY NOT EXCEED 40 DAYS PER CALENDAR YEAR.**

(IV) 1. **THE APPLICANT SHALL PAY IN ADVANCE THE FEE FOR A SPECIAL MULTIPLE EVENT LICENSE.**

2. **THE BOARD MAY NOT ISSUE A REFUND IF THE HOLDER OF THE LICENSE IN A CALENDAR YEAR HOLDS FEWER THAN THE NUMBER OF EVENTS THAT THE HOLDER IS ENTITLED TO CONDUCT.**

(V) **A SPECIAL MULTIPLE EVENT LICENSE SHALL BE ISSUED:**

1. **FOR ONE PREMISES ONLY; AND**
2. **SUBJECT TO SUBPARAGRAPH (VI) OF THIS PARAGRAPH, TO THE SAME APPLICANT FOR ALL EVENTS FOR WHICH THE**

LICENSE IS ISSUED, UNLESS THE BOARD IN WRITING APPROVES A SUBSTITUTE APPLICANT.

(VI) THE BOARD MAY HOLD A HEARING BEFORE APPROVING A SUBSTITUTE APPLICANT UNDER SUBPARAGRAPH (V)2 OF THIS PARAGRAPH.

(VII) A SERVER WHO IS CURRENTLY CERTIFIED AS HAVING COMPLETED AN ALCOHOL AWARENESS PROGRAM SHALL BE ON THE PREMISES FOR WHICH A SPECIAL MULTIPLE EVENT LICENSE IS ISSUED WHENEVER ALCOHOLIC BEVERAGES ARE SERVED UNDER THE LICENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 366

(House Bill 53)

AN ACT concerning

Human Relations – Substantive Modifications

FOR the purpose of repealing obsolete provisions of law relating to hearing examiners appointed by the Commission on Human Relations; prohibiting discrimination by certain licensed or regulated persons on the basis of age; ~~prohibiting discrimination in the leasing of commercial property on the basis of sexual orientation;~~ prohibiting discrimination in the leasing of commercial property against a person, rather than an individual; prohibiting certain notices or advertisements relating to employment from indicating any preference, limitation, specification, or discrimination based on marital status; altering the definition of “disability” for purposes of provisions prohibiting discrimination in housing; authorizing a certain complainant to file a request for reconsideration of a certain finding; providing that an administrative law judge, rather than the Commission, may allow a certain complaint or answer to be reasonably amended; establishing that a certain decision and order issued by an administrative law judge shall become the final order of the Commission under certain circumstances; repealing a requirement that certain judicial review standards govern the court in a certain action to enforce compliance with a certain order of the Commission; expanding the relief available to an intervening party in a certain action; ~~repealing a provision making it a misdemeanor to file and pursue a complaint of discrimination under certain circumstances;~~ repealing a provision making it a misdemeanor to receive

remuneration for participation in a racial demonstration in the State; correcting cross-references and clarifying language in provisions of law relating to employment practices by persons granted certain privileges by the Maryland Aviation Administration; and generally making substantive modifications, clarifications, and corrections in provisions of law relating to human relations.

BY repealing

Article – State Government

Section 20–207, ~~20–1104~~, and 20–1105

Annotated Code of Maryland

(As enacted by Chapter 120 (H.B. 51)(9lr0791) of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,

Article – State Government

Section 20–402, ~~20–501~~, 20–606(e), 20–701(b)(1), 20–1005(d), 20–1008(e), 20–1011, and 20–1014(c)

Annotated Code of Maryland

(As enacted by Chapter 120 (H.B. 51)(9lr0791) of the Acts of the General Assembly of 2009)

BY adding to

Article – State Government

Section 20–1009(e)

Annotated Code of Maryland

(As enacted by Chapter 120 (H.B. 51)(9lr0791) of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 5–408

Annotated Code of Maryland

(2008 Replacement Volume)

BY renumbering

Article – State Government

Section 20–208

to be Section 20–207

Annotated Code of Maryland

(As enacted by Chapter 120 (H.B. 51)(9lr0791) 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 – State Government

[20–207.

(a) The Commission shall appoint the number of hearing examiners provided in the State budget.

(b) A hearing examiner shall be an attorney who is qualified by experience to handle discrimination cases of the type arising under this title.

(c) A hearing examiner is entitled to the compensation provided in the State budget.

(d) In a discrimination case assigned to a hearing examiner, the hearing examiner shall:

- (1) conduct a hearing;
- (2) make findings of fact;
- (3) draw conclusions of law; and
- (4) prepare a provisional order.

(e) A provisional order prepared by a hearing examiner shall become the final order of the Commission unless an appeal from the provisional order is taken to the Commission.]

20–402.

A person that is licensed or regulated by a unit in the Department of Labor, Licensing, and Regulation listed in § 2–108 of the Business Regulation Article may not refuse, withhold from, or deny any person any of the accommodations, advantages, facilities, privileges, sales, or services of the licensed or regulated person or discriminate against any person because of the person's race, sex, creed, color, national origin, marital status, sexual orientation, **AGE**, or disability.

~~20–501.~~

~~An owner or operator of commercial property, an agent or employee of the owner or operator of commercial property, or a person that is licensed or regulated by the State may not discriminate against [an individual] A PERSON in the terms, conditions, or privileges of the leasing of property for commercial use, or in the provision of services or facilities in connection with the leasing of property for commercial use, because of the [individual's] PERSON'S race, color, religion, sex, age, disability, marital status, **SEXUAL ORIENTATION**, or national origin.~~

20–606.

(e) (1) Except as provided in paragraph (2) of this subsection, an employer, labor organization, or employment agency may not print or cause to be printed or published any notice or advertisement relating to employment by the employer, membership in or any classification or referral for employment by the labor organization, or any classification or referral for employment by the employment agency that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, age, national origin, **MARITAL STATUS**, sexual orientation, or disability.

(2) A notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, national origin, **MARITAL STATUS**, or disability if religion, sex, age, national origin, **MARITAL STATUS**, or disability is a bona fide occupational qualification for employment.

20-701.

(b) (1) “Disability” means:

(i) a [disability] **PHYSICAL OR MENTAL IMPAIRMENT** that substantially limits one or more of an individual’s major life activities;

(ii) a record of having a [disability] **PHYSICAL OR MENTAL IMPAIRMENT** that substantially limits one or more of an individual’s major life activities; or

(iii) being regarded as having a [disability] **PHYSICAL OR MENTAL IMPAIRMENT** that substantially limits one or more of an individual’s major life activities.

20-1005.

(d) (1) **IF THERE IS A FINDING OF NO PROBABLE CAUSE TO BELIEVE THAT A DISCRIMINATORY ACT HAS BEEN OR IS BEING COMMITTED, THE COMPLAINANT MAY FILE A REQUEST FOR RECONSIDERATION OF THE FINDING IN ACCORDANCE WITH THE COMMISSION’S REGULATIONS.**

(2) Unless the U.S. Equal Employment Opportunity Commission has jurisdiction over the subject matter of the complaint, a denial of a request for reconsideration of a finding of no probable cause by the Commission is a final order appealable to the circuit court as provided in § 10-222 of this article.

20-1008.

(e) The [Commission] **ADMINISTRATIVE LAW JUDGE** may allow any complaint or answer to be reasonably amended.

20-1009.

(E) UNLESS A TIMELY APPEAL IS FILED WITH THE COMMISSION IN ACCORDANCE WITH THE COMMISSION'S REGULATIONS, A DECISION AND ORDER ISSUED BY THE ADMINISTRATIVE LAW JUDGE UNDER THIS SECTION SHALL BECOME THE FINAL ORDER OF THE COMMISSION.

20-1011.

[(a)] If a respondent refuses to comply with an order of the Commission issued under this title, the Commission may bring a civil action to enforce compliance with the order in the appropriate equity court of the county where the alleged discriminatory act occurred.

[(b)] The judicial review standards set forth in Title 10, Subtitle 2 of this article shall govern the court in hearing a case brought under this section.]

20-1014.

(c) The court may grant any appropriate relief to an intervening party that may be granted to a plaintiff in a civil action under [§ 20-1012] § **20-1013** of this subtitle.

~~20-1104.~~

~~(a) This section does not affect the right of a respondent to bring a civil action against a person that has filed a complaint under Subtitle 10, Part I of this title.~~

~~(b) A person is guilty of a misdemeanor if:~~

~~(1) the person has claimed to be aggrieved under Subtitle 10, Part I of this title;~~

~~(2) the person has pursued the complaint under §§ 20-1006 and 20-1008 through 20-1011 of this title;~~

~~(3) the Commission has:~~

~~(i) found the complaint to be unfounded; or~~

~~(ii) dismissed the complaint without further action against the respondent; and~~

~~(4) the court has found the complaint to have been made maliciously.~~

~~(e) A person convicted under this section is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.]~~

[20-1105.

(a) A person may not receive any remuneration for participation in a racial demonstration in the State.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.]

Article - Transportation

5-408.

(a) In its operation of an airport, airport facility, or air navigation facility owned or controlled by this State, the Administration, with the approval of the Secretary and subject to the direction of the Commission, may contract, lease, or otherwise arrange with any person to:

(1) Provide the person with services furnished by the Administration or its agents at the airport or facility; or

(2) Grant to the person the privilege of:

(i) Using or improving for commercial purposes any part of the airport or facility; or

(ii) Supplying services, facilities, goods, commodities, or other things at the airport or facility.

(b) (1) For the privileges granted, the Administration may establish any terms and conditions and fix any charges, rentals, or fees that:

(i) Are reasonable and uniform for the same class of privilege or service;

(ii) Are established with due regard to the property and improvements used and the expenses of operation to this State; and

(iii) Do not deprive the public of its rightful, equal, and uniform use of any part of the airport or facility.

(2) The Administration shall monitor the charges, fees, or prices of any goods or services offered to the public by persons granted the privilege under this

section. Every contract, lease, or other arrangement shall provide that charges, fees, or prices:

(i) May not be increased without the prior approval of the Administration; and

(ii) Are to be reasonable. In determining reasonableness the Administration shall consider the charges, fees, or prices for the same goods or services at comparable airports.

(3) The Administration shall [monitor]:

(I) **MONITOR** the employment practices [of persons granted privileges under Article 49B, § 14 of the Code, relating to discrimination in employment,] **UNDER TITLE 20, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE OF PERSONS GRANTED PRIVILEGES UNDER THIS SECTION;** and [shall refer]

(II) **REFER** for investigation all alleged violations of [Article 49B, § 14] **§ 20-606 OF THE STATE GOVERNMENT ARTICLE** to the State Commission [of] **ON Human Relations, the Equal Employment Opportunity Commission,** or any appropriate State or federal administrative body.

(c) (1) In this subsection “commercial activity” means the sale, merchandising, marketing, or promotion of any goods or services.

(2) Commercial activity is permitted at an airport operated by the Administration only when expressly authorized by and in a manner prescribed by the Administration.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 20–208 of Article – State Government of the Annotated Code of Maryland (as enacted by Chapter 120 (H.B. 51)(9lr0791) of the Acts of the General Assembly of 2009) be renumbered to be Section(s) 20–207.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 367

(House Bill 54)

AN ACT concerning

Human Relations – Civil Actions – Unlawful Employment Practices

FOR the purpose of clarifying that certain provisions of law relating to civil actions elected or filed by certain complainants apply only to unlawful employment practices; making certain conforming changes; and generally relating to the relief available for certain discriminatory acts.

BY repealing and reenacting, with amendments,

Article – State Government

Section 20–1006(b), 20–1007(a) and (b), 20–1012(a) and (b), and 20–1013(a) and (b)

Annotated Code of Maryland

(As enacted by Chapter 120 (H.B. 51)(9lr0791) 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 – State Government

20–1006.

(b) The Executive Director of the Commission shall cause a written notice to be issued and served in the name of the Commission, together with a copy of the complaint, requiring the respondent to answer the charges of the complaint at a public hearing:

(1) before an administrative law judge at a time and place certified in the notice; or

(2) **IF THE COMPLAINT ALLEGES AN UNLAWFUL EMPLOYMENT PRACTICE**, in a civil action elected under § 20–1007 of this subtitle.

20–1007.

(a) (1) When a complaint **ALLEGING AN UNLAWFUL EMPLOYMENT PRACTICE** is issued and served under § 20–1006 of this subtitle, a complainant or respondent may elect to have the claims asserted in the complaint determined in a civil action brought by the Commission on the complainant's behalf, if:

(i) the Commission has found probable cause to believe the respondent has engaged in or is engaging in [a discriminatory act] **AN UNLAWFUL EMPLOYMENT PRACTICE**; and

(ii) there is a failure to reach an agreement to remedy and eliminate the [discriminatory act] **UNLAWFUL EMPLOYMENT PRACTICE**.

(2) An election under paragraph (1) of this subsection shall be made within 30 days after the complainant or respondent receives service under § 20–1006(b) of this subtitle.

(3) If an election is not made under paragraph (1) of this subsection, the Commission shall provide an opportunity for a hearing as provided under § 20–1008(a) of this subtitle.

(b) When a complaint **ALLEGING AN UNLAWFUL EMPLOYMENT PRACTICE** is issued and served under § 20–1006 of this subtitle, the Commission may elect to have the claims asserted in the complaint determined in a civil action brought on the Commission's own behalf, if:

(1) the Commission has found probable cause to believe the respondent has engaged in or is engaging in [a discriminatory act] **AN UNLAWFUL EMPLOYMENT PRACTICE**; and

(2) there is a failure to reach an agreement to remedy and eliminate the [discriminatory act] **UNLAWFUL EMPLOYMENT PRACTICE**.

20–1012.

(a) Within 60 days after an election is made under § 20–1007 of this subtitle, the Commission shall file a civil action in the circuit court for the county where the alleged [discriminatory act] **UNLAWFUL EMPLOYMENT PRACTICE** occurred.

(b) If the court finds that [a discriminatory act] **AN UNLAWFUL EMPLOYMENT PRACTICE** occurred, the court may provide the remedies specified in § 20–1009(b) of this subtitle.

20–1013.

(a) In addition to the right to make an election under § 20–1007 of this subtitle, a complainant may bring a civil action against the respondent alleging [a discriminatory act] **AN UNLAWFUL EMPLOYMENT PRACTICE**, if:

(1) the complainant initially filed a timely administrative charge or a complaint under federal, State, or local law alleging [a discriminatory act] **AN UNLAWFUL EMPLOYMENT PRACTICE** by the respondent;

(2) at least 180 days have elapsed since the filing of the administrative charge or complaint; and

(3) the civil action is filed within 2 years after the alleged [discriminatory act] **UNLAWFUL EMPLOYMENT PRACTICE** occurred.

(b) A civil action under this section shall be filed in the circuit court for the county where the alleged [discriminatory act] **UNLAWFUL EMPLOYMENT PRACTICE** occurred.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 368

(House Bill 82)

AN ACT concerning

Frederick County – Overdue Water and Sewer Charge – Restoration of Service Penalty

FOR the purpose of altering the penalty imposed on water users in Frederick County for restoring service after an overdue charge for water and sewer services has been paid; and generally relating to water and sewer service charges in Frederick County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Frederick County
Section 2–13–23(a)(1)
Article 11 – Public Local Laws of Maryland
(2004 Edition and September 2008 Supplement, as amended)

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

Article 11 – Frederick County

2–13–23.

(a) For the purpose of providing funds for maintaining, repairing, and operating its water and sewerage systems and for its operation and other expenses, including property depreciation allowances, and for interest on and the retirement of bonds as specified in this chapter, the board may make the following charges:

(1) A water and sewer service charge. The rates for water and sewer service shall consist of a minimum or ready-to-serve charge which shall be based upon the size of the meter on the water connection leading to the property, and of a charge for water used, which shall be based upon the amount of water passing through the meter during the period between the last two readings. The meter shall be required to be placed on each water connection by and at the sole expense of the county, and it shall remain the property of the county. The rates shall be classified within Frederick County in whatever manner the board deems advisable. However, the classification shall be based upon the quantities of water used and shall be, insofar as possible, uniform throughout Frederick County. If the board at any time does not have meters available to install in all the properties in a given locality that are connected to the system, then a flat rate shall be charged on properties in which meters have not yet been installed. That rate shall be uniform in each system and based upon the ready-to-serve charge and the amount of water used. Bills for water and sewer charges shall be sent either quarterly or semiannually, as the board determines, to each property served and shall be payable at the office of the board or whatever other place the board designates. The charges shall be a lien upon the property served and collectible as elsewhere provided. If any bill remains unpaid 30 days after the date it was sent, the board, after written notice left upon the premises or mailed to the last known address of the owner, shall turn off the water from the property in question. The water may not be turned on again until the bill has been paid, including a [\$10] penalty **IN A REASONABLE AMOUNT TO BE ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 369

(House Bill 105)

AN ACT concerning

Talbot County – Alcoholic Beverages – Limited Wineries

FOR the purpose of authorizing a holder of a Class 4 manufacturer's (limited winery) license in Talbot County to produce wine and pomace brandy at each warehouse for which the holder has been issued an individual storage permit; prohibiting a holder from serving or selling wine and pomace brandy to the public at a warehouse; making a stylistic change; and generally relating to holders of Class 4 manufacturer's licenses in Talbot County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 2–205(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–205(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–205(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article 2B – Alcoholic Beverages

2–205.

(a) In this section, “pomace brandy” means brandy that is distilled from the pulpy residue of the wine press, including the skins, pips, and stalks of grapes.

(b) A Class 4 manufacturer’s license:

(1) Is a limited winery license;

(2) Authorizes the holder to establish and operate in this State a plant for fermenting and bottling wine and distilling and bottling pomace brandy made from Maryland agriculture products at the location described in the license, unless the Secretary of Agriculture determines that there is insufficient supply available of Maryland agriculture products;

(3) [Permits] **SUBJECT TO SUBSECTION (D) OF THIS SECTION, ALLOWS** the license holder to:

(i) Sell and deliver this wine and pomace brandy to any wholesale licensee or permit holder in this State, or person outside of this State, authorized to acquire it;

(ii) Sell this wine and pomace brandy made at the plant to persons participating in a guided tour of the facility. The purchase is limited to one quart of each brand per person per year. Any person who has attained the Maryland

legal drinking age may purchase the wine. The licensee may operate only in one location in the State;

(iii) Serve at no charge not more than 6 ounces of wine and pomace brandy made at the licensed facility to a person who is participating in a guided tour of the facility, provided the person has attained the Maryland legal drinking age;

(iv) Sell by the glass wine and pomace brandy produced by the licensee to persons participating in a guided tour of the facility or attending a scheduled promotional event or other organized activity at the licensed premises; and

(v) Store on its licensed premises, in a segregated area approved by the Comptroller, the product of other Class 4 limited wineries to be used at bona fide Maryland Winery Association promotional activities, provided records are maintained and reports filed as may be required by the Comptroller; and

(4) Limits the license holder to distilling and bottling not more than 200 gallons of pomace brandy each year.

(D) A HOLDER OF A CLASS 4 MANUFACTURER'S LICENSE IN TALBOT COUNTY:

(1) MAY PRODUCE WINE AND POMACE BRANDY AT EACH WAREHOUSE FOR WHICH THE HOLDER HAS BEEN ISSUED AN INDIVIDUAL STORAGE PERMIT; BUT

(2) MAY NOT SERVE OR SELL WINE AND POMACE BRANDY AT A WAREHOUSE TO THE PUBLIC.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 370

(House Bill 110)

AN ACT concerning

Dorchester County – School Bus Length of Operation – Sunset Repeal

FOR the purpose of repealing the termination date for a provision of law that alters the length of time a school bus may be operated in Dorchester County; and generally relating to school buses in Dorchester County.

BY repealing and reenacting, with amendments,
Chapter 637 of the Acts of the General Assembly of 2008
Section 2

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

Chapter 637 of the Acts of 2008

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008. [It shall remain effective for a period of 3 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 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 371

(House Bill 113)

AN ACT concerning

~~Interagency Committee on Aging Services - Modifications~~
Department of Health and Mental Hygiene - Long-Term Care Supports and Services - Report

FOR the purpose of ~~altering the membership of the Interagency Committee on Aging Services; requiring the Interagency Committee to report on certain recommendations to the General Assembly on or before a certain date; requiring the Interagency Committee to create certain subcommittees, review certain plans and reports, and identify certain service needs of seniors and adults with disabilities in the State; altering the information to be included in a certain annual report; making technical changes; and generally relating to the Interagency Committee on Aging Services~~ requiring the Secretary of Health and Mental Hygiene to submit certain reports to the General Assembly on or before certain dates; providing for the purpose of a certain program; requiring the Secretary to convene a certain stakeholder group and provide for a certain stakeholder process; providing for the membership of a certain stakeholder

group; requiring the Department to submit a federal waiver on or before a certain date under certain circumstances; and generally relating to the Department of Health and Mental Hygiene and a report on long-term care supports and services.

~~BY repealing and reenacting, without amendments,
Article — Human Services
Section 10-301 and 10-309
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article — Human Services
Section 10-302, 10-303, 10-304, 10-306, and 10-310
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)~~

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

(a) ~~The~~ On or before September 1, 2009, the Secretary of Health and Mental Hygiene shall submit to the General Assembly an interim report, and on or before December 1, 2009 2010, and shall submit a final report on or before December 1, 2010 to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the feasibility of creating a coordinated care program to reform the provision of long-term care services under the Medical Assistance program and other State programs in a manner that improves and integrates the care of individuals, including health care services, designed as necessary to meet the differing needs of seniors and adults with disabilities in the State.

(b) The purpose of the program created under subsection (a) of this section is to:

(1) deliver high-quality long-term care supports and services in a coordinated and integrated manner;

(2) deliver long-term care supports and services in the most appropriate care setting to meet the needs and preferences of eligible individuals;

(3) remove systemic and individual barriers to receiving care in home- and community-based settings, as preferred by the individual; and

(4) ensure that, if the State plans to manage long-term care through at-risk contracts, the carve-out of mental health services and hospice services are implemented as required by Chapter 4 of the Acts of the General Assembly of the 2004 Special Session.

~~(c) In developing the interim report required under subsection (a) of this section, the Secretary shall conduct a literature review of the items included in subsection (d)(2)(i) of this section and the process for convening the stakeholders required under subsection (d)(1) of this section.~~

~~(d) In developing the final report reports required under subsection (a) of this section, the Secretary shall:~~

~~(1) convene a group of stakeholders both public and private and representatives of interested and affected parties as provided under subsection (e) of this section, to evaluate and make recommendations consistent with the requirements of this Act; and section.~~

(d) The stakeholder group required under subsection (c) of this section shall include:

(1) legislators;

(2) affected State agencies;

(3) providers with experience in dementia, geriatrics, end-of-life care, mental health, and disabilities in younger adults;

(4) long-term care providers;

(5) managed care organizations;

(6) acute care providers;

(7) lay care providers;

(8) advocates for individuals receiving long-term care or community services; and

(9) consumers.

~~(2) (e) provide for a The stakeholder process to develop recommendations for a coordinated care program consistent with the purpose of this section that includes shall include a review of:~~

~~(1) long-term plans, consensus reports, experiences, and best practices of in the State and in other states, relating to the management and coordination of long-term care supports and services, including mental health and behavioral health supports and services for individuals outside of the public mental health system, under the Medical Assistance program and other State programs, including programs that have carved out nursing home services, programs or plans that are administered within a State agency or by an independent entity, and the~~

~~Community Choice~~ CommunityChoice Advisory Group's consensus recommendations;
and

~~(ii)~~ (2) the Department's plan for evaluating the existing home- and community-based services infrastructure, including:

~~1.~~ (i) identifying the projected need and cost for additional services adequate to support the needs of the population, including strategies to encourage the development of the additional services;

~~2.~~ (ii) utilizing funds from the American Recovery and Reinvestment Act of 2009, to the extent practicable;

~~3.~~ (iii) considering whether to pursue a pilot or statewide program; and

~~4.~~ (iv) identifying any other areas in which the service needs of seniors and adults with disabilities in the State should be addressed, including streamlined electronic eligibility determinations and electronic billing components; and

~~(iii)~~ (v) whether a federal waiver is necessary to create a coordinated care program and, if so, the type of waiver that should be sought.

~~(e) The stakeholder group required under subsection (d)(1) of this section shall include:~~

~~(1) legislators;~~

~~(2) affected State agencies;~~

~~(3) providers with experience in dementia, geriatrics, end-of-life care, mental health, and disabilities in younger adults;~~

~~(4) long-term care providers;~~

~~(5) managed care organizations;~~

~~(6) acute care providers;~~

~~(7) lay care providers;~~

~~(8) advocates for individuals receiving long-term care or community services; and~~

~~(9) consumers;~~

(f) The Department shall:

(1) include in the interim report required under subsection (a) of this section a timeline and work plan for the stakeholder process required under subsection (e) of this section; and

(2) include, in the final report required under subsection (a) of this section, draft legislation for approval by the General Assembly that would enact the consensus recommendations developed through the stakeholder process under this section and a timeframe for submitting a federal waiver, if necessary.

(g) If the General Assembly enacts legislation that requires the submission of a federal waiver, the Department shall submit the waiver on or before June 1, 2011.

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

~~**Article — Human Services**~~

~~10-301.~~

~~There is an Interagency Committee on Aging Services in the Executive Department.~~

~~10-302.~~

~~(a) The Interagency Committee consists of the following members:~~

~~(1) the Secretary of Aging;~~

~~(2) the Secretary of Disabilities;~~

~~(3) the Secretary of Health and Mental Hygiene;~~

~~(4) the Secretary of Housing and Community Development;~~

~~(5) the Secretary of Human Resources;~~

~~(6) the Secretary of Labor, Licensing, and Regulation;~~

~~(7) the Secretary of Transportation;~~

~~(8) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT;~~

~~(9) THE SECRETARY OF HIGHER EDUCATION;~~

~~(10) THE SECRETARY OF BUDGET AND MANAGEMENT;~~

~~[(8)] (11) a representative from an area agency appointed by the Governor from a list submitted by the Maryland Association of Area Agencies on Aging; and~~

~~[(9)] (12) a member of the public appointed by the Governor.~~

~~(b) (1) The term of a member appointed by the Governor under subsection [(a)(8) or (9)] (A)(11) OR (12) of this section is 2 years.~~

~~(2) A member appointed by the Governor under subsection [(a)(8) or (9)] (A)(11) OR (12) of this section may not be reappointed for more than 2 additional terms.~~

~~10-303.~~

~~The Governor shall appoint the chair of the Interagency Committee from among the members listed in § 10-302(a)(1) through [(7)] (10) of this subtitle.~~

~~10-304.~~

~~(a) (1) An Executive Director shall serve as the principal staff of the Interagency Committee.~~

~~(2) The Executive Director shall be an employee of the Department.~~

~~(b) Each member of the Interagency Committee listed in § 10-302(a)(1) through [(7)] (10) of this subtitle shall designate an employee as liaison with the Executive Director to:~~

~~(1) implement policies of the Interagency Committee; and~~

~~(2) monitor the expenditure of funds to serve seniors.~~

~~10-306.~~

~~(a) (1) The Interagency Committee shall develop and update annually a plan for providing coordinated health services, social services, transportation, housing, and employment services to seniors in the State consistent with the priorities that the Department establishes.~~

~~(2) If the members of the Interagency Committee cannot agree on a plan, the chair shall refer the matter to the Governor for resolution.~~

~~(b) Annually on or before a date that the Governor sets, the Interagency Committee shall develop and present to the Governor and the General Assembly a consolidated operating budget for services to seniors that:~~

~~(1) sets forth the relevant portions of the operating budget of any unit responsible for services to seniors; and~~

~~(2) is consistent with the plan developed under subsection (a) of this section.~~

~~(c) The Interagency Committee shall establish interagency agreements and adopt regulations to:~~

~~(1) implement and coordinate services to seniors consistent with the plan developed under subsection (a) of this section;~~

~~(2) maximize the sharing of resources among units of State government for services to seniors;~~

~~(3) consolidate planning and evaluation efforts at the State and local levels; and~~

~~(4) coordinate and expedite the delivery of services to seniors by providing technical assistance to local agencies.~~

~~(d) (1) The Interagency Committee shall assist county agencies to establish local interagency committees composed of:~~

~~(i) the directors of the local health department, local department of social services, and area agency; and~~

~~(ii) officials from housing, transportation, mental health, employment, and economic development agencies.~~

~~(2) Local interagency committees shall coordinate and expedite the delivery of services to seniors at the local level.~~

~~(e) (1) ON OR BEFORE JANUARY 1, 2010, THE INTERAGENCY COMMITTEE SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON CONSENSUS RECOMMENDATIONS TO REFORM THE PROVISION OF MEDICAL ASSISTANCE PROGRAM LONG TERM CARE SERVICES, INCLUDING HEALTH SERVICES, DESIGNED AS NECESSARY TO MEET THE DIFFERING NEEDS OF SENIORS AND ADULTS WITH DISABILITIES IN THE STATE.~~

~~(2) IN DEVELOPING THE RECOMMENDATIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INTERAGENCY COMMITTEE SHALL:~~

~~(I) CREATE STAKEHOLDER SUBCOMMITTEES CONSISTING OF PROVIDERS, CONSUMERS, ADVOCATES, AND LOCAL INTERAGENCY COMMITTEES TO ASSIST IN THE DEVELOPMENT OF THE RECOMMENDATIONS;~~

~~(II) REVIEW LONG TERM CARE PLANS AND CONSENSUS REPORTS CREATED IN THE STATE AND IN OTHER STATES RELATED TO LONG TERM CARE, INCLUDING LONG TERM CARE MANAGED CARE; AND~~

~~(III) IDENTIFY AREAS IN WHICH THE SERVICE NEEDS OF SENIORS AND ADULTS WITH DISABILITIES IN THE STATE NEED TO BE ADDRESSED.~~

~~10-309.~~

~~(a) (1) The Interagency Committee shall:~~

~~(i) develop a system to provide services to frail or health impaired seniors at risk of institutionalization; and~~

~~(ii) coordinate the system among the agencies represented on the Interagency Committee.~~

~~(2) The Department shall administer the system for the Interagency Committee.~~

~~(b) The services shall include:~~

~~(1) integrated screening and evaluation;~~

~~(2) development of an individual plan of care;~~

~~(3) in-home services such as minor home repair, shopping assistance, homemaking, personal care, meal delivery or preparation, supportive services to group or shared living arrangements, transportation services, and health services; and~~

~~(4) community services such as day care, congregate meals, and other programs to assist seniors or adult caregivers in providing care for seniors.~~

~~(c) To be eligible to participate in the system, a county or counties shall establish a community based plan that:~~

~~(1) is developed by a local or regional committee composed of:~~

~~(i) the directors of the local health department, local department of social services, and area agency; and~~

~~(ii) officials of other relevant agencies, such as local housing, transportation, employment, and economic development officials;~~

~~(2) is consistent with the plan developed under § 10-306(a) of this subtitle;~~

~~(3) specifies administrative arrangements to evaluate and develop care plans for frail or health-impaired seniors;~~

~~(4) encourages further coordination of service delivery;~~

~~(5) fosters individual contributions for services provided;~~

~~(6) fosters the development of innovative service delivery;~~

~~(7) fosters the development of services in conjunction with the private sector; and~~

~~(8) fosters community involvement through the use of volunteers.~~

~~(d) The Interagency Committee, through the Department, shall work with local health departments, local departments of social services, area agencies, and local housing, transportation, economic development, and employment development officials to develop:~~

~~(1) a system to designate case managers to secure and manage necessary services for each frail or health-impaired senior in need; and~~

~~(2) guidelines to establish local or regional committees to coordinate the services system to implement this section.~~

~~10-310.~~

~~Subject to § 2-1246 of the State Government Article, the Interagency Committee shall present a report before each legislative session to the General Assembly on:~~

~~(1) the plan developed under § 10-306(a) of this subtitle, INCLUDING A DESCRIPTION OF ANY CHANGES AND UPDATES TO THE PLAN;~~

~~(2) THE STATUS OF THE SYSTEM DEVELOPED UNDER § 10-309 OF THIS SUBTITLE;~~

~~[(2)] (3) the activities of the Interagency Committee; and~~

~~[(3)] (4) the status of services to seniors in the State.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 372

(House Bill 142)

AN ACT concerning

Insurance – Antifraud Plans

FOR the purpose of making certain provisions of law relating to antifraud plans applicable to ~~health maintenance organizations and~~ third party administrators; authorizing certain insurers, as part of an antifraud plan, to require an ~~insured individual~~ who is receiving benefits under certain policies to make certain affirmations; requiring certain insurers to make certain disclosures to ~~insureds~~ certain individuals under certain circumstances; and generally relating to antifraud plans.

~~BY adding to~~

~~Article – Health – General~~

~~Section 19-706(ttt)~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2008 Supplement)~~

BY adding to

Article – Insurance

Section 8-321.1

Annotated Code of Maryland

(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 27-803

Annotated Code of Maryland

(2006 Replacement Volume and 2008 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.~~~~(TTT) THE PROVISIONS OF § 27-803 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.~~

Article - Insurance

8-321.1.

A THIRD PARTY ADMINISTRATOR SHALL COMPLY WITH § 27-803 OF THIS ARTICLE.

27-803.

(a) (1) Each authorized insurer shall institute and maintain an insurance antifraud plan.

(2) Within 30 days after instituting or modifying an antifraud plan, the authorized insurer shall notify the Commissioner in writing.

(b) Each antifraud plan shall establish specific procedures to:

(1) prevent insurance fraud, including:

(i) internal fraud that involves the authorized insurer's employees or insurance producers;

(ii) fraud that results from misrepresentations on insurance applications; and

(iii) claims fraud;

(2) report insurance fraud to appropriate law enforcement authorities;

(3) cooperate with the prosecution of insurance fraud cases; and

(4) report fraud-related data to the Commissioner and Fraud Division.

(c) (1) Each authorized insurer shall file its antifraud plan with the Commissioner.

(2) The Commissioner may review each antifraud plan to determine whether it complies with the requirements of this section.

(3) An antifraud plan is deemed approved unless disapproved by the Commissioner within 30 days after the date of filing.

(d) (1) If the Commissioner finds that an antifraud plan does not comply with the requirements of this section, the Commissioner shall disapprove the antifraud plan and send a notice of disapproval, including the reasons for disapproval, to the authorized insurer.

(2) If the Commissioner disapproves an antifraud plan, the authorized insurer shall submit a new antifraud plan to the Commissioner within 60 days after the date of disapproval.

(e) During an examination under § 2-205 of this article, the Commissioner shall examine the authorized insurer's procedures to determine whether the authorized insurer is complying with its antifraud plan.

(f) The Commissioner may withhold from public inspection any part of an antifraud plan for as long as the Commissioner considers the withholding to be in the public interest.

(g) (1) AS PART OF AN ANTIFRAUD PLAN, AN AUTHORIZED INSURER MAY REQUIRE IN WRITING THAT AN INSURED INDIVIDUAL WHO IS RECEIVING BENEFITS UNDER A ~~WORKERS' COMPENSATION INSURANCE POLICY OR A~~ DISABILITY INSURANCE POLICY ~~TO~~ MUST AFFIRM ON A PERIODIC BASIS THAT THE INSURED INDIVIDUAL:

(I) REMAINS ENTITLED TO THE BENEFITS; AND

(II) HAS HAD NO CHANGE IN THE CONDITION ENTITLING THE INSURED INDIVIDUAL TO THE BENEFITS.

(2) AN AUTHORIZED INSURER THAT REQUIRES THE AFFIRMATION PERMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL DISCLOSE TO THE INSURED INDIVIDUAL WHO IS RECEIVING BENEFITS THAT ~~ANY PERSON THAT~~ IF THE INDIVIDUAL KNOWINGLY AND WILLFULLY PROVIDES FALSE INFORMATION OR KNOWINGLY AND WILLFULLY FAILS TO PROVIDE MATERIAL INFORMATION IN CONNECTION WITH THE INSURED'S INDIVIDUAL'S ELIGIBILITY OR CONTINUED ELIGIBILITY FOR BENEFITS UNDER A ~~WORKERS' COMPENSATION INSURANCE POLICY OR A~~ DISABILITY INSURANCE POLICY, THE INDIVIDUAL IS GUILTY OF A CRIME AND MAY BE SUBJECT TO A FINE AND IMPRISONMENT.

[(g)] (H) The Commissioner shall adopt regulations that establish minimum standards for antifraud plans required to be filed under this section.

[(h)] (I) It is a violation of this subtitle if the Commissioner finds that an authorized insurer has failed to:

- (1) file an antifraud plan;
- (2) file a revised antifraud plan after disapproval by the Commissioner of the initial antifraud plan; or
- (3) comply with the antifraud plan filed by the authorized insurer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 373

(House Bill 143)

AN ACT concerning

**Baltimore City – Newly Constructed Dwelling Property Tax Credit
– Modification and Reauthorization**

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to establish certain maximum limits for a certain property tax credit; authorizing the Mayor and City Council of Baltimore City to establish certain application periods; authorizing the Mayor and City Council of Baltimore City to establish a one-time application amnesty period subject to certain restrictions; altering the termination date applicable to certain provisions; requiring the Mayor and City Council of Baltimore City to establish necessary and appropriate procedures to carry out the property tax credit; defining a certain term; and generally relating to the newly constructed dwelling property tax credit in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–304(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Article – Tax – Property

9–304.

(d) (1) (i) In this subsection the following words have the meanings indicated.

(ii) 1. “Newly constructed dwelling” means residential real property that has not been previously occupied since its construction and for which the building permit for construction was issued on or after October 1, 1994.

2. “Newly constructed dwelling” includes a “vacant dwelling” as defined in subsection (c)(1) of this section that has been rehabilitated in compliance with applicable local laws and regulations and has not been previously occupied since the rehabilitation.

~~(iii) “Homeowner” has the meaning stated in § 9–105(a)(3) of this title.~~

(III) “OWNER” MEANS “HOMEOWNER” AS DEFINED IN § 9–105 OF THIS TITLE.

(2) The Mayor and City Council of Baltimore City may grant, by law, a property tax credit under this subsection against the county property tax imposed on newly constructed dwellings that are owned by qualifying owners.

(3) A property tax credit granted under this subsection may not exceed the amount of county property tax imposed on the real property, less the amount of any other credit applicable in that year, multiplied by:

(i) 50% for the first taxable year in which the property qualifies for the tax credit;

(ii) 40% for the second taxable year in which the property qualifies for the tax credit;

(iii) 30% for the third taxable year in which the property qualifies for the tax credit;

(iv) 20% for the fourth taxable year in which the property qualifies for the tax credit;

(v) 10% for the fifth taxable year in which the property qualifies for the tax credit; and

(vi) 0% for each taxable year thereafter.

(4) NOTWITHSTANDING THE CREDIT AMOUNT CALCULATED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY ESTABLISH, BY LAW, MAXIMUM LIMITS ON THE CUMULATIVE PROPERTY TAX CREDIT ALLOWED UNDER THIS SUBSECTION OR ON THE AMOUNT OF THE CREDIT ALLOWED FOR ANY YEAR.

[(4)] (5) Owners of newly constructed dwellings may qualify for the tax credit authorized by this subsection by:

- (i) purchasing a newly constructed dwelling;
- (ii) occupying the newly constructed dwelling as their principal residence;
- (iii) filing a State income tax return during the period of the tax credit as a resident of Baltimore City; and
- (iv) satisfying other requirements as may be provided by the Mayor and City Council of Baltimore City.

(6) (I) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY PROVIDE, BY LAW, FOR TWO APPLICATION PERIODS DURING WHICH ~~HOMEOWNERS~~ OWNERS CAN APPLY FOR THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION, ONE THAT IS BASED ON THE PURCHASE DATE OF THE DWELLING AND ONE THAT IS BASED ON THE DATE OF THE ASSESSMENT NOTICE.

(II) 1. THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY PROVIDE, BY LAW, FOR A ONE-TIME AMNESTY PERIOD FOR ~~HOMEOWNERS~~ OWNERS WHO WERE PREVIOUSLY DENIED THE TAX CREDIT FOR FAILING TO MEET THE APPLICATION DEADLINE.

2. THE AMNESTY PERIOD SHALL BEGIN AT THE TIME THE TAX CREDIT IS REAUTHORIZED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY AND SHALL END 60 DAYS THEREAFTER.

3. ONLY ~~HOMEOWNERS~~ OWNERS WHO WERE ELIGIBLE FOR THE TAX CREDIT ON OR AFTER JANUARY 1, 2005, MAY BE ELIGIBLE TO APPLY FOR THE CREDIT DURING THE AMNESTY PERIOD.

4. IF GRANTED, THE TAX CREDIT SHALL BE APPLIED AGAINST THE ~~HOMEOWNER'S~~ OWNER'S PROPERTY TAXES AS LONG AS THE ~~HOMEOWNER~~ OWNER REMAINS THE OWNER-OCCUPANT OF THE DWELLING FOR WHICH THE CREDIT IS RECEIVED.

(III) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL PROVIDE FOR ~~THE~~ ANY PROCEDURES NECESSARY AND APPROPRIATE FOR IMPLEMENTING THE APPLICATION AND AMNESTY PERIODS.

[(5)] (7) The Mayor and City Council of Baltimore City may provide for **ADDITIONAL** procedures necessary and appropriate for the submission of an application for and the granting of a property tax credit under this subsection, including procedures for granting partial credits for eligibility for less than a full taxable year.

[(6)] (8) The estimated amount of all tax credits received by owners under this subsection in any fiscal year shall be reported by the Director of Finance of Baltimore City as a "tax expenditure" for that fiscal year and shall be included in the publication of the City's budget for any subsequent fiscal year with the estimated or actual City property tax revenue for the applicable fiscal year.

[(7)] (9) (i) After June 30, **[2009] 2014**, additional owners of newly constructed dwellings may not be granted a credit under this subsection.

(ii) This paragraph does not apply to an owner's continuing receipt of a credit as allowed in paragraph (3) of this subsection, with respect to a property for which a tax credit under this subsection was received for a taxable year ending on or before June 30, **[2009] 2014**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 374

(House Bill 146)

AN ACT concerning

Harford County - Gaming

FOR the purpose of requiring the Sheriff of Harford County to charge a certain fee for a 50/50 license; increasing the maximum money prizes that may be awarded for certain games; authorizing certain organizations to conduct a game of 50/50 at a certain event if the organization acquires a license; and generally relating to gaming in Harford County.

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 13–1501(a), (c), and (f), 13–1502(a), and 13–1503(b)

Annotated Code of Maryland

(2002 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 13–1503(d), 13–1504(b), 13–1505(c), and 13–1508

Annotated Code of Maryland

(2002 Volume and 2008 Supplement)

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

Article – Criminal Law

13–1501.

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

(c) “50/50” means a drawing from a finite number of chances in which the proceeds from the sale of chances are split evenly between the winner and the organization conducting the game.

(f) “Sheriff” means the Sheriff of Harford County.

13–1502.

(a) This subtitle applies only in Harford County.

13–1503.

(b) The following organizations may obtain a license to conduct a gaming event:

(1) a bona fide religious group that has conducted religious services at a fixed location in the county for at least 3 years before applying for a license;

(2) a State-chartered organization authorized by a nationally chartered veterans organization;

(3) a tax-supported volunteer fire company; or

(4) a nonprofit organization that intends to raise money for an exclusively charitable, athletic, or educational purpose which is specifically described in the application for a license.

- (d) The sheriff shall charge the following license fees:
- (1) \$5 for a bingo license;
 - (2) \$10 for a paddle wheel license;
 - (3) \$10 for a raffle license; [and]
 - (4) **\$10 FOR A 50/50 LICENSE; AND**
- [(4)] (5) \$15 for a members-only instant bingo license.

13-1504.

- (b) A money prize for a bingo game may not exceed:
- (1) **[\$50] \$500**; or
 - (2) \$1,000 for a jackpot.

13-1505.

(c) A money prize for a members-only instant bingo game may not exceed **[\$50] \$500**.

13-1508.

(a) An organization listed in § 13-1503(b) of this subtitle may conduct a game of 50/50 [without a license.

(b) A game of 50/50 may only be conducted]:

- (1) **WITHOUT A 50/50 LICENSE**, at a meeting of the organization; **OR**
- (2) **WITH A 50/50 LICENSE, AT AN EVENT OTHER THAN A MEETING OF THE ORGANIZATION**.

[(c)] (B) A money prize for a game of 50/50 may not exceed **[\$50] \$500**.

[(d)] (C) A minor may not participate in a game of 50/50.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 375**(House Bill 161)**

AN ACT concerning

Insurance – Company Action Level Events – Property and Casualty Insurers

FOR the purpose of specifying when a certain company action level event occurs for property and casualty insurers; and generally relating to financial regulation of insurers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 4–305(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

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

Article – Insurance

4–305.

- (a) A company action level event occurs when:
- (1) an insurer files an RBC report that indicates that:
 - (i) the insurer has total adjusted capital that is:
 1. greater than or equal to its regulatory action level RBC; and
 2. less than its company action level RBC; [or]
 - (ii) in the case of a life insurer, the life insurer has total adjusted capital that:
 1. is greater than or equal to its company action level RBC;
 2. is less than the product of its authorized control level RBC and 2.5; and

3. has a negative trend; OR

(III) IN THE CASE OF A PROPERTY AND CASUALTY INSURER, THE PROPERTY AND CASUALTY INSURER HAS TOTAL ADJUSTED CAPITAL THAT:

1. IS GREATER THAN OR EQUAL TO ITS COMPANY ACTION LEVEL RBC;

2. IS LESS THAN THE PRODUCT OF ITS AUTHORIZED CONTROL LEVEL RBC AND 3.0; AND

3. TRIGGERS THE TREND TEST CALCULATION INCLUDED IN THE PROPERTY AND CASUALTY RBC INSTRUCTIONS;

(2) the Commissioner notifies an insurer of an adjusted RBC report that indicates an event under item (1) of this subsection; or

(3) if an insurer requests a hearing to challenge an adjusted RBC report that indicates an event under item (1) of this subsection, the Commissioner notifies the insurer that the Commissioner, after a hearing, has rejected the insurer's challenge.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 376

(House Bill 162)

AN ACT concerning

Insurance – Notice of Premium Increase for Commercial and Workers' Compensation Insurance

FOR the purpose of making certain notice requirements applicable to all premium increases for policies of commercial insurance and policies of workers' compensation insurance, with a certain exception; establishing certain methods for satisfying a certain notice requirement; clarifying language; providing for a delayed effective date; and generally relating to premium increases for commercial and workers' compensation insurance policies.

BY repealing and reenacting, with amendments,

Article – Insurance
 Section 27–608
 Annotated Code of Maryland
 (2006 Replacement Volume and 2008 Supplement)

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

Article – Insurance

27–608.

- (a) **(1)** This section applies to:
- ~~(1)~~ **(I)** policies of commercial insurance; and
 - ~~(2)~~ **(II)** policies of workers' compensation insurance.

(2) THIS SECTION DOES NOT APPLY TO POLICIES ISSUED TO EXEMPT COMMERCIAL POLICYHOLDERS, AS DEFINED IN § 11–206(J) OF THIS ARTICLE.

(b) Unless an insurer has given notice of its intention not to renew a policy subject to this section, if the insurer seeks to increase the renewal policy premium [by 20% or more], the insurer shall send a notice to the named insured and insurance producer, if any, not less than 45 days prior to the renewal date of the policy.

(c) **[A] SUBJECT TO SUBSECTION (D) OF THIS SECTION, A** notice under this section shall include:

- (1) both the expiring policy premium and the renewal policy premium; and
- (2) the telephone number for the insurer or insurance producer, if any, together with a statement that the insured may call to request additional information about the premium increase.

(d) (1) If an **INSURER SEEKS TO INCREASE THE RENEWAL POLICY PREMIUM AND THE** insurer's rating methodology requires the insured to provide information to calculate the renewal policy premium, an insurer shall provide a reasonable estimate of the renewal policy premium if:

- (i) the insurer has requested the required information from the insured; and
- (ii) the insurer has not received the requested information.

(2) A reasonable estimate under this subsection shall be based upon the information available to the insurer at the time the notice is sent.

(e) [In determining the amount of a premium increase under this section, the insurer is not required to include premium resulting] **THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO THE EXTENT THE PREMIUM INCREASE RESULTS** from:

- (1) an increase in the units of exposure;
- (2) the application of an experience rating plan;
- (3) the application of a retrospective rating plan;
- (4) a change made by the insured that increases the insurer's exposure; or
- (5) an audit of the insured.

(f) A notice required by this section shall be sent by first-class mail and may be sent together with the renewal policy.

(G) AN INSURER SHALL BE CONSIDERED TO HAVE MET THE NOTICE REQUIREMENT OF THIS SECTION IF, NOT LESS THAN 45 DAYS BEFORE THE EFFECTIVE DATE OF THE RENEWAL POLICY THE INSURER HAS SENT:

(1) TO THE NAMED INSURED, A RENEWAL POLICY THAT INCLUDES THE RENEWAL POLICY PREMIUM;

(2) TO THE NAMED INSURED AND INSURANCE PRODUCER, IF ANY, A WRITTEN NOTICE OF RENEWAL OR CONTINUATION OF COVERAGE THAT INCLUDES THE RENEWAL OR CONTINUATION PREMIUM; OR

(3) TO THE NAMED INSURED AND INSURANCE PRODUCER, IF ANY, A RENEWAL OFFER THAT INCLUDES A REASONABLE ESTIMATE OF THE RENEWAL POLICY PREMIUM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2009~~ January 1, 2010.

Approved by the Governor, May 7, 2009.

Chapter 377**(House Bill 163)**

AN ACT concerning

Motor Fuel – Dyed Diesel Fuel – Violations

FOR the purpose of establishing certain violations involving the use of dyed diesel fuel in the propulsion tanks of motor vehicles on the highways of the State; and generally relating to the regulation of dyed diesel fuel in the State.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 10–323.2
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Article – Business Regulation

10–323.2.

- (a) (1) A notice stating “dyed diesel fuel, nontaxable use only” shall be:
- (i) provided by the terminal operator or distributor to any person that receives dyed diesel fuel at a terminal or distributor rack;
 - (ii) provided by the seller of dyed diesel fuel to its buyer if the fuel is located outside the bulk transfer or terminal system and is not sold from a retail pump on which the notice required by this section has been posted in accordance with item (iii) of this paragraph; and
 - (iii) posted by a seller on any retail pump where the seller sells dyed diesel fuel for use by the buyer of the dyed diesel fuel.
- (2) The notice required under paragraph (1)(i) or (ii) of this subsection shall be provided at the time of the removal or sale of the dyed diesel fuel and shall appear on shipping papers, bills of lading, and invoices accompanying the sale or removal of the dyed diesel fuel.
- (3) The Motor Fuel Tax Bureau may determine that compliance with a federal notice provision that is substantially similar to a notice requirement of this subsection satisfies that notice requirement of this subsection.

(b) (1) A person may not operate a motor vehicle on a highway in the State with fuel supply tanks containing dyed diesel fuel unless permitted to do so under a federal law or regulation relating to the use of dyed diesel fuel on the highways.

(2) (i) A person may not sell or deliver dyed diesel fuel if the person knows or has reason to know that the dyed diesel fuel will be consumed for a prohibited on-highway use.

(ii) A person who dispenses dyed diesel fuel from a retail pump that is not properly labeled with the notice required by subsection (a)(1) of this section, or who knowingly delivers dyed diesel fuel into the storage tank of such a pump, shall be presumed to know that the dyed diesel fuel will be consumed on the highway.

(c) A person may not:

(1) except as provided in subsection (b)(1) of this section, operate a motor vehicle on a highway in the State with dyed diesel fuel in the propulsion tank of the motor vehicle;

(2) sell or deliver dyed diesel fuel from a retail pump that is not properly labeled as required under subsection (a) of this section;

(3) sell or deliver dyed diesel fuel from a petroleum delivery vehicle into a propulsion tank of a motor vehicle; or

(4) refuse to permit inspection of a propulsion tank in accordance with § 10-201(e) of this title.

(D) (1) A PERSON IS GUILTY OF A VIOLATION OF THIS SECTION IF THE PERSON, WHETHER AS A PRINCIPAL, AN AGENT, OR AN ACCESSORY, INTENTIONALLY:

(I) COMMITS A VIOLATION OF THIS SECTION;

(II) ATTEMPTS TO COMMIT A VIOLATION OF THIS SECTION;

(III) CONSPIRES TO COMMIT A VIOLATION OF THIS SECTION;

(IV) AIDS ANOTHER IN THE COMMISSION OF A VIOLATION OF THIS SECTION; OR

(V) ABETS ANOTHER IN THE COMMISSION OF A VIOLATION OF THIS SECTION.

(2) A PERSON IS GUILTY OF A VIOLATION OF THIS SECTION IF THE PERSON INTENTIONALLY:

(I) INDUCES ANOTHER TO COMMIT A VIOLATION OF THIS SECTION;

(II) CAUSES ANOTHER TO COMMIT A VIOLATION OF THIS SECTION;

(III) COERCES ANOTHER TO COMMIT A VIOLATION OF THIS SECTION;

(IV) PERMITS ANOTHER TO COMMIT A VIOLATION OF THIS SECTION; OR

(V) DIRECTS ANOTHER TO COMMIT A VIOLATION OF THIS SECTION.

[(d)](E) A person that violates any provisions of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

[(e)](F) In addition to any other penalty provided by law, the Comptroller may assess against any person that violates any provision of this section dealing with the use, sale, transportation, or storage of dyed diesel fuel:

(1) for the first violation, a fine of \$1,000 or \$10 per gallon of dyed diesel fuel involved in the violation, whichever amount is greater; and

(2) for a second or subsequent violation, a fine equal to the amount of the penalty assessed under item (1) of this subsection for the first violation multiplied by the total number of violations.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 378

(House Bill 164)

AN ACT concerning

**Automobile Liability and Homeowner's Insurance – ~~Surcharges~~ Rating,
Retiering, and ~~Removal or Reduction of Discounts~~**

FOR the purpose of establishing certain principles for rating homeowner's insurance under prior approval and competitive rating; prohibiting classification or maintenance of certain insureds under homeowner's insurance in a classification that entails a higher premium based on certain claims made in certain periods; providing that the removal of, reduction of, or refusal to apply a discount under homeowner's insurance is not a violation of certain provisions of this Act under certain circumstances; providing for the construction of certain provisions concerning certain discounts in homeowner's insurance and automobile liability insurance; prohibiting an insurer, with respect to automobile liability insurance and homeowner's insurance, from imposing a surcharge, retiering a risk, or removing or reducing a discount retiering a policy containing certain coverage under certain circumstances; *providing for a delayed effective date*; and generally relating to automobile liability insurance and homeowner's insurance.

~~BY repealing and reenacting, with amendments,
Article – Insurance
Section 27-501(d)(1) and (2)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)~~

BY adding to
Article – Insurance
Section 11-213 and 11-315
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 11-215(a) and 11-318(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11-215(b) and 11-318(b)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19-507

Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Article – Insurance

~~27-501.~~

- ~~(d) (1) With respect to automobile liability insurance, an insurer may not:~~
- ~~(i) cancel, refuse to renew, [or] otherwise terminate coverage, IMPOSE A SURCHARGE, OR REMOVE OR REDUCE A DISCOUNT for an automobile insurance risk, OR RETIER AN AUTOMOBILE INSURANCE RISK, because of a claim, traffic violation, or traffic accident that occurred more than 3 years before the effective date of the policy or renewal; or~~
 - ~~(ii) refuse to underwrite an automobile insurance risk because of a claim, traffic violation, or traffic accident that occurred more than 3 years before the date of application.~~
- ~~(2) With respect to homeowner's insurance, an insurer may not:~~
- ~~(i) cancel, refuse to renew, [or] otherwise terminate coverage, IMPOSE A SURCHARGE, OR REMOVE OR REDUCE A DISCOUNT for a homeowner's insurance risk, OR RETIER A HOMEOWNER'S INSURANCE RISK, because of a claim that occurred more than 3 years before the effective date of the policy or renewal; or~~
 - ~~(ii) refuse to underwrite a homeowner's insurance risk because of a claim that occurred more than 3 years before the date of application.~~

11-213.

(A) ALL HOMEOWNER'S INSURANCE RATES SHALL BE MADE IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN THIS SECTION.

(B) (1) AN INSURER UNDER A HOMEOWNER'S INSURANCE POLICY MAY NOT CLASSIFY OR MAINTAIN AN INSURED FOR A PERIOD LONGER THAN 3 YEARS IN A CLASSIFICATION THAT ENTAILS A HIGHER PREMIUM BECAUSE OF A SPECIFIC CLAIM.

(2) FOR THE PURPOSE OF DETERMINING WHETHER TO CLASSIFY AN INSURED IN A CLASSIFICATION THAT ENTAILS A HIGHER PREMIUM, AN INSURER MAY REVIEW ONLY A PERIOD NOT GREATER THAN 3 YEARS BEFORE:

(I) IF THE POLICY HAS NOT YET BEEN ISSUED:

1. THE DATE OF THE APPLICATION; OR

2. THE PROPOSED EFFECTIVE DATE OF THE POLICY;

OR

(II) ON RENEWAL OF A POLICY, THE EFFECTIVE DATE OF THE RENEWAL.

(3) (I) THE REMOVAL OF, REDUCTION OF, OR REFUSAL TO APPLY A DISCOUNT IS NOT A VIOLATION OF THIS SUBSECTION IF THE CLAIM RESULTING IN THE REMOVAL OF, REDUCTION OF, OR REFUSAL TO APPLY THE DISCOUNT WAS FILED NOT MORE THAN 5 YEARS BEFORE THE REMOVAL, REDUCTION, OR REFUSAL.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO PREVENT AN INSURER FROM GRANTING A CLAIM-FREE DISCOUNT TO AN INSURED.

11-215.

(a) All automobile insurance rates shall be made in accordance with the principles set forth in this section.

(b) (1) An insurer under an automobile liability insurance policy may not classify or maintain an insured for a period longer than 3 years in a classification that entails a higher premium:

(i) because of a specific claim; or

(ii) because of the insured's driving record.

(2) For the purpose of determining whether to classify an insured in a classification that entails a higher premium, an insurer may review only a period not greater than 3 years before:

(i) if the policy has not yet been issued:

1. the date of the application; or

2. the proposed effective date of the policy; or

(ii) on renewal of a policy, the effective date of the renewal.

(3) (I) The removal of a discount is not a violation of this subsection.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO PREVENT AN INSURER FROM GRANTING A CLAIM-FREE DISCOUNT TO AN INSURED.

11-315.

(A) ALL HOMEOWNER'S INSURANCE RATES SHALL BE MADE IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN THIS SECTION.

(B) (1) AN INSURER UNDER A HOMEOWNER'S INSURANCE POLICY MAY NOT CLASSIFY OR MAINTAIN AN INSURED FOR A PERIOD LONGER THAN 3 YEARS IN A CLASSIFICATION THAT ENTAILS A HIGHER PREMIUM BECAUSE OF A SPECIFIC CLAIM.

(2) FOR THE PURPOSE OF DETERMINING WHETHER TO CLASSIFY AN INSURED IN A CLASSIFICATION THAT ENTAILS A HIGHER PREMIUM, AN INSURER MAY REVIEW ONLY A PERIOD NOT GREATER THAN 3 YEARS BEFORE:

(I) IF THE POLICY HAS NOT YET BEEN ISSUED:

1. THE DATE OF THE APPLICATION; OR

2. THE PROPOSED EFFECTIVE DATE OF THE POLICY;

OR

(II) ON RENEWAL OF A POLICY, THE EFFECTIVE DATE OF THE RENEWAL.

(3) (I) THE REMOVAL OF, REDUCTION OF, OR REFUSAL TO APPLY A DISCOUNT IS NOT A VIOLATION OF THIS SUBSECTION IF THE CLAIM RESULTING IN THE REMOVAL OF, REDUCTION OF, OR REFUSAL TO APPLY THE DISCOUNT WAS FILED NOT MORE THAN 5 YEARS BEFORE THE REMOVAL, REDUCTION, OR REFUSAL.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO PREVENT AN INSURER FROM GRANTING A CLAIM-FREE DISCOUNT TO AN INSURED.

11-318.

(a) All automobile insurance rates shall be made in accordance with the principles set forth in this section.

(b) (1) An insurer under an automobile liability insurance policy may not classify or maintain an insured for a period longer than 3 years in a classification that entails a higher premium:

- (i) because of a specific claim; or
- (ii) because of the insured's driving record.

(2) For the purpose of determining whether to classify an insured in a classification that entails a higher premium, an insurer may review only a period not greater than 3 years before:

- (i) if the policy has not yet been issued:
 - 1. the date of the application; or
 - 2. the proposed effective date of the policy; or
- (ii) on renewal of a policy, the effective date of the renewal.

(3) (I) The removal of a discount is not a violation of this subsection.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO PREVENT AN INSURER FROM GRANTING A CLAIM-FREE DISCOUNT TO AN INSURED.

19-507.

(a) The benefits described in § 19-505 of this subtitle shall be payable without regard to:

- (1) the fault or nonfault of the named insured or the recipient of benefits in causing or contributing to the motor vehicle accident; and
- (2) any collateral source of medical, hospital, or wage continuation benefits.

(b) (1) Subject to paragraph (2) of this subsection, if the insured has both coverage for the benefits described in § 19-505 of this subtitle and a collateral source of medical, hospital, or wage continuation benefits, the insurer or insurers may coordinate the policies to provide for nonduplication of benefits, subject to appropriate reductions in premiums for one or both of the policies approved by the Commissioner.

- (2) The named insured may:

(i) elect to coordinate the policies by indicating in writing which policy is to be the primary policy; or

(ii) reject the coordination of policies and nonduplication of benefits.

(c) An insurer that issues a policy that contains the coverage described in § 19-505 of this subtitle may not impose a surcharge **OR RETIER THE POLICY** for a claim or payment made under that coverage and, at the time the policy is issued, shall notify the policyholder in writing that a surcharge may not be imposed **AND THE POLICY MAY NOT BE RETIERED** for a claim or payment made under that coverage.

(d) An insurer that provides the benefits described in § 19-505 of this subtitle does not have a right of subrogation and does not have a claim against any other person or insurer to recover any benefits paid because of the alleged fault of the other person in causing or contributing to a motor vehicle accident.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2009~~ January 1, 2010.

Approved by the Governor, May 7, 2009.

Chapter 379

(House Bill 165)

AN ACT concerning

Insurance – Cancellation of Policies – Limitation on Midterm Cancellations

FOR the purpose of prohibiting an insurer from cancelling a policy of personal insurance, a certain policy of homeowner's insurance, a policy of commercial insurance, or a policy of private passenger motor vehicle liability insurance midterm ~~unless the insurer makes a certain determination or~~ except under certain circumstances; making a certain clarifying change; and generally relating to cancellations of insurance policies.

BY repealing and reenacting, with amendments,
 Article – Insurance
 Section 27-602, 27-603, and 27-613(b)
 Annotated Code of Maryland
 (2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
 Article – Insurance

Section 27-613(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Article – Insurance

27-602.

(a) (1) This section applies only to policies of:

(I) personal insurance; AND

(II) HOMEOWNER'S INSURANCE UNDER WHICH A ONETIME GUARANTEED FULLY REFUNDABLE DEPOSIT IS REQUIRED FOR A STATED AMOUNT OF COVERAGE.

(2) This section does not apply to policies in effect for 45 days or less, as provided in § 12-106 of this article.

(b) (1) Whenever an insurer, as required by subsection (c) of this section, gives notice of its intention to cancel or not to renew a policy subject to this section issued in the State or before an insurer cancels a policy subject to this section issued in the State for a reason other than nonpayment of premium, the insurer shall notify the insured of the possible right of the insured to replace the insurance under the Maryland Property Insurance Availability Act or through another plan for which the insured may be eligible.

(2) The notice required by paragraph (1) of this subsection must:

(i) be in writing;

(ii) contain the current address and telephone number of the offices of the appropriate plan; and

(iii) be sent to the insured in the same manner and at the same time as the first written notice of cancellation or of intention not to renew given or required by law, regulation, or contract.

(c) (1) **[At] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, AT** least 45 days before the date of the proposed cancellation or expiration of the policy, the insurer shall send to the insured, by certificate of mail, a written notice of intention to cancel for a reason other than nonpayment of premium or notice of intention not to renew a policy issued in the State.

(2) An insurer shall maintain proof of mailing in a form authorized or accepted by the United States Postal Service.

(3) Notice given to the insured by an insurance producer on behalf of the insurer is deemed to have been given by the insurer for purposes of this subsection.

(4) Notwithstanding paragraph (3) of this subsection, no notice is required under this section if the insured has replaced the insurance.

(5) AN INSURER MAY NOT CANCEL A POLICY MIDTERM EXCEPT FOR:

(I) WHEN ~~THE INSURER HAS DETERMINED THAT THERE EXISTS:~~

~~(I)~~ 1. A MATERIAL MISREPRESENTATION OR FRAUD IN CONNECTION WITH THE APPLICATION, POLICY, OR PRESENTATION OF A CLAIM;

~~(II)~~ 2. A MATTER OR ISSUE RELATED TO THE RISK THAT CONSTITUTES A THREAT TO PUBLIC SAFETY; OR

~~(III)~~ 3. ANY OTHER REASON APPROVED BY THE COMMISSIONER A CHANGE IN THE CONDITION OF THE RISK THAT RESULTS IN AN INCREASE IN THE HAZARD INSURED AGAINST;

(II) FOR NONPAYMENT OF PREMIUM; OR

~~(III) IN THE CASE OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE, DUE TO THE REVOCATION OR SUSPENSION OF THE DRIVER'S LICENSE OR MOTOR VEHICLE REGISTRATION:~~

~~1. OF THE NAMED INSURED OR COVERED DRIVER UNDER THE POLICY; AND~~

~~2. FOR REASONS RELATED TO THE DRIVING RECORD OF THE NAMED INSURED OR COVERED DRIVER; OR~~

~~(IV) IN THE CASE OF HOMEOWNER'S INSURANCE, CONVICTION OF ARSON.~~

(d) At least 10 days before the date an insurer proposes to cancel a policy for nonpayment of premium, the insurer shall send to the insured, by certificate of mail, a written notice of intention to cancel for nonpayment of premium.

27-603.

- (a) (1) This section applies only to policies of commercial insurance.
- (2) This section does not apply to:
- (i) policies in effect for 45 days or less, as provided in § 12-106 of this article; or
- (ii) policies issued to exempt commercial policyholders under § 11-206 of this article, if the policies provide for written notice of not less than 30 days of the insurer's intent to cancel or nonrenew.
- (b) (1) Whenever an insurer, **AS REQUIRED BY SUBSECTION (C) OF THIS SECTION**, gives notice of its intention to cancel or not to renew a policy issued in this State for a reason other than nonpayment of premium, the insurer shall notify the insured of the possible right to replace the insurance under the Maryland Property Insurance Availability Act, through the Maryland Automobile Insurance Fund, or through another plan for which the insured may be eligible.
- (2) The notice required by paragraph (1) of this subsection shall:
- (i) be in writing;
- (ii) if applicable, include the current address and telephone number of the offices of the Joint Insurance Association, the Maryland Automobile Insurance Fund, or other appropriate plan; and
- (iii) be sent to the insured in the same manner and at the same time as the first written notice of cancellation or of intention not to renew that is given or required by law, regulation, or contract.
- (c) (1) **[At] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, AT** least 45 days before the date of the proposed cancellation or expiration of the policy, the insurer shall send to the insured, by certificate of mail or by commercial mail delivery service, written notice of intention to cancel for a reason other than nonpayment of premium or notice of intention not to renew a policy issued in the State.
- (2) The insurer shall maintain proof of mailing in a form authorized or accepted by the United States Postal Service or other commercial mail delivery service.
- (3) Notice given to the insured by an insurance producer on behalf of the insurer is deemed to have been given by the insurer for the purposes of this subsection.

(4) No notice is required under this subsection if the insured has replaced the insurance.

(5) **AN INSURER MAY NOT CANCEL A POLICY MIDTERM EXCEPT FOR:**

(I) WHEN ~~THE INSURER HAS DETERMINED THAT THERE EXISTS:~~

~~(I)~~ 1. A MATERIAL MISREPRESENTATION OR FRAUD IN CONNECTION WITH THE APPLICATION, POLICY, OR PRESENTATION OF A CLAIM;

~~(II)~~ 2. A MATTER OR ISSUE RELATED TO THE RISK THAT CONSTITUTES A THREAT TO PUBLIC SAFETY; OR

~~(III)~~ 3. ANY OTHER REASON APPROVED BY THE COMMISSIONER A CHANGE IN THE CONDITION OF THE RISK THAT RESULTS IN AN INCREASE IN THE HAZARD INSURED AGAINST;

(II) FOR NONPAYMENT OF PREMIUM; OR

(III) DUE TO THE REVOCATION OR SUSPENSION OF THE DRIVER'S LICENSE OR MOTOR VEHICLE REGISTRATION:

1. OF THE NAMED INSURED OR COVERED DRIVER UNDER THE POLICY; AND

2. FOR REASONS RELATED TO THE DRIVING RECORD OF THE NAMED INSURED OR COVERED DRIVER.

(d) At least 10 days before the date an insurer proposes to cancel a policy for nonpayment of premium, the insurer shall send to the insured, by certificate of mail, a written notice of intention to cancel for nonpayment of premium.

(e) (1) If an insurer provides a renewal policy and notice of premium due to an insured at least 45 days before the renewal date of the policy and the insured fails to make the required payment by the renewal date, the insurer may terminate the policy on the renewal date for nonpayment of premium after sending to the insured, by certificate of mail, a written offer to reinstate the renewal policy without lapse in coverage.

(2) An offer to reinstate under this subsection shall provide not less than 10 days for the insured to make the required premium payment.

27-613.

(a) (1) This section applies only to private passenger motor vehicle liability insurance.

(2) This section does not apply to the Maryland Automobile Insurance Fund.

(b) (1) In accordance with this section, with respect to a policy of private passenger motor vehicle liability insurance or a binder of private passenger motor vehicle liability insurance, if the binder has been in effect for at least 45 days, issued in the State to any resident of the household of the named insured, an insurer may:

(i) cancel or fail to renew the policy or binder; or

(ii) reduce coverage under the policy.

(2) Notwithstanding paragraph (1) of this subsection, the requirements of this section do not apply if:

(i) the reduction in coverage described in paragraph (1)(ii) of this subsection is part of a general reduction in coverage approved by the Commissioner or satisfies the requirements of Title 19, Subtitle 5 of this article; or

(ii) the failure to renew the policy takes place under a plan of withdrawal that:

1. is approved by the Commissioner under § 27-606 of this subtitle; and

2. provides that each insured affected by the plan of withdrawal shall be sent by certificate of mail at least 45 days before the nonrenewal of the policy a written notice that states the date that the policy will be nonrenewed and that the nonrenewal is the result of the withdrawal of the insurer from the market.

(3) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN INSURER MAY NOT CANCEL A POLICY MIDTERM EXCEPT FOR:

(1) ~~WHEN THE INSURER HAS DETERMINED THAT THERE EXISTS:~~

(1) A MATERIAL MISREPRESENTATION OR FRAUD IN CONNECTION WITH THE APPLICATION, POLICY, OR PRESENTATION OF A CLAIM;

~~(II)~~ **2. A MATTER OR ISSUE RELATED TO THE RISK THAT CONSTITUTES A THREAT TO PUBLIC SAFETY; OR**

~~(III)~~ **3. ANY OTHER REASON APPROVED BY THE COMMISSIONER A CHANGE IN THE CONDITION OF THE RISK THAT RESULTS IN AN INCREASE IN THE HAZARD INSURED AGAINST;**

(II) FOR NONPAYMENT OF PREMIUM; OR

(III) DUE TO THE REVOCATION OR SUSPENSION OF THE DRIVER'S LICENSE OR MOTOR VEHICLE REGISTRATION:

1. OF THE NAMED INSURED OR COVERED DRIVER UNDER THE POLICY; AND

2. FOR REASONS RELATED TO THE DRIVING RECORD OF THE NAMED INSURED OR COVERED DRIVER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 380

(House Bill 216)

AN ACT concerning

Calvert County - ~~Treasurer~~ - Animal Control Ordinance Fines - Fines and Licenses

FOR the purpose of altering the length of time a dog license in Calvert County remains effective; requiring certain fines issued in accordance with certain Calvert County ordinances to be paid to the Calvert County Treasurer; making technical corrections; and generally relating to ~~the payment of fines for violations of~~ animal control ordinances in Calvert County.

BY repealing and reenacting, with amendments,
 Article 24 – Political Subdivisions – Miscellaneous Provisions
 Section 11-501(b) and 11-504(p)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2008 Supplement)

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

11-501.

(b) In Calvert County the fees for dog licenses shall be determined by the County Commissioners. However, before establishing or altering any license fee, the Calvert County Commissioners shall advertise the proposed fee for 2 consecutive weeks in at least 2 newspapers of general circulation in Calvert County. All dog licenses will expire [1 year]1, 2, OR 3 YEARS after the date of issue, AS SPECIFIED BY COUNTY LAW.

11-504.

(p) (1) In addition to and not in substitution for any powers granted under this subtitle, the County Commissioners of Calvert County may by ordinance provide for the regulation, humane treatment, and keeping of domestic animals within Calvert County, including the authority to assess a penalty for a violation of a provision of an ordinance of imprisonment in the county jail not exceeding 30 days or a fine not exceeding \$1,000 or both.

(2) ANY FINES ISSUED IN ACCORDANCE WITH AN ORDINANCE ENACTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PAID TO THE CALVERT COUNTY TREASURER.

[(2)] (3) (i) The County Commissioners of Calvert County may create an Animal Matters Hearing Board to resolve disputes and controversies arising under the animal control ordinances adopted under this subsection.

(ii) The County Commissioners may authorize an Animal Matters Hearing Board to:

1. Issue a subpoena to compel parties in a dispute to appear before the Board;
2. Assess a civil penalty not exceeding \$1,000 for a violation of an ordinance adopted under this subsection; and
3. Collect a civil penalty imposed under this paragraph.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 381

(House Bill 225)

AN ACT concerning

Calvert County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than ~~\$24,613,000~~ \$19,025,000 to finance the construction, improvement, or development of certain public facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term “County” means the body politic and corporate of the State of Maryland known as the County Commissioners of Calvert County, and the term “construction, improvement, or development of public facilities” means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities, and issuance costs together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, ~~\$24,613,000~~ \$19,025,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which

may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of Section 30 of Article 31 of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Calvert County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of Sections 9, 10, and 11 of Article 31 of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by

the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of Calvert County or such other official of Calvert County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted

for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Calvert County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 382

(House Bill 227)

AN ACT concerning

Somerset County – Liquor Control Board – Borrowing Limit

FOR the purpose of increasing to a certain limit the aggregate sum of money that may be advanced to or borrowed by the Somerset County Liquor Control Board for certain purposes; and generally relating to the Somerset County Liquor Control Board.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–202(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–202(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article 2B – Alcoholic Beverages

15–202.

(a) For the purpose of providing the liquor control board with an adequate working capital for acquiring, establishing and operating a county dispensary, or branch dispensaries, together with warehouse facilities, as found necessary under this subtitle, the board of county commissioners of each county is hereby authorized and empowered from time to time to advance a sum of money to the liquor control board of such county. Said board of county commissioners is hereby authorized and empowered to borrow upon the credit of the county in order to advance such moneys to said liquor control board, issuing therefor such notes, certificates of indebtedness and/or bonds as in the discretion of the board of county commissioners are found necessary.

(b) (1) The liquor control board may borrow money from time to time from any banking institution on its own credit.

(2) The aggregate sum advanced to or borrowed by the liquor control board may not exceed the following amounts:

- (i) Somerset County — [~~\$50,000~~] **\$150,000**
- (ii) Wicomico County — \$500,000
- (iii) Worcester County — \$5,000,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 383

(House Bill 242)

AN ACT concerning

**Unemployment Insurance Benefits – Determination Based on Severance or
Dismissal Payments**

FOR the purpose of altering the determination of unemployment insurance benefits for an individual who receives or is eligible to receive severance or dismissal payments when the individual's unemployment is the result of the abolishment of the job to be the same as the determination when the individual's unemployment is not the result of the abolishment of the job; providing for the application of this Act; and generally relating to the determination of unemployment insurance benefits based on severance or dismissal payments.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 8–1009

Annotated Code of Maryland

(2008 Replacement Volume)

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

Article – Labor and Employment

8–1009.

(a) (1) [This subsection applies to unemployment that does not result from abolishment of the individual's job.

(2)] For each week that the Secretary finds an individual who otherwise is eligible for benefits receives or is eligible to receive dismissal payment or wages in lieu of notice, regardless of whether the payment is required by law:

(i) if the payment at least equals the individual's weekly benefit amount, the individual is disqualified from receiving benefits; or

(ii) if the payment is less than the individual's weekly benefit amount, the individual may receive benefits reduced by the amount of the payment.

[(3)] (2) Dismissal payment or wages in lieu of notice shall be allocated to a number of weeks following separation from employment that equals the number of weeks of wages received.

(b) [(1) This subsection applies to unemployment that results from the abolishment of an individual's job.

(2) An individual who is otherwise eligible for benefits may not receive benefits for each week that the Secretary finds that the individual receives or is eligible to receive dismissal payment consisting of the same wage amount and employee benefits package that the individual received while employed or wages in lieu of notice consisting of the same wage amount and employee benefits package that

the individual received while employed, regardless of whether either the dismissal payment or wages in lieu of notice is required by law.

(3) An individual who is otherwise eligible for benefits may receive benefits, and the benefits may not be reduced under subsection (a)(2) of this section, for each week that the Secretary finds that the individual receives or is eligible to receive dismissal payment in an amount that is less than the amount of wages and employee benefits package that the individual received while employed or wages in lieu of notice in an amount that is less than the amount of wages and employee benefits package that the individual received while employed, regardless of whether either the dismissal payment or wages in lieu of notice is required by law.

(c)] An individual who is otherwise eligible for benefits, including benefits payable under the Unemployment Compensation for Ex–Service Members Program in accordance with 5 U.S.C. § 8521 may receive benefits, and the benefits may not be reduced under subsection (a)(2) of this section, for each week that the Secretary finds that the individual receives or is eligible to receive military disability severance payments.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009, and shall apply to all claims filed establishing a new benefit on or after June 7, 2009.

Approved by the Governor, May 7, 2009.

Chapter 384

(House Bill 262)

AN ACT concerning

Anne Arundel County – Tipton Airport Authority – Runway Length

FOR the purpose of increasing the maximum length to which the Tipton Airport Authority is authorized to extend a runway; and generally relating to the Tipton Airport Authority.

BY repealing and reenacting, with amendments,
The Public Local Laws of Anne Arundel County
Section 3–12–101(j)
Article 2 – Public Local Laws of Maryland
(2005 Edition and September 2008 Supplement, as amended)

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

Article 2 – Anne Arundel County

3–12–101.

(j) (1) The Authority may acquire real and personal property and interests in real and personal property in its own name and may pledge, mortgage, encumber, sell, lease, transfer, or convey any interest in its real and personal property to the County or any person.

(2) The Authority may exercise the powers of eminent domain in order to acquire in its own name aviation easements that the Authority requires for the operation or maintenance of Tipton Airport.

(3) The Authority may not extend any runway to a length in excess of [4,000] ~~5,000~~ 4,200 feet. The Authority may not extend a runway to a length in excess of 3,000 feet until a public meeting is held in which the proposed extension is explained and for which the comments are accepted and final approval is granted by an affirmative majority vote of the County Council.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 385

(House Bill 268)

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

FOR the purpose of codifying the requirement that the Secretary of Budget and Management develop and implement a plan for hiring within State government certain welfare recipients; clarifying that a certain hiring plan includes certain current and former Family Investment Program (FIP) recipients, children of current or former recipients, foster youth, and certain obligors; clarifying that the Secretary of Human Resources and certain local directors develop and implement certain local government hiring plans for current and former FIP recipients, children of current or former recipients, foster youth, and certain obligors; requiring that the job skills enhancement program include job training for employment in certain energy efficiency and renewable energy industries and construction; authorizing the Secretary of Human Resources to access certain ~~federal stimulus dollars~~ funds for job training in certain industries;

~~requiring that certain procurement subcontracts be designated as appropriate for the execution of certain hiring agreements; clarifying that certain model hiring agreements include certain current and former FIP recipients, children of current or former recipients, foster youth, and certain obligors; clarifying that certain Maryland Strategic Energy Investment Program funds used in certain low-income and moderate-income sectors include certain current and former FIP recipients, children of current or former recipients, foster youth, and certain obligors; requiring that certain Maryland Strategic Energy Investment Program funds be used as grants to the job skills enhancement program for job training in certain industries; altering the membership of the Strategic Energy Investment Advisory Board to include the Secretary of Human Resources or the Secretary's designee; requiring the Secretary of Human Resources to submit a certain ~~report on a certain program~~ reports by a certain date; ~~altering a certain definition; defining~~ requiring the Secretary of Budget and Management, in consultation with the Secretary of Human Resources, to issue certain reports to certain legislative committees on or before certain dates; defining certain terms; and generally relating to welfare for work and job training and the hiring of current ~~and former~~ Family Investment Program recipients, certain former recipients, children of current or former recipients, foster youth, and obligors.~~

BY repealing and reenacting, with amendments,
 Article – Human Services
 Section 5-304 and 5-318
 Annotated Code of Maryland
 (2007 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 13-224
 Annotated Code of Maryland
 (2006 Replacement Volume and 2008 Supplement)

~~BY repealing and reenacting, without amendments,
 Article – State Government
 Section 9-20B-02 and 9-20B-07(a)
 Annotated Code of Maryland
 (2004 Replacement Volume and 2008 Supplement)~~

~~BY repealing and reenacting, with amendments,
 Article – State Government
 Section 9-20B-05(f) and (h) and 9-20B-07(e)(4)
 Annotated Code of Maryland
 (2004 Replacement Volume and 2008 Supplement)~~

BY repealing
 Chapter 486 of the Acts of the General Assembly of 1999
 Section 4

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

Article - Human Services

5-304.

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

(2) "CHILDREN OF CURRENT OR FORMER RECIPIENTS" MEANS MINORS WHO:

(I) ARE AT LEAST 14 YEARS OLD; AND

(II) RESIDE WITH CURRENT OR FORMER RECIPIENTS OF BENEFITS.

(3) "FORMER RECIPIENT" MEANS AN INDIVIDUAL WHO RECEIVED BENEFITS UNDER FIP IN THE PAST 5 YEARS.

(4) "FOSTER YOUTH" MEANS AN INDIVIDUAL WHO:

(I) IS AN ADULT IN OUT-OF-HOME CARE UNDER THE RESPONSIBILITY OF THE STATE; OR

(II) IS AN ADULT UNDER THE AGE OF 25 YEARS; AND

(III) WAS IN OUT-OF-HOME CARE UNDER THE RESPONSIBILITY OF THE STATE ON THE INDIVIDUAL'S 18TH BIRTHDAY.

(5) "OBLIGOR" HAS THE MEANING STATED IN § 10-101 OF THE FAMILY LAW ARTICLE.

~~(A)~~ (B) (1) THE SECRETARY OF BUDGET AND MANAGEMENT, WITH THE ASSISTANCE OF THE SECRETARY, SHALL DEVELOP AND IMPLEMENT A PLAN FOR HIRING CURRENT AND FORMER RECIPIENTS, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS BY THE PRINCIPAL DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(2) FOR EACH PRINCIPAL DEPARTMENT, THE PLAN SHALL INCLUDE:

(I) THE UNITS THAT MOST EASILY COULD HIRE CURRENT AND FORMER RECIPIENTS, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS;

(II) THE POSITIONS MOST SUITABLE FOR CURRENT AND FORMER RECIPIENTS, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS;

(III) A PROPOSAL FOR RECRUITING CURRENT AND FORMER RECIPIENTS, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS;

(IV) JOB RETENTION STRATEGIES; AND

(V) A TARGET NUMBER OF CURRENT AND FORMER RECIPIENTS, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS TO BE RECRUITED.

(3) ~~ON OR BEFORE NOVEMBER 1 OF EACH YEAR AND IN~~ IN CONSULTATION WITH THE SECRETARY, THE SECRETARY OF BUDGET AND MANAGEMENT SHALL REPORT, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE OF THE GENERAL ASSEMBLY, ~~ON:~~

(I) ON OR BEFORE JANUARY 1, 2010, ON THE DEVELOPMENT OF THE HIRING PLAN FOR CURRENT AND FORMER RECIPIENTS, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS; AND

(II) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, ON THE NUMBER OF ~~CURRENT AND FORMER~~ RECIPIENTS, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS HIRED AND RETAINED BY THE PRINCIPAL DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

[(a)] ~~(b)~~ (c) (1) Working with appropriate local government officials, the Secretary and each local director shall develop and implement a local government hiring plan under which local governments may hire CURRENT AND FORMER recipients, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS.

[(b)] (2) For each jurisdiction, the local government hiring plan shall include:

[(1)] (I) a list of the units that most easily could hire **CURRENT AND FORMER** recipients, **CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**;

[(2)] (II) a list of the employment positions most suitable for **CURRENT AND FORMER** recipients, **CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**;

[(3)] (III) proposals to recruit **CURRENT AND FORMER** recipients, **CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**;

[(4)] (IV) employment retention strategies; and

[(5)] (V) a target number of **CURRENT AND FORMER** recipients, **CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS** to be recruited.

[(c)] (3) Each local director shall:

[(1)] (I) develop and submit the local government hiring plan in accordance with a schedule and format that the Secretary determines;

[(2)] (II) implement in a timely manner the proposals and strategies in the local government hiring plan;

[(3)] (III) achieve the target numbers in the local government hiring plan; and

[(4)] (IV) develop and submit reports to the Secretary in accordance with a schedule and format that the Secretary determines.

[(d)] (4) On or before November 1 of each year and in consultation with the Maryland Association of Counties, the Secretary shall report, subject to § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Appropriations Committee of the General Assembly, on:

[(1)] (I) the development of the local government hiring plan; and

[(2)] (II) the number of **CURRENT AND FORMER** recipients, **CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS** hired and retained by local governments.

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

(2) "CHILDREN OF CURRENT OR FORMER RECIPIENTS" HAS THE MEANING STATED IN § 5-304 OF THIS SUBTITLE.

(3) "FORMER RECIPIENT" HAS THE MEANING STATED IN § 5-304 OF THIS SUBTITLE.

(4) "FOSTER YOUTH" HAS THE MEANING STATED IN § 5-304 OF THIS SUBTITLE.

(5) "OBLIGOR" HAS THE MEANING STATED IN § 10-101 OF THE FAMILY LAW ARTICLE.

~~(a)~~ (B) (1) In cooperation with the local directors, the Secretary shall establish a job skills enhancement program to provide newly employed current and former recipients, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS with training to:

- (i) enhance existing job-related skills;
- (ii) gain additional or alternative job skills; or
- (iii) learn interpersonal, communication, and other related skills.

(2) The job skills enhancement program shall be established in at least three counties, one of which shall be located in Western Maryland, Southern Maryland, or the Eastern Shore.

~~(b)~~ (C) The job skills enhancement program shall:

(1) target unskilled and semiskilled former and current recipients, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS who are newly employed in entry-level positions that have limited potential for advancement beyond entry-level; OR

(2) TARGET JOB TRAINING FOR FORMER AND CURRENT RECIPIENTS, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS FOR EMPLOYMENT IN ENERGY AND ENVIRONMENTAL INDUSTRIES AND CONSTRUCTION, INCLUDING:

(I) THE ENERGY-EFFICIENT BUILDING, CONSTRUCTION, AND RETROFITS INDUSTRIES;

- (II) THE RENEWABLE ELECTRIC POWER INDUSTRY;
- (III) THE ENERGY EFFICIENT AND ADVANCED DRIVE TRAIN VEHICLE INDUSTRY;
- (IV) THE BIOFUELS INDUSTRY;
- (V) THE DECONSTRUCTION AND MATERIALS USE INDUSTRIES;
- (VI) THE ENERGY ASSESSMENT INDUSTRY SERVING THE RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL SECTOR;
- (VII) THE MANUFACTURING INDUSTRY THAT PRODUCES SUSTAINABLE PRODUCTS USING ENVIRONMENTALLY SUSTAINABLE PROCESSES AND MATERIALS;
- (VIII) THE BROWNFIELDS REMEDIATION INDUSTRY;
- (IX) THE STATE OF THE ART SEPTIC UPGRADES AND SEWAGE TREATMENT INDUSTRY;
- (X) ENVIRONMENTAL RESTORATION, INCLUDING STREAM RESTORATION, REFORESTATION, INVASIVE REMOVAL, AND ACID MINE DRAINAGE;
- (XI) STATE OF THE ART STORM WATER INSTALLATION AND RETROFITS;
- (XII) AGRICULTURE CONSERVATION PRACTICES; ~~AND~~
- (XIII) THE GREEN ROOF INDUSTRY AND GREEN ROOF MAINTENANCE INDUSTRY; AND
- (XIV) SUSTAINABLE LANDSCAPING.

~~(e)~~ (D) (1) Participation in the job skills enhancement program shall be voluntary.

(2) Individuals participating in the job skills enhancement program shall sign a training agreement with the local department.

~~(d)~~ (E) To be eligible to participate in the job skills enhancement program, an individual shall:

(1) (I) have been a recipient during the 36 months before beginning participation in the job skills enhancement program; OR

(II) A FORMER RECIPIENT, A CHILD OF A CURRENT OR FORMER RECIPIENT, A FOSTER YOUTH, OR OBLIGOR;

(2) have been employed in entry-level employment for at least 6 months before beginning participation in the job skills enhancement program;

(3) provide employer validation or other documentation of employment status;

(4) have limited job skills; and

(5) have limited opportunity for advancement in the individual's current employment.

~~(F)~~ (F) The local department shall contract for training services to be provided under the job skills enhancement program, as provided in § 5-306 of this subtitle.

~~(G)~~ (G) (1) The local department may work with businesses to train and place **CURRENT AND former recipients, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS** in positions that meet the requirements of paragraph (2) of this subsection.

(2) Participating businesses shall:

(i) provide employment with benefits paid to employees;

(ii) provide employment that has a defined career path;

(iii) demonstrate the active involvement and financial commitment of the business; and

(iv) provide a match with cash or in-kind contributions on at least a one-to-one basis.

~~(H)~~ (H) (1) At the discretion of the Secretary and in consultation with the local director, the job skills enhancement program shall be administered by the local department or through the State workforce investment area system under the Workforce Investment Act.

(2) The Administrator of the program under paragraph (1) of this subsection shall:

- (i) manage each participant's training plan;
- (ii) maintain a database of appropriate training vendors; and
- (iii) compile necessary fiscal reports on the job skills enhancement program.

~~(H)~~ **(I)** IN ADDITION TO ANY OTHER FUNDS AVAILABLE TO FUND THE JOB SKILLS ENHANCEMENT PROGRAM, THE SECRETARY SHALL ATTEMPT TO ACCESS ~~RELEVANT FEDERAL STIMULUS DOLLARS~~ FUNDS AVAILABLE TO THE STATE UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT AND ANY OTHER FUNDS DESIGNED TO REDUCE ENERGY USE AND GLOBAL WARMING EMISSIONS THAT WOULD BE AVAILABLE FOR JOB TRAINING IN THE INDUSTRIES LISTED UNDER SUBSECTION ~~(B)(2)~~ (C)(2) OF THIS SECTION.

Article – State Finance and Procurement

13–224.

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

(2) “CHILDREN OF CURRENT OR FORMER RECIPIENTS” HAS THE MEANING STATED IN § 5–304 OF THE HUMAN SERVICES ARTICLE.

~~(2)~~ **(3)** “Department” means the Department of Human Resources.

~~(3)~~ **(4)** “Eligible contract” means a procurement contract ~~OR SUBCONTRACT~~ designated by the Board as appropriate for the execution of a hiring agreement.

~~(4)~~ **(5)** “FIP” means the Family Investment Program established under Title 5, Subtitle 3 of the Human Services Article.

(6) “FORMER RECIPIENT” HAS THE MEANING STATED IN § 5–304 OF THE HUMAN SERVICES ARTICLE.

(7) “FOSTER YOUTH” HAS THE MEANING STATED IN § 5–304 OF THE HUMAN SERVICES ARTICLE.

~~(5)~~ **(8)** “Hiring agreement” means an agreement entered into by the Department or a local department and an entity doing business with the State under which the Department or the local department and the entity agree to work cooperatively in endeavoring to identify and hire **CURRENT AND FORMER FIP recipients, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS** to fill job openings of the entity.

~~(6)~~ **(9)** “Local department” means a local department of social services in a county or in Baltimore City created or continued under § 3–201(a) of the Human Services Article.

(10) “OBLIGOR” HAS THE MEANING STATED IN § 10–101 OF THE FAMILY LAW ARTICLE.

(b) On or before October 1, 1998, the Board, in consultation with the Department, shall designate the types of procurement contracts ~~AND SUBCONTRACTS~~ that are eligible contracts.

(c) (1) On or before December 1, 1998, the Department shall develop a model hiring agreement form that shall be completed by the Department or a local department and an entity in conjunction with the award of an eligible contract.

(2) The model hiring agreement form shall include the following provisions:

(i) the entity will:

1. inform the Department or the local department, as appropriate, of all of the entity’s job openings;

2. declare the Department or the local department, as appropriate, its “first source” in identifying and hiring candidates to fill those job openings;

3. work cooperatively with the Department or the local department, as appropriate, to develop any necessary training programs that will enable **CURRENT AND FORMER FIP recipients, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS** in qualifying for and securing the positions;

4. give first preference and first consideration to the extent permitted by law and any existing labor agreements to candidates referred to the entity by the Department or the local department, as appropriate;

5. agree to give candidates referred to the entity by the Department or the local department, as appropriate, priority in the filling of a job opening if the candidate meets the qualifications of the position;

6. provide the Department or the local department, as appropriate, with information on the disposition of all referrals made by the Department or the local department, as appropriate, including an explanation of why any such candidate was not hired or considered qualified;

7. provide the Department or the local department, as appropriate, with information regarding the progress and employment status of those candidates referred by the Department or the local department, as appropriate, that the entity hired; and

8. designate a specific individual that the Department or the local department, as appropriate, may contact in regard to the provisions of the hiring agreement; and

(ii) the Department or the local department, as appropriate, will assign an account representative to the entity who will:

1. receive and process all of the entity's job notifications;

2. refer only screened and qualified candidates to the entity;

3. assist in the development of any mutually agreed upon training programs, internship programs, or both that will better prepare **CURRENT AND FORMER FIP recipients, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS** for employment with the entity;

4. arrange follow-up and post-hire transitional/supportive services, such as child care and transportation, as necessary and appropriate; and

5. review and evaluate the effectiveness of the hiring agreement with the entity and make modifications in the agreement as necessary and appropriate.

(d) Each year, the Department and any local departments that have entered into hiring agreements shall submit a report to the Board, the Joint Committee on Welfare Reform, and, subject to § 2-1246 of the State Government Article, the General Assembly on:

(1) the number of hiring agreements executed;

(2) the number of **CURRENT AND FORMER FIP recipients, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS** hired by an entity with which a hiring agreement was executed; and

(3) the effectiveness of each hiring agreement in obtaining employment for **CURRENT AND FORMER FIP recipients, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**.

~~Article — State Government~~~~9-20B-02.~~~~There is a Maryland Strategic Energy Investment Program in the Maryland Energy Administration.~~~~9-20B-05.~~~~(f) The Administration shall use the Fund:~~~~(1) to invest in the promotion, development, and implementation of:~~~~(i) cost-effective energy efficiency and conservation programs, projects, or activities, including measurement and verification of energy savings;~~~~(ii) renewable and clean energy resources;~~~~(iii) climate change programs directly related to reducing or mitigating the effects of climate change; and~~~~(iv) demand response programs that are designed to promote changes in electric usage by customers in response to:~~~~1. changes in the price of electricity over time; or~~~~2. incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized;~~~~(2) to provide targeted programs, projects, activities, and investments to reduce electricity consumption by customers, **INCLUDING CURRENT AND FORMER FAMILY INVESTMENT PROGRAM RECIPIENTS**, in the low-income and moderate-income residential sectors;~~~~(3) to provide supplemental funds for low-income energy assistance through the Electric Universal Service Program established under § 7-512.1 of the Public Utility Companies Article and other electric assistance programs in the Department of Human Resources;~~~~(4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under § 7-211 of the Public Utility Companies Article;~~~~(5) to provide grants, loans, and other assistance and investment as necessary and appropriate to implement the purposes of the Program as set forth in § 9-20B-03 of this subtitle;~~

~~(6) to implement energy related public education and outreach initiatives regarding reducing energy consumption and greenhouse gas emissions; and~~

~~(7) to pay the expenses of the Program.~~

~~(h) (1) Energy efficiency and conservation programs under subsection (g)(3) of this section include:~~

~~(i) low income energy efficiency programs;~~

~~(ii) residential and small business energy efficiency programs;~~

~~(iii) commercial and industrial energy efficiency programs;~~

~~(iv) State and local energy efficiency programs;~~

~~(v) demand response programs;~~

~~(vi) loan programs and alternative financing mechanisms; and~~

~~(vii) grants to:~~

~~1. training funds and other organizations supporting job training for deployment of energy efficiency and energy conservation technology and equipment; AND~~

~~2. THE JOB SKILLS ENHANCEMENT PROGRAM UNDER § 5-318 OF THE HUMAN SERVICES ARTICLE TO PROVIDE JOB TRAINING FOR EMPLOYMENT IN ENERGY AND ENVIRONMENTAL INDUSTRIES, INCLUDING:~~

~~A. THE ENERGY EFFICIENT BUILDING, CONSTRUCTION, AND RETROFITS INDUSTRIES;~~

~~B. THE RENEWABLE ELECTRIC POWER INDUSTRY;~~

~~C. THE ENERGY EFFICIENT AND ADVANCED DRIVE TRAIN VEHICLE INDUSTRY;~~

~~D. THE BIOFUELS INDUSTRY;~~

~~E. THE DECONSTRUCTION AND MATERIALS USE INDUSTRIES;~~

~~F. THE ENERGY ASSESSMENT INDUSTRY SERVING THE RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL SECTOR;~~

~~G. THE MANUFACTURING INDUSTRY THAT PRODUCES SUSTAINABLE PRODUCTS USING ENVIRONMENTALLY SUSTAINABLE PROCESSES AND MATERIALS;~~

~~H. THE BROWNFIELDS REMEDIATION INDUSTRY;~~

~~I. THE STATE OF THE ART SEPTIC UPGRADES AND SEWAGE TREATMENT INDUSTRY;~~

~~J. ENVIRONMENTAL RESTORATION, INCLUDING STREAM RESTORATION, REFORESTATION, INVASIVE REMOVAL, AND ACID MINE DRAINAGE;~~

~~K. STATE OF THE ART STORM WATER INSTALLATION AND RETROFITS;~~

~~L. AGRICULTURE CONSERVATION PRACTICES; AND~~

~~M. THE GREEN ROOF INDUSTRY AND GREEN ROOF MAINTENANCE INDUSTRY.~~

~~(2) Energy related public education and outreach and renewable and clean energy programs and initiatives under subsection (g)(4)(i) and (ii) of this section include:~~

- ~~(i) production incentives for specified renewable energy sources;~~
- ~~(ii) expansion of existing grant programs for solar, geothermal, and wind programs;~~
- ~~(iii) loan programs and alternative financing mechanisms; and~~
- ~~(iv) consumer education and outreach programs that are designed to reach low income communities.~~

~~9-20B-07.~~

~~(a) There is a Strategic Energy Investment Advisory Board.~~

~~(e) The Board consists of the following members:~~

~~(4) the following nonvoting ex officio members:~~

~~(i) the Chairman of the Public Service Commission or the Chairman's designee;~~

~~(ii) the People's Counsel or the designee of the People's Counsel;~~
~~[and]~~

~~(iii) the Secretary of the Environment or the Secretary's designee; AND~~

~~(iv) THE SECRETARY OF HUMAN RESOURCES OR THE SECRETARY'S DESIGNEE.~~

Chapter 486 of the Acts of 1999

[SECTION 4. AND BE IT FURTHER ENACTED, That the Secretary of Budget and Management, with assistance provided by the Secretary of Human Resources, develop and implement a plan for hiring welfare recipients by the principal departments within the Executive Branch of State Government. Components of the plan shall include, for each agency: the units that could most easily hire welfare clients; the positions most suitable for the welfare population; a proposal for recruiting welfare clients; job retention strategies; and a target number of clients to be recruited. The Secretary of Budget and Management shall report to the Senate Finance Committee and the House Appropriations Committee, subject to § 2-1246 of the State Government Article, no later than November 1, 1999, on the development of the plan for recruiting and hiring welfare recipients, and annually thereafter on the number of welfare recipients hired and retained by the principal departments within the Executive Branch of State Government.]

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 1, 2009, the Secretary of Human Resources shall report, subject to § 2-1246 of the State Government Article, to the Senate Finance Committee, the House Appropriations Committee, and the Joint Committee on Welfare Reform of the General Assembly;

(1) on the Department of Human Resources plans to:

~~(1)~~ (i) increase participation of existing current and former Family Investment Program (FIP) recipients, children of existing or former recipients, foster youth, and obligors in the job skills enhancement program;

~~(2)~~ (ii) make current and former FIP recipients, children of current or former recipients, foster youth, and obligors aware of the options for receiving job training through the job skills enhancement program for employment in energy efficiency and renewable energy industries; and

~~(3)~~ (iii) access federal stimulus dollars funds available to the State under the American Recovery and Reinvestment Act and any other available funds to reduce energy use and global warming emissions for job training under the job skills enhancement program; and

(2) in consultation with the Department of Labor, Licensing, and Regulation, the Department of Housing and Community Development, the Governor's Workforce Investment Board, the Maryland Energy Administration, public utility companies, and subcontractors of public utility companies on the hiring plans of the public utility companies and the subcontractors of the public utility companies for staffing the energy efficiency and conservation programs of the public utility companies and the subcontractors of the public utility companies.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 386

(House Bill 282)

AN ACT concerning

St. Mary's County – Adult Public Guardianship Review Board – Membership

FOR the purpose of ~~requiring one of two physician members~~ *altering the membership* of the Adult Public Guardianship Review Board of St. Mary's County to *require one member to be a physician other than a psychiatrist and one to be a psychiatrist or psychologist from a the local health department that employs psychiatrists or psychologists*; and generally relating to the Adult Public Guardianship Review Board of St. Mary's County.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 14–402(a)(2)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Article – Family Law

14–402.

(a) (2) Of the 11 members:

(i) 1 shall be a professional representative of a local department;

(ii) **1. IN COUNTIES OTHER THAN ST. MARY'S COUNTY,** 2 shall be physicians, including:

~~1~~ 1 psychiatrist from a local health department that employs psychiatrists; ~~OR~~ **AND**

2. IN ST. MARY'S COUNTY, 1 SHALL BE A PHYSICIAN OTHER THAN A PSYCHIATRIST AND 1 SHALL BE A PSYCHIATRIST OR PSYCHOLOGIST FROM A THE LOCAL HEALTH DEPARTMENT THAT EMPLOYS PSYCHIATRISTS OR PSYCHOLOGISTS;

(iii) 1 shall be a representative of a local commission on aging;

(iv) 1 shall be a professional representative of a local nonprofit social service organization;

(v) 1 shall be a lawyer;

(vi) 2 shall be lay individuals;

(vii) 1 shall be a public health nurse;

(viii) 1 shall be a professional in the field of disabilities; and

(ix) 1 shall be a person with a physical disability.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 387

(House Bill 349)

AN ACT concerning

Washington County – Mental Health Advisory Committee

FOR the purpose of authorizing the governing body of Washington County to designate Washington County Mental Health Authority, Inc., as the mental

health advisory committee for Washington County; and generally relating to mental health advisory committees.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 10–308

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

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

Article – Health – General

10–308.

(a) Except as otherwise provided in subsections (c) and (d) of this section, the governing body of each county shall establish a mental health advisory committee.

(b) The purpose of a mental health advisory committee shall be to serve as advocate for a comprehensive mental health system for persons of all ages.

(c) The governing bodies of two or more counties may establish, by agreement, an intercounty mental health advisory committee if:

(1) The population of one of the counties is too small to warrant the establishment of a mental health advisory committee for that county; and

(2) The Director consents.

(d) The governing body of a county may establish a joint mental health and addictions advisory committee.

(e) In Howard County, if a quasi–public authority is established under Subtitle 12 of this title, the governing body may designate the authority as the mental health advisory committee for the county.

(f) In Baltimore City, the governing body may designate Baltimore Mental Health Systems, Inc., the core service agency for Baltimore City under Subtitle 12 of this title, as the mental health advisory committee for Baltimore City.

(g) In Anne Arundel County, the governing body may designate Anne Arundel County Mental Health Agency, Inc., the core service agency for Anne Arundel County under Subtitle 12 of this title, as the mental health advisory committee for Anne Arundel County.

(H) IN WASHINGTON COUNTY, THE GOVERNING BODY MAY DESIGNATE WASHINGTON COUNTY MENTAL HEALTH AUTHORITY, INC., THE CORE SERVICE AGENCY FOR WASHINGTON COUNTY UNDER SUBTITLE 12 OF THIS TITLE, AS THE MENTAL HEALTH ADVISORY COMMITTEE FOR WASHINGTON COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 388

(House Bill 350)

AN ACT concerning

Washington County – Board of Education – President and Members Salary

FOR the purpose of altering the salary of the president and members of the Washington County Board of Education; providing that this Act does not apply to the salary or compensation of an incumbent president or member of the county board; repealing a provision that requires the members of the Washington County Board of Education to have their compensation paid in a certain number of installments; and generally relating to the salary of the president and members of the Washington County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–1302(a)(1)
Annotated Code of Maryland
(2008 Replacement Volume)

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

Article – Education

3–1302.

(a) (1) The president of the county board is entitled to receive [\$5,600] **\$6,200** annually as compensation and the other members are entitled to receive [\$5,500] **\$6,100** each annually as compensation. ~~This compensation is to be paid in 12 equal monthly installments.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the president and members in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the president and members shall take effect at the beginning of the next following term of office.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 389

(House Bill 361)

AN ACT concerning

Public Safety – Hagerstown Community College Police Force

FOR the purpose of establishing a police force for the Hagerstown Community College; specifying the powers of a Hagerstown Community College police officer; requiring the Board of Trustees of the Hagerstown Community College to adopt certain standards and regulations; including a member of the police force of the Hagerstown Community College in the defined term “police officer” in connection with provisions of law relating to the authority to make arrests; including a member of the police force of the Hagerstown Community College in the defined term “law enforcement officer” in connection with provisions of law relating to the Maryland Police Training Commission and the Law Enforcement Officers’ Bill of Rights; and generally relating to the police force of the Hagerstown Community College.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 2–101(c)(22) and (23)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to

Article – Criminal Procedure
Section 2–101(c)(24)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to

Article – Education
 Section 16–407.1
 Annotated Code of Maryland
 (2008 Replacement Volume)

BY repealing and reenacting, with amendments,
 Article – Public Safety
 Section 3–101(e)(1)(ii)21. and 22. and 3–201(e)(1)(ii)18. and 19.
 Annotated Code of Maryland
 (2003 Volume and 2008 Supplement)

BY adding to
 Article – Public Safety
 Section 3–101(e)(1)(ii)23. and 3–201(e)(1)(ii)20.
 Annotated Code of Maryland
 (2003 Volume and 2008 Supplement)

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

Article – Criminal Procedure

2–101.

(c) “Police officer” means a person who in an official capacity is authorized by law to make arrests and is:

(22) a member of the Ocean Pines Police Department; [or]

(23) a member of the police force of the Baltimore City Community College; **OR**

(24) A MEMBER OF THE POLICE FORCE OF THE HAGERSTOWN COMMUNITY COLLEGE.

Article – Education

16–407.1.

(A) THERE IS A HAGERSTOWN COMMUNITY COLLEGE POLICE FORCE.

(B) (1) A HAGERSTOWN COMMUNITY COLLEGE POLICE OFFICER HAS THE POWERS GRANTED TO A PEACE AND POLICE OFFICER.

(2) (1) A HAGERSTOWN COMMUNITY COLLEGE POLICE OFFICER MAY EXERCISE THESE POWERS ONLY ON PROPERTY THAT IS OWNED,

LEASED, OPERATED BY, OR UNDER THE CONTROL OF HAGERSTOWN COMMUNITY COLLEGE.

(II) THE POLICE OFFICER MAY NOT EXERCISE THESE POWERS ON ANY OTHER PROPERTY UNLESS:

1. ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

2. NECESSARY TO FACILITATE THE ORDERLY FLOW OF TRAFFIC TO AND FROM PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF HAGERSTOWN COMMUNITY COLLEGE; OR

3. ORDERED TO DO SO BY THE GOVERNOR.

(C) (1) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE AND THE MARYLAND POLICE TRAINING COMMISSION, THE HAGERSTOWN COMMUNITY COLLEGE BOARD OF TRUSTEES SHALL ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING, EDUCATION, HUMAN AND PUBLIC RELATIONS, AND EXPERIENCE FOR HAGERSTOWN COMMUNITY COLLEGE POLICE OFFICERS, INCLUDING STANDARDS FOR THE PERFORMANCE OF THEIR DUTIES.

(2) TO THE EXTENT PRACTICABLE, THE BOARD SHALL ADOPT STANDARDS THAT ARE SIMILAR TO THE STANDARDS ADOPTED FOR THE DEPARTMENT OF STATE POLICE.

(D) THE HAGERSTOWN COMMUNITY COLLEGE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS GOVERNING THE OPERATION AND CONDUCT OF THE HAGERSTOWN COMMUNITY COLLEGE POLICE FORCE AND OF HAGERSTOWN COMMUNITY COLLEGE POLICE OFFICERS.

Article – Public Safety

3–101.

(e) (1) “Law enforcement officer” means an individual who:
(ii) is a member of one of the following law enforcement agencies:

21. the Ocean Pines Police Department; [or]

22. the police force of the Baltimore City Community College; OR

23. THE POLICE FORCE OF THE HAGERSTOWN COMMUNITY COLLEGE.

3-201.

(e) (1) "Police officer" means an individual who:

(ii) is a member of one of the following law enforcement agencies:

18. the Ocean Pines Police Department; [or]

19. the police force of the Baltimore City Community College; OR

20. THE POLICE FORCE OF THE HAGERSTOWN COMMUNITY COLLEGE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 390

(House Bill 387)

AN ACT concerning

~~Vehicle Laws - Drivers' Licenses, Identification Cards, and Moped Operators' Permits - Proof of Legal Presence~~

Vehicle Laws - Lawful Status in the United States - Material Compliance with Federal Requirements

~~FOR the purpose of adding a requirement to provide certain documentation certifying that an individual is either a United States citizen or is lawfully present in the United States in accordance with federal law to the requirements for the issuance of a driver's license, an identification card, or a moped operator's permit; prohibiting the Motor Vehicle Administration from issuing a driver's license to an individual who cannot provide certain documentation certifying~~

~~that the individual is either a United States citizen or is lawfully present in the United States in accordance with federal law; prohibiting the Administration from issuing to certain individuals a driver's license, identification card, or moped operator's permit that has certain effective terms; making a certain technical correction; and generally relating to individuals who are not lawfully present in the United States and the issuance of identification cards, drivers' licenses, and moped operators' permits.~~

FOR the purpose of prohibiting the Motor Vehicle Administration from issuing or renewing an identification card, a moped operator's permit, or a license to drive issued by the Administration that is acceptable by federal agencies for certain official purposes unless an applicant for the issuance or renewal provides certain evidence of the applicant's lawful status in the United States and certain evidence relating to a Social Security number; authorizing the Administration to adopt regulations to alter certain expiration periods for identification cards, a moped operators' permits, and licenses to drive; providing for the issuance, expiration, and certain features of temporary identification cards ~~or, temporary moped operators' permits, or temporary licenses to drive~~ under certain circumstances to applicants who have temporary lawful status in the United States; requiring the Administration to issue or renew under certain circumstances an identification card, a moped operator's permit, or a ~~driver's license~~ license to drive that is not acceptable by federal agencies for certain official purposes; ~~authorizing the Administration to refuse to issue or renew, cancel, suspend, revoke, or require surrender of, under certain circumstances, a certain identification card, moped operator's permit, or license to drive that is not acceptable by federal agencies for certain official purposes;~~ authorizing the Administration to establish ~~a certain fee~~ certain fees; requiring the Administration to establish a certain security plan; requiring a certain application fee to be paid at a certain time; requiring an application fee for an identification card, moped operator's permit, or license to drive to be nonrefundable; prohibiting a person from obtaining or attempting to obtain a license to drive or a moped operator's permit by misrepresentation or fraud; providing for certain criminal penalties; altering certain criminal penalties concerning misrepresentation or fraud relating to applying for an identification card issued by the Administration; altering certain penalties concerning obtaining or attempting to obtain a driver's license or applying for a driver's license; requiring the Administration to adopt certain regulations; defining certain terms; clarifying language; making this Act an emergency measure; and generally relating to identification cards, moped operators' permits, and licenses to drive issued or renewed by the Administration.

~~BY repealing and reenacting, without amendments,
Article — Transportation
Section 11-128 and 16-106(a) and (c)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Transportation~~

~~Section 12-301(a) and (i), 16-103.1, 16-104.2, and 16-115(a)~~

~~Annotated Code of Maryland~~

~~(2006 Replacement Volume and 2008 Supplement)~~

~~BY adding to~~

~~Article – Transportation~~

~~Section 16-106(c)(4)~~

~~Annotated Code of Maryland~~

~~(2006 Replacement Volume and 2008 Supplement)~~

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

BY renumbering

Article – Transportation

Section 11-127.1 and 11-127.2, respectively

to be Section 11-127.2 and 11-127.3, respectively

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

BY adding to

Article – Transportation

Section 11-127.1, 11-165.1, 16-106(e)(4), 16-115(a)(5) and (6), 16-121 through 16-124, and 27-101(cc)

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 11-128, 12-120(d), 12-301(c) and (d), and 16-106(b)(4)

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 12-301(a) and (i), 16-103.1, 16-104.2, 16-106(c), 16-115(a)(1) and (2), 16-301(a) and (b), and 27-101(c)(1) and (12)

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11-127.1 and 11-127.2, respectively, of Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s) 11-127.2 and 11-127.3, respectively.

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

Article – Transportation

11-127.1.

“LAWFUL STATUS” MEANS, WITH RESPECT TO THE STATUS OF AN APPLICANT FOR AN IDENTIFICATION CARD, A MOPED OPERATOR’S PERMIT, OR A LICENSE TO DRIVE ISSUED BY THE ADMINISTRATION, THAT THE APPLICANT HAS LAWFUL STATUS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY:

- (1) IS A CITIZEN OR NATIONAL OF THE UNITED STATES;**
- (2) IS LAWFULLY ADMITTED FOR PERMANENT OR TEMPORARY RESIDENCE IN THE UNITED STATES;**
- (3) HAS CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED STATES;**
- (4) HAS AN APPROVED APPLICATION FOR ASYLUM IN THE UNITED STATES OR HAS ENTERED INTO THE UNITED STATES IN REFUGEE STATUS;**
- (5) HAS A VALID NONIMMIGRANT STATUS IN THE UNITED STATES;**
- (6) HAS A PENDING APPLICATION FOR ASYLUM IN THE UNITED STATES;**
- (7) HAS A PENDING OR APPROVED APPLICATION FOR TEMPORARY PROTECTED STATUS IN THE UNITED STATES;**
- (8) HAS APPROVED DEFERRED ACTION STATUS IN THE UNITED STATES; OR**
- (9) HAS A PENDING APPLICATION FOR LAWFUL PERMANENT RESIDENCE OR CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED STATES.**

11-128.

“License”, as used in reference to the operation of a motor vehicle, means any:

- (1) Driver's license; and
- (2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:
 - (i) Any temporary license;
 - (ii) A learner's instructional permit;
 - (iii) A provisional license;
 - (iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;
 - (v) Any nonresident's privilege to drive, as defined in this subtitle; and
 - (vi) A commercial driver's license.

11-165.1.

“TEMPORARY LAWFUL STATUS” MEANS, WITH RESPECT TO THE STATUS OF AN APPLICANT FOR AN IDENTIFICATION CARD, A MOPED OPERATOR’S PERMIT, OR A LICENSE TO DRIVE ISSUED BY THE ADMINISTRATION, THAT THE APPLICANT HAS TEMPORARY LAWFUL STATUS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY;

- ~~(1) A VALID NONIMMIGRANT STATUS IN THE UNITED STATES;~~
- ~~(2) A PENDING APPLICATION FOR ASYLUM IN THE UNITED STATES;~~
- ~~(3) A PENDING OR APPROVED APPLICATION FOR TEMPORARY PROTECTED STATUS IN THE UNITED STATES;~~
- ~~(4) APPROVED DEFERRED ACTION STATUS IN THE UNITED STATES; OR~~
- ~~(5) A PENDING APPLICATION FOR LAWFUL PERMANENT RESIDENCE OR CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED STATES.~~

12-120.

(d) The Administration shall set the levels of miscellaneous fees so that the total amount of projected revenues from all miscellaneous fees for the upcoming fiscal year is at least 95 percent but does not exceed 100 percent of the sum of:

(1) The operating budget of the Administration for that fiscal year as approved by the General Assembly in the annual State budget;

(2) The average annual capital program of the Administration as reported in the 6-year Consolidated Transportation Program described in § 2-103.1 of this article; and

(3) The Administration's portion of the cost for that fiscal year of the Department's data center operations, except for the cost of data center operations attributable to other administrations' activities.

12-301.

(a) On application, the Administration shall issue an identification card to any ~~individual~~ **APPLICANT** who:

(1) Is a resident of this State;

(2) Does not have a driver's license;

(3) Presents a birth certificate or other proof of age and identity acceptable to the Administration; [and]

~~(4) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; AND~~

(4) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS;

(5) (I) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A *VALID* SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE, ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:

1. A *CURRENT* W-2 FORM;

2. A *CURRENT* SSA-1099 FORM;

3. A CURRENT NON-SSA-1099 FORM; OR

4. A CURRENT PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR

(II) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY; AND

~~(5)~~ **(6)** Presents a completed application for an identification card on a form furnished by the Administration.

(c) A person may not commit any fraud in applying for an identification card issued under this section.

(d) A person may not commit any misrepresentation in applying for an identification card issued under this section.

(i) (1) **[An] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN identification card issued to an applicant at least 16 years old expires ~~every 5 years~~ AT THE END OF A PERIOD OF NOT MORE THAN 5 YEARS DETERMINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION.**

(2) **[An] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN identification card issued to an applicant under the age of 16 years expires every ~~2~~ 5 years.**

~~(3) THE EFFECTIVE TERM OF AN IDENTIFICATION CARD ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.~~

(3) (I) IF AN APPLICANT HAS TEMPORARY LAWFUL STATUS, THE ADMINISTRATION MAY NOT ISSUE AN IDENTIFICATION CARD TO THE APPLICANT FOR A PERIOD THAT EXTENDS BEYOND THE EXPIRATION DATE OF THE APPLICANT'S AUTHORIZED STAY IN THE UNITED STATES OR, IF THERE IS NO EXPIRATION DATE, FOR A PERIOD LONGER THAN 1 YEAR.

(II) NOTHING CONTAINED IN THIS PARAGRAPH MAY BE CONSTRUED TO ALLOW THE ISSUANCE OF AN IDENTIFICATION CARD FOR A PERIOD LONGER THAN THE PERIOD DESCRIBED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

(III) THE ADMINISTRATION SHALL INDICATE ON THE FACE AND IN THE MACHINE-READABLE ZONE OF A TEMPORARY IDENTIFICATION CARD ISSUED UNDER THIS PARAGRAPH THAT THE CARD IS A TEMPORARY IDENTIFICATION CARD.

(4) An identification card may be renewed on application and payment of the fee required by this section.

16-103.1.

The Administration may not issue a driver's license to an individual:

(1) During any period for which the individual's license to drive is revoked, suspended, refused, or canceled in this or any other state, unless the individual is eligible for a restricted license under § 16-113(e) of this subtitle;

(2) Who is an habitual drunkard, habitual user of narcotic drugs, or habitual user of any other drug to a degree that renders the individual incapable of safely driving a motor vehicle;

(3) Who previously has been adjudged to be suffering from any mental disability or mental disease and who, at the time of application, has not been adjudged competent;

(4) Who is required by this title to take an examination, unless the individual has passed the examination;

(5) Whose driving of a motor vehicle on the highways the Administration has good cause to believe would be inimical to public safety or welfare;

(6) Who is unable to exercise reasonable control over a motor vehicle due to disease or a physical disability, including the loss of an arm or leg or both, except that, if the individual passes the examination required by this title, the Administration may issue the individual a restricted license requiring the individual to wear a workable artificial limb or other similar body attachment;

(7) Who is unable to understand highway warning or direction signs written in the English language;

(8) Who is unable to sign the individual's name for identification purposes;

(9) Who is 70 years old or older and applying for a new license, unless the applicant presents to the Administration:

- (i) Proof of the individual's previous satisfactory operation of a motor vehicle; or
- (ii) A written certification acceptable to the Administration from a licensed physician attesting to the general physical and mental qualifications of the applicant; [or]

~~(10) WHO CANNOT PROVIDE DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL:~~

~~(I) IS A UNITED STATES CITIZEN; OR~~

~~(II) IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; OR~~

(10) WHO DOES NOT PROVIDE SATISFACTORY DOCUMENTARY EVIDENCE OF LAWFUL STATUS;

(11) WHO DOES NOT PROVIDE:

(I) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A VALID SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE, ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:

1. A CURRENT W-2 FORM;

2. A CURRENT SSA-1099 FORM;

3. A CURRENT NON-SSA-1099 FORM; OR

4. A CURRENT PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR

(II) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY; OR

~~(11)~~ (12) Who otherwise does not qualify for a license under this title.

(a) On application, the Administration shall issue a moped operator's permit to an individual **APPLICANT WHO:**

(1) [who] ~~WHO is~~ **IS** 16 years of age or [older, and who] **OLDER;**

(2) ~~WHO does~~ **DOES** not possess a valid driver's license issued by this State or any other jurisdiction, but whose license or privilege to drive is not revoked, suspended, refused, or canceled; ~~AND~~

~~(3) WHO IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.~~

(3) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS; AND

(4) (I) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A VALID SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE, ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:

1. A CURRENT W-2 FORM;

2. A CURRENT SSA-1099 FORM;

3. A CURRENT NON-SSA-1099 FORM; OR

4. A CURRENT PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR

(II) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER ~~AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY.~~

(b) An applicant is entitled to receive a moped operator's permit if the applicant:

(1) Passes the examination provided for in § 16-110(c)(1) of this subtitle; [and]

(2) Pays the fee provided for in this section; **AND**

~~(3) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING THAT THE APPLICANT IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.~~

(3) PROVIDES THE DOCUMENTARY EVIDENCE DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

(c) Each application for a moped operator's permit shall be on a form and contain the information that the Administration requires and each permit issued shall be of a size, design, and content that the Administration specifies.

(d) (1) A permit is not valid unless the applicant signs the applicant's name on it in the applicant's usual signature.

(2) When issued and signed, a moped operator's permit only authorizes its holder to operate a moped, as defined in § 11-134.1 of this article or a motor scooter, as defined in § 11-134.5 of this article.

(e) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A moped operator's permit expires ~~every 5 years~~ AT THE END OF A PERIOD OF NOT MORE THAN § 5 YEARS DETERMINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION.

~~(2) THE EFFECTIVE TERM OF A MOPED OPERATOR'S PERMIT ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.~~

(2) (I) IF AN APPLICANT HAS TEMPORARY LAWFUL STATUS, THE ADMINISTRATION MAY NOT ISSUE A MOPED OPERATOR'S PERMIT TO THE APPLICANT FOR A PERIOD THAT EXTENDS BEYOND THE EXPIRATION DATE OF THE APPLICANT'S AUTHORIZED STAY IN THE UNITED STATES OR, IF THERE IS NO EXPIRATION DATE, FOR A PERIOD LONGER THAN 1 YEAR.

(II) NOTHING CONTAINED IN THIS PARAGRAPH MAY BE CONSTRUED TO ALLOW THE ISSUANCE OF A MOPED OPERATOR'S PERMIT FOR A PERIOD LONGER THAN THE PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(III) THE ADMINISTRATION SHALL INDICATE ON THE FACE AND IN THE MACHINE-READABLE ZONE OF A TEMPORARY MOPED OPERATOR'S PERMIT ISSUED UNDER THIS PARAGRAPH THAT THE PERMIT IS A TEMPORARY MOPED OPERATOR'S PERMIT.

(3) It may be renewed on application and payment of the fee required by subsection (f) of this section.

(f) (1) For issuance or renewal of a moped operator's permit, an applicant shall pay the Administration a fee established by the Administration.

(2) For issuance of a duplicate moped operator's permit, an applicant shall pay the Administration a fee established by the Administration.

16-106.

~~(a) Each application for a driver's license shall be made on the form that the Administration requires.~~

~~(e) (1) Except as otherwise provided in this subsection, an applicant for an original license shall submit with the application a birth certificate or other proof of age and identity that is satisfactory to the Administration.~~

~~(4) AN APPLICANT FOR A DRIVER'S LICENSE SHALL SUBMIT WITH THE APPLICATION DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.~~

(b) The application shall state:

(4) Subject to the provisions of subsection (c) of this section, the applicant's Social Security number; and

(c) [(1) Subsection (b)(4) of this section applies only to an applicant who has a Social Security number.

(2) If an applicant does not have a Social Security number, the applicant shall certify in the application that the applicant does not have a Social Security number] **AN APPLICANT SHALL PROVIDE:**

(1) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A VALID SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE, ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:

(I) A CURRENT W-2 FORM;

(II) A CURRENT SSA-1099 FORM;

(III) A CURRENT NON-SSA-1099 FORM; OR

(IV) A CURRENT PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR

(2) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY.

(e) (4) AN APPLICANT SHALL PROVIDE SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS.

16-115.

(a) (1) [A] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A license issued under this title to a driver at least 21 years old shall expire on the birth date of the licensee ~~in the fifth year~~ AT THE END OF A PERIOD OF NOT MORE THAN § 5 YEARS DETERMINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION following the issuance of the license.

(2) [A] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A license issued under this title to a driver under the age of 21 years shall expire NOT LATER THAN 60 days after the driver's 21st birthday.

~~(3) A license is renewable on the presentation of an application, the payment of the renewal fee required by § 16-111.1 of this subtitle, and satisfactory completion of the examination required or authorized by subsection (h) of this section:~~

~~(i) Within 6 months before its expiration; or~~

~~(ii) When a driver qualifies for a corrected license issued under § 16-114.1(c) of this subtitle.~~

~~(4) Except as provided in subsection (c) of this section, the Administration may not renew an individual's license for more than one consecutive term without requiring the individual to appear in person at an office of the Administration.~~

~~(5) THE EFFECTIVE TERM OF A DRIVER'S LICENSE ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.~~

(5) (I) IF AN APPLICANT HAS TEMPORARY LAWFUL STATUS, THE ADMINISTRATION MAY NOT ISSUE TO THE APPLICANT A LICENSE TO DRIVE FOR A PERIOD THAT EXTENDS BEYOND THE EXPIRATION DATE OF THE APPLICANT'S AUTHORIZED STAY IN THE UNITED STATES OR, IF THERE IS NO EXPIRATION DATE, FOR A PERIOD LONGER THAN 1 YEAR.

(II) NOTHING CONTAINED IN THIS PARAGRAPH MAY BE CONSTRUED TO ALLOW THE ISSUANCE OF A TEMPORARY LICENSE TO DRIVE FOR A PERIOD LONGER THAN THE PERIOD DESCRIBED IN THIS SUBSECTION.

(III) THE ADMINISTRATION SHALL INDICATE ON THE FACE AND IN THE MACHINE-READABLE ZONE OF A TEMPORARY LICENSE TO DRIVE THAT THE LICENSE IS A TEMPORARY LICENSE TO DRIVE.

(6) A HOLDER OF A TEMPORARY LICENSE TO DRIVE WHO HAD TEMPORARY LAWFUL STATUS AT THE TIME OF THE ISSUANCE OF THE TEMPORARY LICENSE TO DRIVE SHALL PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF LAWFUL STATUS IF THE HOLDER APPLIES FOR ISSUANCE OR RENEWAL OF ANY LICENSE TO DRIVE UNDER THIS SUBTITLE.

16-121.

(A) THIS SECTION APPLIES ONLY TO A NON-MATCH, DESCRIBED UNDER REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THAT:

(1) OCCURS DURING VERIFICATION BY THE ADMINISTRATION OF THE DOCUMENTARY EVIDENCE PROVIDED BY AN APPLICANT FOR ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE; AND

(2) IS NOT RESOLVED BY THE ADMINISTRATION'S VERIFICATION OF THE DOCUMENTARY EVIDENCE.

(B) IN THE EVENT OF A NON-MATCH, THE ADMINISTRATION MAY NOT ISSUE TO THE APPLICANT AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE.

(C) NOTHING IN THIS SECTION PROHIBITS THE ADMINISTRATION FROM ISSUING OR RENEWING AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER § 16-122 OF THIS SUBTITLE TO ALLOW THE APPLICANT TO RESOLVE A NON-MATCH.

16-122.

(A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE ADMINISTRATION SHALL, SUBJECT TO THE PROVISIONS OF THIS SECTION, ISSUE OR RENEW AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE THAT IS NOT ACCEPTABLE BY FEDERAL AGENCIES FOR OFFICIAL PURPOSES DETERMINED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IF AN APPLICANT:

(I) 1. HAS AN UNRESOLVED NON-MATCH DESCRIBED UNDER § 16-121 OF THIS SUBTITLE;

2. MEETS THE REQUIREMENTS CONCERNING THE NON-MATCH CONTAINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION THAT ARE CONSISTENT WITH REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY; AND

3. WOULD BE OTHERWISE ELIGIBLE UNDER THIS ARTICLE FOR THE ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS TITLE, BUT FOR THE UNRESOLVED NON-MATCH; OR

~~(II) WOULD BE OTHERWISE ELIGIBLE UNDER THIS ARTICLE FOR THE ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, BUT ELECTS THE ISSUANCE OR THE RENEWAL OF AN IDENTIFICATION CARD UNDER THIS SECTION; OR~~

~~(II) (II) 1. WAS THE HOLDER OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE ISSUED OR RENEWED BY THE ADMINISTRATION BEFORE APRIL 19, 2009;~~

~~2. DOES NOT PROVIDE SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS OR A VALID SOCIAL SECURITY NUMBER;~~

~~3. CERTIFIES THAT THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY NUMBER; AND~~

4. WOULD BE OTHERWISE ELIGIBLE FOR ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE ISSUED UNDER THIS SUBTITLE, BUT FOR THE ABSENCE OF DOCUMENTARY EVIDENCE DESCRIBED IN ITEM 2 OF THIS ITEM.

(2) THE ADMINISTRATION MAY NOT ISSUE OR RENEW AN IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE UNDER SUBSECTION (A)(1)(II) OF THIS SECTION ON OR AFTER JULY 1, 2015.

(3) AN IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE ISSUED OR RENEWED UNDER SUBSECTION (A)(1)(II) OF THIS SECTION ON OR AFTER JULY 1, 2010, SHALL EXPIRE ON JULY 1, 2015.

~~(2)~~ (4) THIS SUBSECTION DOES NOT APPLY TO ANY PROVISION OF LAW APPLICABLE TO THE ISSUANCE OR RENEWAL OF A COMMERCIAL DRIVER'S LICENSE UNDER THIS TITLE.

(B) THE ADMINISTRATION MAY REQUIRE THAT AN APPLICATION FOR ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER THIS SECTION BE MADE IN PERSON.

(C) A PERSON MAY NOT BE A HOLDER OF AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION IF THE PERSON IS THE HOLDER OF ANY OTHER IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION OR ANY OTHER SECTION OF THIS ARTICLE.

(D) EACH IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, AND LICENSE TO DRIVE ISSUED OR RENEWED IN ACCORDANCE WITH THIS SECTION SHALL:

(1) CLEARLY STATE ON ITS FACE AND IN ITS MACHINE-READABLE ZONE THAT IT IS NOT ACCEPTABLE BY FEDERAL AGENCIES FOR OFFICIAL PURPOSES;

(2) HAVE A UNIQUE DESIGN OR COLOR INDICATOR THAT CLEARLY DISTINGUISHES IT FROM THE DESIGN OR COLOR OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-115 OF THIS SUBTITLE, OR ANY LICENSE TO DRIVE UNDER ANY OTHER SECTION OF THIS SUBTITLE; AND

(3) BE OF THE SIZE AND DESIGN THAT THE ADMINISTRATION REQUIRES, TAMPERPROOF, TO THE EXTENT POSSIBLE, AND CONTAIN:

(I) THE NAME AND ADDRESS OF THE APPLICANT;

(II) THE BIRTH DATE OF THE APPLICANT;

(III) THE GENDER OF THE APPLICANT;

(IV) A DESCRIPTION OF THE APPLICANT;

(V) A COLOR PHOTOGRAPH OF THE APPLICANT TAKEN BY THE PROCEDURE THAT THE ADMINISTRATION REQUIRES;

(VI) THE EXPIRATION DATE OF THE IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE;

(VII) THE SIGNATURE OF THE APPLICANT; AND

(VIII) THE SIGNATURE AND SEAL OF THE ISSUING AGENT.

(E) AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION SHALL EXPIRE AT THE END OF A PERIOD THAT IS EQUIVALENT TO THE EXPIRATION PERIOD APPLICABLE FOR AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-115 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE.

(F) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED UNDER THIS SECTION MAY BE USED FOR ANY PURPOSE AS LEGAL IDENTIFICATION OF THE HOLDER TO WHOM THE IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE IS ISSUED.

~~(G) (1) THE ADMINISTRATION MAY CANCEL, SUSPEND, REVOKE, OR REQUIRE TO BE SURRENDERED AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION UNDER THE SAME CIRCUMSTANCES THAT THE ADMINISTRATION MAY CANCEL, SUSPEND, REVOKE, OR REQUIRE TO BE SURRENDERED AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-115 OF THIS SUBTITLE, OR ANY LICENSE TO DRIVE UNDER THIS SUBTITLE.~~

~~(2) THE ADMINISTRATION MAY REFUSE TO ISSUE OR RENEW AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER THIS SECTION UNDER THE SAME CIRCUMSTANCES THAT THE ADMINISTRATION MAY REFUSE TO ISSUE OR RENEW AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-115 OF THIS SUBTITLE, OR ANY LICENSE TO DRIVE UNDER THIS SUBTITLE, BUT FOR THE ABSENCE OF THE DOCUMENTARY EVIDENCE DESCRIBED IN SUBSECTION (A)(1)(H)2 OF THIS SECTION.~~

~~(H) (1) (G) THE ADMINISTRATION MAY ESTABLISH A FEE FOR THE ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION.~~

~~(2) NOTHING IN THIS SECTION ALTERS THE PROVISIONS OF § 12-120 OF THIS ARTICLE.~~

~~(H) (H) EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION, THIS SECTION DOES NOT LIMIT THE APPLICATION OF ANY OTHER PROVISION OF THIS ARTICLE TO AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED UNDER THIS SECTION.~~

16-123.

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

(2) "COVERED EMPLOYEE" MEANS AN EMPLOYEE OF THE ADMINISTRATION OR A CONTRACTOR FOR THE ADMINISTRATION WHO IS INVOLVED IN THE MANUFACTURE OR PRODUCTION OF IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, OR LICENSES TO DRIVE OR WHO HAS THE ABILITY TO AFFECT THE IDENTITY INFORMATION THAT APPEARS ON AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE.

(3) "PERSONALLY IDENTIFIABLE INFORMATION" MEANS ANY INFORMATION THAT CAN BE USED TO DISTINGUISH OR TRACE AN INDIVIDUAL'S IDENTITY AS SPECIFIED IN REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, WHETHER THE INFORMATION IS STORED IN A DATABASE, ON AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE, OR IN THE MACHINE-READABLE ZONE ON AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE.

(B) THE ADMINISTRATION SHALL HAVE A SECURITY PLAN FOR IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS AND LICENSES TO DRIVE

ISSUED OR RENEWED FOR THE PURPOSES OF COMPLYING WITH THE PROVISIONS OF THIS ARTICLE.

(C) AT A MINIMUM, THE SECURITY PLAN SHALL ADDRESS:

(1) PHYSICAL SECURITY OF THE FACILITIES USED AND STORAGE AREAS FOR CARD STOCK AND OTHER MATERIALS USED IN PRODUCTION; AND

(2) SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION MAINTAINED AT LOCATIONS OF THE ADMINISTRATION INVOLVED IN THE ENROLLMENT, ISSUANCE, MANUFACTURE, OR PRODUCTION, INCLUDING THE FOLLOWING PROTECTIONS:

(I) REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PROTECT THE SECURITY, CONFIDENTIALITY, AND INTEGRITY OF THE PERSONALLY IDENTIFIABLE INFORMATION COLLECTED, STORED, AND MAINTAINED IN ADMINISTRATION RECORDS AND INFORMATION SYSTEMS, INCLUDING PROCEDURES TO PREVENT UNAUTHORIZED ACCESS, USE, OR DISSEMINATION OF APPLICANT INFORMATION AND IMAGES OF SOURCE DOCUMENTS RETAINED AND STANDARDS AND PROCEDURES FOR DOCUMENT RETENTION AND DESTRUCTION;

(II) A PRIVACY POLICY REGARDING THE PERSONALLY IDENTIFIABLE INFORMATION COLLECTED AND MAINTAINED BY THE ADMINISTRATION;

(III) REQUIRING THAT RELEASE OR USE OF PERSONAL INFORMATION COLLECTED AND MAINTAINED BY THE ADMINISTRATION COMPLY WITH THE REQUIREMENTS OF THE FEDERAL DRIVER'S PRIVACY PROTECTION ACT;

(IV) DOCUMENT AND PHYSICAL SECURITY FEATURES FOR IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, AND LICENSES TO DRIVE ISSUED BY THE ADMINISTRATION;

(V) ACCESS CONTROL, INCLUDING:

1. EMPLOYEE IDENTIFICATION AND CREDENTIALING, INCLUDING ACCESS BADGES;

2. EMPLOYEE BACKGROUND CHECKS, INCLUDING A NAME-BASED AND FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK, FOR EACH COVERED EMPLOYEE AND CURRENT EMPLOYEE WHO WILL BE ASSIGNED TO THE POSITION OF A COVERED EMPLOYEE; AND

3. CONTROLLED ACCESS SYSTEMS;

(VI) PERIODIC TRAINING REQUIREMENTS IN:

1. FRAUDULENT DOCUMENT RECOGNITION TRAINING FOR ALL COVERED EMPLOYEES HANDLING SOURCE DOCUMENTS OR ENGAGED IN THE ISSUANCE OF IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, OR LICENSES TO DRIVE; AND

2. SECURITY AWARENESS TRAINING, INCLUDING THREAT IDENTIFICATION AND HANDLING OF SENSITIVE SECURITY INFORMATION AS NECESSARY;

(VII) EMERGENCY AND INCIDENT RESPONSE PLAN;

(VIII) INTERNAL AUDIT CONTROLS; AND

(IX) AN AFFIRMATION THAT THE ADMINISTRATION POSSESSES THE AUTHORITY AND MEANS TO PRODUCE, REVISE, EXPUNGE, AND PROTECT THE CONFIDENTIALITY OF IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, AND LICENSES TO DRIVE ISSUED IN SUPPORT OF FEDERAL, STATE, OR LOCAL CRIMINAL JUSTICE AGENCIES OR SIMILAR PROGRAMS THAT REQUIRE SPECIAL LICENSING OR IDENTIFICATION TO SAFEGUARD PERSONS OR SUPPORT THEIR OFFICIAL DUTIES.

(D) THE SECURITY PLAN REQUIRED BY THIS SECTION CONTAINS SENSITIVE SECURITY INFORMATION AND SHALL BE HANDLED AND PROTECTED IN ACCORDANCE WITH 49 CODE OF FEDERAL REGULATIONS PART 1520.

16-124.

(A) THE ADMINISTRATION SHALL REQUIRE EACH FEE FOR ISSUANCE OR RENEWAL OF AN ORIGINAL OR DUPLICATE IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE UNDER THIS ARTICLE TO BE PAID BY THE APPLICANT AT THE TIME OF APPLICATION.

(B) AN APPLICATION FEE UNDER THIS SECTION IS NONREFUNDABLE, REGARDLESS WHETHER THE ADMINISTRATION ISSUES OR RENEWS, REFUSES TO ISSUE OR RENEW, CANCELS, OR REQUIRES TO BE SURRENDERED AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER THIS ARTICLE.

16-301.

(a) A person may not knowingly or fraudulently obtain or attempt to obtain a [driver's] license TO DRIVE OR A MOPED OPERATOR'S PERMIT by misrepresentation.

(b) A person may not in any application for a [driver's] license TO DRIVE OR A MOPED OPERATOR'S PERMIT:

- (1) Use a false or fictitious name;
- (2) Knowingly make a false statement;
- (3) Knowingly conceal a material fact;
- (4) Use a false, fictitious, or fraudulently altered document; or
- (5) Otherwise commit a fraud.

27-101.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both:

(1) § 12-301[(c), (d), (e),] (E) or (f) ("Special identification cards: [Fraud and misrepresentation] UNLAWFUL USE OF IDENTIFICATION CARD prohibited");

(12) § 16-301, EXCEPT § 16-301(A) OR (B) ("Unlawful [application for or] use of license");

(CC) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 12-301(C) OR (D) OF THIS ARTICLE ("FRAUD OR MISREPRESENTATION IN OBTAINING OR APPLICATION FOR AN IDENTIFICATION CARD") OR § 16-301(A) OR (B) OF THIS ARTICLE ("FRAUD OR MISREPRESENTATION IN OBTAINING OR APPLICATION FOR A LICENSE") IS SUBJECT TO A FINE OF NOT MORE THAN \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.

SECTION 3. AND BE IT FURTHER ENACTED, That the Motor Vehicle Administration shall adopt regulations to implement this Act, including regulations to:

(1) create a written, defined exceptions process, consistent with regulations adopted by the Secretary of the United States Department of Homeland Security, for applicants who, for reasons beyond their control, are unable to present all necessary documentation and must rely on alternative documents to establish identity or date of birth, however, under the regulations, alternative documents to demonstrate

lawful status shall only be allowed to demonstrate that the applicant is a citizen of the United States; and

(2) implement the provisions of this Act concerning a non-match, as described in this Act, of documentation provided by an applicant to the Administration.

SECTION 4. 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 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 7, 2009.

Chapter 391

(House Bill 420)

AN ACT concerning

Environment – Limitation of Actions – Political Subdivisions

FOR the purpose of extending to political subdivisions of the State a certain statute of limitations for suits instituted seeking a civil penalty for violations of certain environmental statutes or any rule, regulation, order, or permit adopted or issued in accordance with those statutes, or for a violation under certain regulatory programs; providing for the application of this Act; and generally relating to the statute of limitations for civil suits for environmental violations.

BY repealing and reenacting, with amendments,

Article – Environment

Section 1–303

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

Article – Environment

1–303.

(A) A criminal prosecution or suit for a civil penalty **BY THE DEPARTMENT** for violation of any provision of this article or any rule, regulation, order, or permit

adopted or issued under this article, shall be instituted within 3 years after the date the Department ~~OR POLITICAL SUBDIVISION WITH AUTHORITY TO INSTITUTE A SUIT FOR A CIVIL PENALTY UNDER THIS ARTICLE~~ knew or reasonably should have known of the violation.

(B) A SUIT FOR A CIVIL PENALTY BY A POLITICAL SUBDIVISION FOR VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULE, REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER THIS ARTICLE, OR FOR A VIOLATION UNDER ANY REGULATORY PROGRAM THE POLITICAL SUBDIVISION IS REQUIRED TO ADOPT AND ENFORCE UNDER THE PROVISIONS OF THIS ARTICLE, SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE DATE THE POLITICAL SUBDIVISION KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.

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 suit for a civil penalty brought by a political subdivision for any violation of any provision of the Environment Article, or any rule, regulation, order, or permit adopted or issued under the Environment Article before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 392

(House Bill 427)

AN ACT concerning

Cecil County – Employees of Cecil County Treasurer’s Office

FOR the purpose of establishing that certain employees of the Cecil County Treasurer’s Office shall be subject to the personnel policies and procedures governing County employees, subject to certain conditions; providing that the determination of an employee’s qualifications and ability to serve in a position in the Treasurer’s Office shall be at the sole discretion of the Treasurer; requiring a new employee of the Treasurer’s Office to serve a probationary period of a certain length; authorizing the Treasurer to extend the probationary period of an employee; providing that employees of the Treasurer’s Office that have served a certain period of time before a certain date are exempt from serving a probationary period, except under certain circumstances; requiring a newly created position in the Treasurer’s Office to be placed in an unclassified,

at-will category, except under certain circumstances; authorizing the Treasurer to adopt certain policies and procedures that supplement the County policies and procedures; clarifying language; and generally relating to employees of the Cecil County Treasurer's Office.

BY repealing and reenacting, with amendments,
The Public Local Laws of Cecil County
Section 78-3
Article 8 – Public Local Laws of Maryland
(1989 Edition and November 2007 Supplement, as amended)

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

Article 8 – Cecil County

78-3.

A. The Treasurer is the appointing authority for all employees of [that office] **THE TREASURER'S OFFICE.**

B. EXCEPT FOR THE DEPUTY TREASURER, EMPLOYEES OF THE TREASURER'S OFFICE SHALL BE SUBJECT TO THE CECIL COUNTY PERSONNEL POLICIES AND PROCEDURES GOVERNING COUNTY EMPLOYEES SUBJECT TO THE FOLLOWING:

(1) THE DETERMINATION OF AN EMPLOYEE'S QUALIFICATIONS AND ABILITY TO SERVE IN A POSITION IN THE TREASURER'S OFFICE SHALL BE AT THE SOLE DISCRETION OF THE TREASURER.

(2) (I) A NEW EMPLOYEE SHALL SERVE A 6-MONTH PROBATIONARY PERIOD.

(II) THE TREASURER MAY EXTEND THE PROBATIONARY PERIOD FOR CAUSE.

(III) AN EMPLOYEE THAT HAS BEEN EMPLOYED IN THE TREASURER'S OFFICE FOR AT LEAST 6 MONTHS BEFORE JUNE 1, 2009, DOES NOT NEED TO SERVE AN ADDITIONAL PROBATIONARY PERIOD EXCEPT FOR CAUSE.

(3) A NEWLY CREATED POSITION SHALL AUTOMATICALLY BE PLACED IN AN UNCLASSIFIED, AT-WILL CATEGORY, UNLESS IT IS SUBSTANTIALLY THE SAME AS AN EXISTING MERIT SYSTEM POSITION.

(4) THE TREASURER MAY ADOPT SPECIFIC POLICIES AND PROCEDURES THAT SUPPLEMENT THE COUNTY PERSONNEL POLICIES AND PROCEDURES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 393

(House Bill 448)

AN ACT concerning

**State Retirement and Pension System – ~~Investment Manager Service Fees~~
Investments**

FOR the purpose of authorizing the Chief Investment Officer for the State Retirement and Pension System to select and invest in certain investment vehicles on behalf of the State Retirement and Pension System; providing that certain external investment managers for the State Retirement System shall be selected by the Chief Investment Officer; increasing certain limitations on certain fees paid by the Board of Trustees to certain investment managers; and generally relating to ~~investment manager service fees~~ investments for the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21-122(d), 21-123(g), and 21-315(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 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

21-122.

(d) [The] ON BEHALF OF THE SEVERAL SYSTEMS, THE Chief Investment Officer:

(1) may hire external investment managers to invest the assets of the several systems; [and]

(2) MAY SELECT AND INVEST IN SPECIFIC INVESTMENT VEHICLES, INCLUDING LIMITED PARTNERSHIPS, PRIVATE EQUITY FUND INVESTMENTS, AND PRIVATE REAL ESTATE FUND INVESTMENTS; AND

(3) may terminate the appointment of an external investment manager.

21-123.

(g) Any direct owned real estate purchased as an investment by the State Retirement and Pension System shall be managed by an external investment manager selected by the [Board of Trustees] CHIEF INVESTMENT OFFICER.

21-315.

(d) (1) Each quarter of the fiscal year the Board of Trustees shall estimate one-fourth of an amount, not exceeding [0.3%]0.5% of the market value as of the last day of the preceding quarter of invested assets that are externally managed exclusive of assets invested in real estate or alternative investments, necessary to procure and retain investment management services other than external real estate or alternative investment management services.

(2) The Board of Trustees is not limited in the amount of investment manager fees that the Board of Trustees may pay as necessary for external real estate or alternative investment management services.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 394

(House Bill 461)

AN ACT concerning

State Personnel – Incentive Awards – Review and Evaluation Process

FOR the purpose of altering the membership of a certain review committee charged with evaluating and recommending certain awards for certain ideas by State

employees; clarifying certain methods by which certain ideas may be received by a certain review committee; providing that certain heads of principal units of State government consult with a certain review committee before submitting certain ideas to the Governor's Award Panel; and generally relating to the review and evaluation process of incentive awards for State personnel.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 10–203
Annotated Code of Maryland
(2004 Replacement Volume and 2008 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

10–203.

(a) In this section, “innovative idea” means an invention, innovative suggestion, or any other innovative idea.

(b) There is an Innovative Idea Awards Program for employees.

(c) (1) An innovative idea award may be awarded for an innovative idea that, if implemented, would:

- (i) increase revenue to the State;
- (ii) save money for the State;
- (iii) improve the quality of services delivered to the public; or
- (iv) otherwise significantly benefit the State.

(2) Except under exceptional circumstances, an award may not be made for an innovative idea that is under active study or continual review by a unit of State government.

(d) (1) The head of each principal unit shall establish a **LABOR-MANAGEMENT** review committee, **WITH HALF OF THE MEMBERS BEING SELECTED FROM THE EXCLUSIVE REPRESENTATIVES, IF ANY**, to evaluate and recommend awards for innovative ideas by employees of that unit.

(2) (I) To the extent possible, within 60 days after an innovative idea is submitted to the **LABOR-MANAGEMENT** review committee, the head of the unit shall decide whether to give an innovative idea award.

(II) THE INNOVATIVE IDEA MAY BE RECEIVED DIRECTLY FROM AN EMPLOYEE THROUGH AN APPLICATION, OR FORWARDED BY THE EMPLOYEE'S SUPERVISOR.

(e) For an innovative idea, the head of a principal unit may give an employee of that unit a cash award of not more than:

(1) \$1,000 for an innovative idea with a reasonably ascertainable monetary savings or gain to the State; or

(2) \$300 for any other innovative idea.

(f) (1) There is a Governor's Award Panel.

(2) The Governor's Award Panel consists of five members appointed by the Governor, at least three of whom shall be public members who serve without compensation.

(g) (1) The head of a principal unit, **IN CONSULTATION WITH THE LABOR-MANAGEMENT REVIEW COMMITTEE**, shall submit to the Governor's Award Panel each innovative idea for which an award is made under subsection (e) of this section, with a recommendation for any additional award by the Governor.

(2) The Governor's Award Panel shall:

(i) review each innovative idea submitted to it;

(ii) at least once a year, make a recommendation to the Governor about additional awards for the innovative ideas; and

(iii) recommend to the Governor either monetary or nonmonetary awards for the employees' innovative ideas.

(h) (1) The Governor may make an additional cash award for an innovative idea.

(2) The cash award may not exceed \$20,000.

(3) The Governor may grant paid administrative leave, not exceeding 20 workdays.

(i) The State's use of an innovative idea:

(1) does not entitle the employee submitting the innovative idea to an award under this section; and

(2) does not give rise to any claim by the employee or the heirs or assigns of the employee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 395

(House Bill 462)

AN ACT concerning

Medicaid State Plan and Medical Assistance Program – Amendments and Waiver Applications

FOR the purpose of requiring the Department of Health and Mental Hygiene to publish in the Maryland Register notice of amendments to the Medicaid State Plan ~~or Medical Assistance Program~~; requiring the Department of Health and Mental Hygiene to submit amendments to the Medicaid State Plan ~~or Medical Assistance Program~~ to the Medicaid Advisory Committee; requiring the Department to make amendments to the Medicaid State Plan ~~or Medical Assistance Program~~ available to the public and to provide an opportunity for public comment on the amendments; requiring the Department to submit to the Medicaid Advisory Committee a copy of a certain Medical Assistance Program waiver application under certain circumstances; and generally relating to the Medicaid State Plan and Medical Assistance Program.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–134
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article – Health – General

15–134.

(a) If the Department applies for a Medical Assistance Program waiver [or], modifies or amends an existing Medical Assistance Program waiver, **OR AMENDS THE**

MEDICAID STATE PLAN ~~OR MEDICAL ASSISTANCE PROGRAM~~, the Department shall give notice of the application or amendment by:

(1) Publication in the Maryland Register; and

(2) Submission of the application or amendment to the Medicaid Advisory Committee for discussion at a Medicaid Advisory Committee meeting.

(b) For 30 days following publication of any notice published under subsection (a) of this section, the Department shall:

(1) Make the Medical Assistance Program waiver application **OR AMENDMENT TO THE MEDICAID STATE PLAN ~~OR MEDICAL ASSISTANCE PROGRAM~~** available to the public during business hours; and

(2) Provide an opportunity to receive public comments on the Medical Assistance Program waiver application **OR AMENDMENT TO THE MEDICAID STATE PLAN ~~OR MEDICAL ASSISTANCE PROGRAM~~**.

(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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 396

(House Bill 473)

AN ACT concerning

State Retirement and Pension System – Participating Governmental Units

FOR the purpose of clarifying the definition of a “local pension system” for participating governmental units ~~in~~ withdrawing from the State Retirement and Pension System; altering the period of time that certain employees of certain participating governmental units have to elect to participate in certain

systems of the State Retirement and Pension System; and generally relating to participating governmental units in the State Retirement and Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section ~~31-101(h)~~, 31-111(a), ~~31-2A-01(f)~~, 31-2A-04, ~~31-2B-01(c)~~, and
31-2B-04, and 31-301(d)

Annotated Code of Maryland

(2004 Replacement Volume and 2008 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

~~31-101.~~

~~(h) “Local pension system” means a retirement or pension system of an eligible governmental unit that exists before participation by the governmental unit in the [employees’ systems] EMPLOYEES’ RETIREMENT SYSTEM, THE EMPLOYEES’ PENSION SYSTEM, THE LAW ENFORCEMENT OFFICERS’ PENSION SYSTEM, OR THE CORRECTIONAL OFFICERS’ PENSION SYSTEM.~~

31-111.

(a) Except as provided in subsection (b) of this section and §§ 31-111.1, 31-111.3, and 31-111.4 of this subtitle, if an employee of a participating governmental unit joins the Employees’ Pension System [within 1 year after] ON the effective date, the employee is entitled to service credit for employment with the participating governmental unit before the effective date.

~~31-2A-01.~~

~~(f) [(1)] “Local pension system” [means a retirement or pension system of an eligible governmental unit.~~

~~(2) “Local pension system” includes the Employees’ Retirement System and the Employees’ Pension System if the eligible governmental unit participates under Subtitle 1 of this title] HAS THE MEANING STATED IN § 30-101(H) OF THIS ARTICLE.~~

31-2A-04.

If a law enforcement officer, firefighter, or paramedic joins the Law Enforcement Officers’ Pension System [within 6 months after] ON the effective date,

the member is entitled to credit for employment with the participating governmental unit before the effective date.

~~31-2B-01.~~

~~(e) [(1)] "Local pension system" [means a retirement or pension system of an eligible governmental unit.~~

~~(2) "Local pension system" includes the Employees' Retirement System and the Employees' Pension System if the eligible governmental unit participates under Subtitle 1 of this title] HAS THE MEANING STATED IN § 30-101(H) OF THIS ARTICLE.~~

31-2B-04.

If a local detention center officer joins the Correctional Officers' Retirement System [within 6 months after] ON the effective date, the member is entitled to credit for employment with the participating governmental unit before the effective date.

31-301.

(d) (1) "Local pension system" [has the meaning stated in § 31-101 of this title] MEANS A RETIREMENT OR PENSION SYSTEM OF AN ELIGIBLE GOVERNMENTAL UNIT.

(2) "LOCAL PENSION SYSTEM" INCLUDES THE EMPLOYEES' RETIREMENT SYSTEM, EMPLOYEES' PENSION SYSTEM, LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, OR CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE ELIGIBLE GOVERNMENTAL UNIT PARTICIPATES UNDER THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 397

(House Bill 477)

AN ACT concerning

Frederick County – County Commissioners – Retirement Benefits

FOR the purpose of authorizing the Board of County Commissioners of Frederick County to establish that each member may receive certain retirement benefits or to establish within the county retirement program certain criteria and benefits applying only to County Commissioners under certain circumstances; placing certain restrictions on a criterion or benefit established under this Act; providing that this Act does not apply to the salaries or compensation of the incumbent County Commissioners; and generally relating to the retirement benefits of the members of the Board of County Commissioners of Frederick County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Frederick County
Section 2-2-18(b)
Article 11 – Public Local Laws of Maryland
(2004 Edition and September 2008 Supplement)

BY adding to
The Public Local Laws of Frederick County
Section 2-2-18(c)
Article 11 – Public Local Laws of Maryland
(2004 Edition and September 2008 Supplement)

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

Article 11 – Frederick County

2-2-18.

(b) [Each] **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH** member is entitled to those fringe benefits regularly provided to county employees.

(c) (1) **THE BOARD OF COUNTY COMMISSIONERS MAY:**

(i) **ESTABLISH THAT EACH MEMBER MAY RECEIVE BENEFITS PROVIDED IN THE COUNTY RETIREMENT PROGRAM; OR**

(ii) **IF THE ACTION SPECIFIED IN ITEM (I) OF THIS PARAGRAPH IS NOT TAKEN, ESTABLISH SPECIFIC CRITERIA AND BENEFITS THAT APPLY ONLY TO THE COUNTY COMMISSIONERS.**

(2) **A CRITERION OR BENEFIT ESTABLISHED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MAY NOT:**

(I) EXCEED A SIMILAR CRITERION OR BENEFIT PROVIDED BY STATE LAW FOR GENERAL ASSEMBLY MEMBERS; AND

(II) INCREASE THE COMPENSATION OF THE COUNTY COMMISSIONER DURING THE TERM OF OFFICE OF THE COUNTY COMMISSIONERS IN OFFICE WHEN THE CRITERION OR BENEFIT IS ESTABLISHED OR MODIFIED.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the County Commissioners of Frederick County in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the County Commissioners of Frederick County shall take effect at the beginning of the next following term of office.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 398

(House Bill 487)

AN ACT concerning

State Health Services Cost Review Commission – Health Care Facilities – ~~Annual Reports of Compensation~~ Required Forms

FOR the purpose of requiring certain health care facilities to submit to the State Health Services Cost Review Commission ~~annual reports of certain compensation~~ a certain form at certain times; and generally relating to ~~the reporting of the compensation of officers, directors, and executives of health care facilities and of regulated lobbyists engaged by those facilities~~ filing of required forms by health care facilities.

BY repealing and reenacting, with amendments,

Article – Health – General

Section ~~19-212~~ 19-216

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

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

Article - Health - General

~~19-212.~~~~The Commission shall:~~

- ~~(1) Require each facility to disclose publicly:
 - ~~(i) Its financial position; and~~
 - ~~(ii) As computed by methods that the Commission determines, the verified total costs incurred by the facility in providing health services;~~~~
- ~~(2) Review for reasonableness and certify the rates of each facility;~~
- ~~(3) Keep informed as to whether a facility has enough resources to meet its financial requirements;~~
- ~~(4) Concern itself with solutions if a facility does not have enough resources; [and]~~
- ~~(5) Assure each purchaser of health care facility services that:
 - ~~(i) The total costs of all hospital services offered by or through a facility are reasonable;~~
 - ~~(ii) The aggregate rates of the facility are related reasonably to the aggregate costs of the facility; and~~
 - ~~(iii) Rates are set equitably among all purchasers of services without undue discrimination; AND~~~~
- ~~**(6) REQUIRE EACH FACILITY TO SUBMIT TO THE COMMISSION AN ANNUAL REPORT OF THE COMPENSATION, INCLUDING SALARIES, BONUSES, AND PERQUISITES, OF:
 - ~~(I) EACH OFFICER, DIRECTOR, AND EXECUTIVE OF THE FACILITY AND ANY PARENT COMPANY OR SUBSIDIARY OF THE FACILITY; AND~~
 - ~~(II) ANY INDIVIDUAL ENGAGED BY A FACILITY OR A PARENT COMPANY OR SUBSIDIARY OF THE FACILITY AS A REGULATED LOBBYIST, AS DEFINED UNDER § 15-102 OF THE STATE GOVERNMENT ARTICLE, FOR THE PURPOSE OF LOBBYING THE GENERAL ASSEMBLY ON BEHALF OF THE FACILITY.~~**~~

19-216.

(a) At the end of the fiscal year for a facility, at least 120 days following a merger or a consolidation, and at any other interval that the Commission sets, the facility shall file:

(1) A balance sheet that details its assets, liabilities, and net worth;

(2) A statement of income and expenses; [and]

(3) THE MOST RECENT FORM 990 THAT THE FACILITY FILED WITH THE INTERNAL REVENUE SERVICE; AND

~~[(3)]~~ (4) Any other report that the Commission requires about costs incurred in providing services.

(b) (1) A report under this section shall:

(i) Be in the form that the Commission requires;

(ii) Conform to the uniform accounting and financial reporting system adopted under this subtitle; and

(iii) Be certified as follows:

1. For the University of Maryland Hospital, by the Legislative Auditor; or

2. For any other facility, by its certified public accountant.

(2) If the Commission requires, responsible officials of a facility also shall attest that, to the best of their knowledge and belief, the report has been prepared in conformity with the uniform accounting and financial reporting system adopted under § 19–211 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 399

(House Bill 498)

AN ACT concerning

**Professional Service Corporations – Corporate Names – Approval by
Professional Organizations**

FOR the purpose of establishing an exception to the requirement that ~~a licensing unit consult with and obtain the approval of a certain professional organization before issuing a certificate of authorization for use of a corporate name; providing that the Board of Physicians is not required to consult with or obtain the approval of the professional organization in the State to which a majority of physicians belong; making a certain conforming change~~ the name of a professional corporation be approved by the appropriate licensing unit under certain circumstances; and generally relating to certificates of authorization for use of a corporate name.

BY repealing and reenacting, ~~without~~ with amendments,
Article – Corporations and Associations
Section 5–107
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,
Article – Corporations and Associations
Section 5–108
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Article – Corporations and Associations

5–107.

(A) THIS SECTION DOES NOT APPLY TO A PROFESSIONAL CORPORATION IN WHICH A MAJORITY OF STOCKHOLDERS ARE PHYSICIANS LICENSED BY THE STATE BOARD OF PHYSICIANS.

(B) The name of a domestic professional corporation or a foreign professional corporation authorized to transact business in the State shall contain the surname of one or more stockholders of the corporation unless:

(1) The name of the corporation is approved by the appropriate licensing unit;

(2) A certificate of authorization for use of the corporate name is issued to the corporation or to its incorporator by the appropriate licensing unit; and

(3) The certificate of authorization for use of the corporate name issued by the licensing unit is attached to the articles of incorporation document in which the name is adopted.

5-108.

(a) If required under § 5-107 of this subtitle to obtain a certificate of authorization for use of a corporate name, the professional corporation or its incorporator shall file an application with the appropriate licensing unit, using a form provided by the licensing unit that contains:

- (1) The name to be adopted by the corporation;
- (2) The reasons for adopting the name; and
- (3) Any other information required by the licensing unit.

(b) The application shall be accompanied by the fee, if any, set by the licensing unit.

(c) (1) ~~Upon~~ ~~EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON~~ receipt of the application and fee under subsections (a) and (b) of this section, the licensing unit shall consult with and obtain the approval of the professional organization, if one exists, to which a majority of individuals in the State rendering the professional service belong.

(2) In determining the appropriateness of the proposed corporate name, the professional organization shall consider the established ethical standards, rules, and regulations of the profession.

~~(3) THE BOARD OF PHYSICIANS IS NOT REQUIRED TO CONSULT WITH OR OBTAIN THE APPROVAL OF THE PROFESSIONAL ORGANIZATION IN THE STATE TO WHICH A MAJORITY OF PHYSICIANS BELONG.~~

(d) If the licensing unit and, **IF REQUIRED**, the professional organization approve of the proposed corporate name, the licensing unit shall issue a certificate of authorization for use of a corporate name to the corporation or its incorporator.

(e) Any licensing unit with jurisdiction over the professional service mentioned in the corporation's articles of incorporation may approve the adoption and use of a corporate name under the provisions of §§ 5-106 through 5-108 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 400

(House Bill 500)

AN ACT concerning

Baltimore City - Medical Assistance Programs - Eligibility and Enrollment Information Mailings to Students

FOR the purpose of requiring the ~~State Department of Education~~ Baltimore City Public School System and ~~Baltimore HealthCare Access~~ the Department of Health and Mental Hygiene to enter into an agreement regarding the disclosure of certain information; specifying certain terms for the required agreement; requiring the ~~Department~~ Baltimore City Public School System to make certain disclosures to parents or guardians whose students are ~~applying for~~ enrolled in the National School Lunch Program on or before a certain date each year; requiring the ~~Department~~ Baltimore City Public School System to disclose certain information regarding certain students in Baltimore City to ~~Baltimore HealthCare Access~~ the Department on or before a certain date each year; requiring ~~Baltimore HealthCare Access~~ the Department to send eligibility and enrollment information regarding the Maryland Medical Assistance Program and the Maryland Children's Health Program to parents or guardians of certain students in Baltimore City who are ~~eligible for~~ enrolled in the National School Lunch Program on or before a certain date each year; requiring ~~Baltimore HealthCare Access~~ the Department to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to eligibility and enrollment information mailings regarding certain medical assistance programs to students in Baltimore City.

~~BY adding to~~

~~Article - Education
Section 7-606
Annotated Code of Maryland
(2008 Replacement Volume)~~

BY adding to

Article - Health - General
Section 15-305
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article - ~~Education~~ Health - General

~~7-606.~~ 15-305.

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

~~(2) "BHCA" MEANS BALTIMORE HEALTHCARE ACCESS, WHICH IS A QUASI-PUBLIC AGENCY OF THE BALTIMORE CITY HEALTH DEPARTMENT.~~

~~(3) "MCHP" MEANS THE MARYLAND CHILDREN'S HEALTH PROGRAM.~~

~~(4) "PROGRAM" MEANS THE MARYLAND MEDICAL ASSISTANCE PROGRAM.~~

~~(B) (A) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE DEPARTMENT BALTIMORE CITY PUBLIC SCHOOL SYSTEM SHALL ENTER INTO A WRITTEN AGREEMENT WITH BALTIMORE HEALTHCARE ACCESS THE DEPARTMENT THAT:~~

~~(1) REQUIRES THE DEPARTMENT, IN CONJUNCTION WITH THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM, TO DISCLOSE THE NAME, ADDRESS, AND ELIGIBILITY INFORMATION OF EACH STUDENT IN BALTIMORE CITY WHO APPLIES FOR IS ENROLLED IN THE NATIONAL SCHOOL LUNCH PROGRAM TO BHCA THE DEPARTMENT UNLESS THE PARENT OR GUARDIAN ELECTS NOT TO HAVE THE INFORMATION DISCLOSED;~~

~~(2) REQUIRES BHCA THE DEPARTMENT TO SEND ELIGIBILITY AND ENROLLMENT INFORMATION REGARDING THE PROGRAM AND MCHP THE MARYLAND CHILDREN'S HEALTH PROGRAM TO THE PARENT OR GUARDIAN OF EVERY STUDENT WHOSE INFORMATION IS DISCLOSED TO BHCA THE DEPARTMENT AND WHO IS NOT ENROLLED IN THE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM;~~

~~(3) SPECIFIES THAT BHCA THE DEPARTMENT SHALL USE THE DISCLOSED INFORMATION ONLY TO SEND ELIGIBILITY AND ENROLLMENT INFORMATION REGARDING THE PROGRAM AND MCHP THE MARYLAND CHILDREN'S HEALTH PROGRAM;~~

(4) DESCRIBES HOW THE DISCLOSED INFORMATION WILL BE PROTECTED FROM UNAUTHORIZED USE OR DISCLOSURE; AND

(5) DESCRIBES THE PENALTIES FOR UNAUTHORIZED USE OR DISCLOSURE; ~~AND~~

~~(6) IS SIGNED BY BOTH THE PRESIDENT OF BHCA AND THE SECRETARY.~~

~~(c)~~ (B) ON OR BEFORE ~~THE FIRST FRIDAY IN OCTOBER~~ NOVEMBER 1 OF EACH YEAR, THE ~~DEPARTMENT, IN CONJUNCTION WITH THE~~ BALTIMORE CITY PUBLIC SCHOOL SYSTEM, SHALL NOTIFY, IN WRITING, EACH PARENT OR GUARDIAN IN BALTIMORE CITY WHOSE STUDENT IS APPLYING FOR ENROLLED IN THE NATIONAL SCHOOL LUNCH PROGRAM THAT:

(1) THE NAME, ADDRESS, AND ELIGIBILITY INFORMATION PROVIDED ON THE APPLICATION WILL BE DISCLOSED TO ~~BHCA~~ THE DEPARTMENT UNLESS THE PARENT OR GUARDIAN ELECTS NOT TO HAVE THE INFORMATION DISCLOSED;

(2) THE PARENT OR GUARDIAN IS NOT REQUIRED TO CONSENT TO DISCLOSURE;

(3) THE INFORMATION WILL BE USED ONLY TO SEND ELIGIBILITY AND ENROLLMENT INFORMATION REGARDING THE PROGRAM AND ~~MCHP~~ THE MARYLAND CHILDREN'S HEALTH PROGRAM TO THE PARENT OR GUARDIAN; AND

(4) THE DECISION OF THE PARENT OR GUARDIAN WILL NOT AFFECT THE STUDENT'S ELIGIBILITY FOR THE NATIONAL SCHOOL LUNCH PROGRAM.

~~(d) ON OR BEFORE OCTOBER 31 OF EACH YEAR, THE DEPARTMENT SHALL DISCLOSE THE INFORMATION REFERRED TO IN SUBSECTION (B)(1) OF THIS SECTION TO BHCA.~~

~~(e)~~ (C) ON OR BEFORE DECEMBER 31 OF EACH YEAR, ~~BHCA~~ THE DEPARTMENT SHALL SEND ELIGIBILITY AND ENROLLMENT INFORMATION REGARDING THE PROGRAM AND ~~MCHP~~ THE MARYLAND CHILDREN'S HEALTH PROGRAM TO PARENTS AND GUARDIANS IN ACCORDANCE WITH SUBSECTION ~~(B)(2)~~ (A)(2) OF THIS SECTION.

~~(f)~~ (D) ON OR BEFORE JUNE 30, 2011, ~~BHCA~~ THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246

OF THE STATE GOVERNMENT ARTICLE, ON THE EFFECTIVENESS OF THE ELIGIBILITY AND ENROLLMENT INFORMATION MAILINGS, INCLUDING, IN TOTAL AMOUNTS AND AMOUNTS BROKEN OUT BY SCHOOL YEAR, THE NUMBER OF PARENTS AND GUARDIANS RECEIVING THE ELIGIBILITY AND ENROLLMENT INFORMATION AND THE NUMBER OF STUDENTS AND PARENTS WHO WERE ENROLLED IN THE PROGRAM OR ~~MCHP~~ THE MARYLAND CHILDREN'S HEALTH PROGRAM AS A RESULT OF THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That 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, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 7, 2009.

Chapter 401

(House Bill 520)

AN ACT concerning

Calvert County – Length of Service Award Program – Burial Benefits and Rescue Dive Team

FOR the purpose of providing that certain individuals who have served as members of certain Calvert County rescue dive teams are eligible to receive certain benefits under certain circumstances; requiring certain rescue dive teams to maintain certain records for certain volunteer members on certain forms; requiring a certain report to be furnished to certain persons at certain times; requiring the board of directors of certain rescue dive teams to furnish a certain statement under oath to certain persons at certain times; requiring the Calvert County Fire and Rescue Commission to approve a certain certified list; requiring the Commission to forward a copy of a certain approved list to certain rescue dive teams by a certain date each year; providing for certain points to be credited to certain volunteers under certain circumstances; requiring certain rescue dive teams to review certain membership rosters to make a certain determination; requiring a certain approval for service to be certified by the board of directors of certain rescue dive teams under certain circumstances; altering the amount of certain burial benefits under certain circumstances; making a technical correction; providing for the application of this Act; and generally relating to the Calvert County length of service award program.

BY repealing and reenacting, without amendments,
The Public Local Laws of Calvert County

Section 14–101

Article 5 – Public Local Laws of Maryland

(2002 Edition and May 2008 Supplement, as amended)

BY repealing and reenacting, with amendments,

The Public Local Laws of Calvert County

Section 14–102 through 14–104

Article 5 – Public Local Laws of Maryland

(2002 Edition and May 2008 Supplement, as amended)

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

Article 5 – Calvert County

14–101.

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

(2) “Active volunteer member” means an individual who has accumulated a minimum of 60 points per calendar year in accordance with the point system set forth in this subtitle.

(3) “Certified volunteer” means an active volunteer member whose service credit is verified through an oath taken by a department.

(4) “Credit” means points used by a department to determine eligibility of an individual to qualify as an active volunteer member.

(5) “Department” means a volunteer fire, rescue, emergency medical services, rescue dive team, or advanced life support unit department or company in Calvert County, or any combination of those departments or companies.

(6) “Point” means a service credit value for activities toward the qualification of an individual as an active volunteer member.

(7) “Qualified volunteer” means an individual who is receiving benefits in accordance with the requirements of § 14–102(b), (c), (d), or (g) of this subtitle.

(b) There is a length of service award program for qualified active volunteer members of the Calvert County volunteer fire, rescue, and emergency medical services departments.

14–102.

(a) Any individual who has served as a member of any Calvert County volunteer fire company [or], Calvert County volunteer rescue squad, **OR CALVERT**

COUNTY RESCUE DIVE TEAM is eligible to receive the following benefits, provided that:

(1) The individual is certified in accordance with the provisions of § 14–101 of this subtitle to have served as an active volunteer subsequent to January 1, 1986.

(2) Any individual who discontinued active volunteer service prior to January 1, 1986 may receive credit for the service after being certified in accordance with the provisions of § 14–104(b) of this subtitle.

(b) Beginning January 1, 1992, any individual who has reached the age of 55 and who has completed a minimum of 25 years of certified active volunteer service, with any Calvert County volunteer fire company [or], volunteer rescue squad, **OR RESCUE DIVE TEAM** or any combination of volunteer fire company service [and], volunteer rescue squad service, **AND RESCUE DIVE TEAM**, shall receive benefits in the amount of \$400 per month, for life. Payments shall begin on the first day of the first month following eligibility and payments shall be made directly to the volunteer entitled to the benefits.

(c) An additional payment of \$4 per month shall be added to the benefits described in Subsection (b) of this section, for each full year of volunteer service in excess of 25 years, providing that a maximum benefit of \$500 per month or equivalent shall be payable to any individual.

(d) In the event that any active volunteer becomes disabled during the course of the volunteer's service as a volunteer fireman [or], rescue squad member, **OR RESCUE DIVE TEAM MEMBER** while actively engaged in providing the services and in the event that the disability prevents the volunteer from pursuing the normal occupation of the volunteer and that the disability is of a permanent nature, as certified by the State Workers' Compensation Commission or other competent medical authority as designated by the Board of County Commissioners of Calvert County, then the volunteer is entitled to receive the benefits prescribed in Subsection (b) and any other benefits the volunteer may be entitled to regardless of age or length of service. These benefits shall begin on the first day of the first month following the establishment of the permanency of the disability.

(e) In the event that any qualified volunteer dies while receiving benefits, then the surviving spouse of the volunteer is entitled to benefits equal to 50 percent of the volunteer's benefits. These benefits shall terminate upon death or remarriage of the spouse.

(f) In the event that a volunteer who has completed 25 years of certified service dies prior to receiving any benefits under this section, the surviving spouse of the volunteer is entitled to benefits equal to 50 percent of the benefits earned by the deceased volunteer. These benefits shall terminate upon death or remarriage.

(g) (1) In the event a qualified volunteer who has completed 25 years of certified service dies, a burial benefit up to [\$3,000] **\$6,000** shall be payable.

(2) In the event a volunteer who is receiving benefits under Subsection (h) of this section dies, a burial benefit up to [\$120] **\$240** for each ~~18~~ year of certified service shall be payable.

(h) In the event that any active volunteer fireman [or], squad member, **OR RESCUE DIVE TEAM MEMBER** (defined as an individual who has at least two years of qualifying service in the five preceding years) attains the age of 70 years and fails to achieve the required 25 years of service, the volunteer is entitled to a monthly benefit of the number of years of certified service completed multiplied by \$8. These benefits shall be payable in the normal manner.

14-103.

(a) It is the responsibility of each participating volunteer fire company [or], rescue squad, **OR RESCUE DIVE TEAM** to maintain detailed and accurate monthly and annual records for each volunteer member on forms prescribed by the executive committee of the Calvert County Volunteer Fire and Rescue Association, Inc., and approved by the Calvert County Fire and Rescue Commission. A monthly report on the approved form for each member earning points during the previous month shall be furnished to the Fire and Rescue Commission and the Board of County Commissioners or the designee of the Board beginning February 1, 1986.

(b) Beginning January 15, 1987 and on January 15 of each year, the board of directors of each volunteer fire company [or], rescue squad, **OR RESCUE DIVE TEAM** shall furnish to the Fire and Rescue Commission and the Board of County Commissioners or the designee of the board a statement under oath certifying all volunteers of the company or squad who have qualified for credit for the previous year. Each statement shall contain all members' ages and previous credits earned and other information as may be required.

(c) After the Calvert County Fire and Rescue Commission approves the certified list of each company the commission shall forward a copy of each approved list to each fire company [or], rescue squad, **OR RESCUE DIVE TEAM** by April 15 of each year. These lists shall be posted in a conspicuous place within each fire company [or], rescue squad, **OR RESCUE DIVE TEAM** building for a period of not less than 30 days.

(d) An individual whose name does not appear on the certified list, or who is denied credit for service prior to January 1, 1986, has the right to appeal within 30 days following the posting of these lists.

(e) The appeal shall be in writing and addressed to the Calvert County Fire and Rescue Commission who shall make a final decision. The individual appealing may request a hearing in lieu of the written appeal. The hearing shall be conducted by the Fire and Rescue Commission within 60 days of the request and not less than 10 days after notifying the appellant of the date.

14-104.

(a) In order to qualify for any benefits, points shall be credited to each volunteer in accordance with the following:

(1) Five points shall be credited for approved training courses of a duration less than 25 hours. Ten points shall be credited for approved training courses of a duration of 25 to 49 hours. Fifteen points shall be credited for approved training courses of a duration of 50 hours or more. Not more than 30 points may be credited for all training each year.

(2) One point shall be credited for each company or county drill of a duration of two hours or more. No more than a total of 20 points may be credited for all drills each year.

(3) One point shall be credited for attendance at any official county or company fire [or], rescue squad, **OR RESCUE DIVE TEAM** meeting. No more than a total of 20 points may be credited for attendance at all meetings each year.

(4) One point shall be credited for each call to which a volunteer responds, providing that not more than 40 points may be credited for all calls responded to each year, including standby at a station.

(5) Twenty points shall be credited for completion of a one year term in an elected or appointed office in any of the fire or rescue service organizations of Calvert County provided that not more than one office shall be counted in any calendar year.

(6) One point shall be credited for each hour of acceptable collateral duties, including fund-raising, apparatus and building maintenance, administrative duties, fire prevention, and CPR instruction. No more than 20 points may be credited for all collateral duties performed each year.

(7) A volunteer member who serves or has served full time military service in the armed forces of the United States shall receive credit at the rate of six points for each month served providing that not more than 60 points may be credited for any calendar year. A maximum of four years of creditable service may be acquired in this manner. In order to receive this credit a volunteer member must have received an honorable discharge from the armed forces.

(8) A volunteer member who is prohibited from participating in duties that would otherwise earn points because a pending workers' compensation claim prohibits participation in the duties shall receive credit at the rate of six points for each month during the pendency of the claim providing that the member is subject to an order from the Workers' Compensation Commission declaring that the member is temporarily totally disabled. A maximum of 60 points may be credited for any calendar year.

(9) No member with less than 10 years service may earn points unless the member is a certified emergency medical technician or fire fighter I.

(10) Points must be earned in at least four of seven categories.

(b) In order to provide credit for service prior to January 1, 1986, each company shall review its past and present membership rosters to determine the number of years of credit to which each member or past member is entitled. In making this analysis, the standards for active service shall be used as guidelines. Approval for service shall be certified by the board of directors of each company [or], rescue squad, **OR RESCUE DIVE TEAM** and as provided in § 14-103 of this subtitle. If a volunteer member has service in more than one company or squad that individual shall receive credit for the service in each organization providing not more than one year's credits may be granted for each calendar year of volunteer service.

(c) In the event that sufficient records are unavailable to prove service prior to January 1, 1986, the certification may be made by a company after thorough investigation, and on the best information, knowledge and belief of the board of directors of the individual company.

(d) This program shall be funded from the public general funds of Calvert County.

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 member of a Calvert County rescue dive team before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 402

(House Bill 560)

AN ACT concerning

**Hate Crimes – Prohibitions and Protected Classes – ~~Age, Gender, and~~
Disability**

FOR the purpose of including ~~age, gender, and~~ disability within the scope of certain prohibitions against committing certain crimes against certain persons, damaging certain property of certain persons, burning certain objects, and damaging certain buildings with which certain persons or groups have contacts or associations, or under circumstances exhibiting animosity against a certain person or group; prohibiting the attempt to commit a crime against a certain person because of the race, color, religious beliefs, sexual orientation, ~~age, gender,~~ disability, or national origin of that person; establishing that a certain penalty applies to certain offenses; and generally relating to hate crimes.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–304 and 10–305
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–306
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

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

Article – Criminal Law

10–304.

Because of another's race, color, religious beliefs, sexual orientation, ~~AGE, GENDER,~~ **DISABILITY**, or national origin, a person may not:

- (1) (i) commit a crime **OR ATTEMPT TO COMMIT A CRIME** against that person;
- (ii) damage the real or personal property of that person;
- (iii) deface, damage, or destroy, or attempt to deface, damage, or destroy the real or personal property of that person; or
- (iv) burn or attempt to burn an object on the real or personal property of that person; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

(ii) results in the death of the victim.

10-305.

A person may not deface, damage, or destroy, attempt to deface, damage, or destroy, burn or attempt to burn an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school:

(1) because a person or group of a particular race, color, religious belief, sexual orientation, ~~AGE, GENDER,~~ **DISABILITY**, or national origin has contacts or is associated with the building; or

(2) if there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, ~~AGE, GENDER,~~ **DISABILITY**, or national origin of that person or group.

10-306.

(a) Except as provided in subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(b) (1) A person who violates § 10-304(2)(i) of this subtitle 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.

(2) A person who violates § 10-304(2)(ii) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 403

(House Bill 577)

AN ACT concerning

Carroll County – Education – Organization of Teachers and Other Personnel

FOR the purpose of altering the definition of “public school employee” in Carroll County, as it relates to the organization of certificated employees, to include a registered nurse; and generally relating to the organization of teachers and other personnel in Carroll County.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–401(d)
Annotated Code of Maryland
(2008 Replacement Volume)

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

Article – Education

6–401.

(d) (1) “Public school employee” means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6–408(b) of this subtitle.

(2) In Montgomery County, “public school employees” include:

(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, “public school employee” includes:

(i) A secondary school nurse, an elementary school nurse, and a special school nurse; and

(ii) Supervisory noncertificated employees as defined under § 6–501(h) of this title.

(4) In Frederick County, “public school employee” includes a social worker employed by a public school employer.

(5) In Prince George’s County, “public school employee” includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

(6) In Charles County and Garrett County, “public school employee” includes Junior Reserve Officer Training Corps (JROTC) instructors.

(7) In Carroll County, “public school employee” includes:

(I) **A REGISTERED NURSE; AND**

(II) [supervisory] **SUPERVISORY** noncertificated employees as defined under § 6–501(h) of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 404

(House Bill 578)

AN ACT concerning

Carroll County – Board of Education – Election of Board Officers

FOR the purpose of altering the title of the board officer of the Carroll County Board of Education from chairman to president; altering the date by which the Carroll County Board of Education is required to elect a president and vice president ~~certain board officer~~ from among its members; providing for the election of a vice president of the County Board from among its members; and generally relating to the Carroll County Board of Education.

BY repealing and reenacting, without amendments,
 Article – Education
 Section 3–401(d)(1)
 Annotated Code of Maryland
 (2008 Replacement Volume)

BY repealing and reenacting, with amendments,
 Article – Education

Section 3-402 and 3-403
Annotated Code of Maryland
(2008 Replacement Volume)

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

Article - Education

3-401.

(d) (1) Each member serves for a term of 4 years beginning the first Monday in December immediately following the member's election and until a successor is elected and qualifies. The terms of the members are staggered as required for the elections to the county board in subsection (c)(1) of this section.

3-402.

At its first meeting [at the beginning of each year,] **ON OR AFTER THE FIRST MONDAY IN DECEMBER**, the county board shall elect a [chairman] **PRESIDENT AND VICE PRESIDENT** from among its members.

3-403.

(a) The [chairman] **PRESIDENT** of the county board is entitled to receive \$7,500 annually as compensation and the other members are entitled to receive \$6,500 each annually as compensation.

(b) The compensation of the [chairman] **PRESIDENT** and the members described in subsection (a) of this section shall be paid in four equal quarterly installments.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 405

(House Bill 582)

AN ACT concerning

Estates and Trusts - Real and Leasehold Property - Valuation

FOR the purpose of allowing real and leasehold property included in an estate to be valued at the contract sales price for the property under certain circumstances; making technical changes; and generally relating to valuation of real and leasehold property included in an estate.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 7–202(a) and (b)
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 7–202(c)
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

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

Article – Estates and Trusts

7–202.

(a) (1) Subject to the provisions of this section, the value of each item listed in the inventory shall be fairly appraised as of the date of death and stated in the inventory.

(2) The personal representative may appraise the corporate stocks listed on a national or regional exchange or over the counter securities and items in § 7–201(4) and (5) of this subtitle.

(3) The personal representative shall secure an independent appraisal of the items in all of the other categories.

(4) The personal representative may select one of the methods specified in this section.

(b) The personal representative may apply for appraisal by appraisers designated by the register under § 2–301(a) or § 2–302 of this article.

~~(c) (1) INSTEAD OF AN APPRAISAL OF THE FAIR MARKET VALUE, REAL AND LEASEHOLD PROPERTY MAY BE VALUED AT THE CONTRACT SALES PRICE FOR THE PROPERTY IF:~~

~~(I) THE CONTRACT SALES PRICE IS SET FORTH ON A SETTLEMENT STATEMENT FOR AN ARM'S LENGTH CONTRACT OF SALE OF THE PROPERTY; AND~~

~~(II) THE SETTLEMENT ON THE CONTRACT OCCURS WITHIN 9 MONTHS AFTER THE DECEDENT'S DEATH.~~

~~[(1)] (2) (I) Except as provided in [paragraph (2)] SUBPARAGRAPH (II) of this [subsection] PARAGRAPH, instead of an appraisal of the fair market value, real and leasehold property may be valued at the full cash value for property tax assessment purposes as of the most recent date of finality.~~

~~[(2)] (II) [Paragraph (1)] SUBPARAGRAPH (I) of this [subsection] PARAGRAPH does not apply to property assessed for property tax purposes on the basis of its use value.~~

(c) (1) Except as provided in paragraph (2) of this subsection, instead of an appraisal of the fair market value, real and leasehold property may be valued at:

(I) [the] THE full cash value for property tax assessment purposes as of the most recent date of finality; OR

(II) THE CONTRACT SALES PRICE FOR THE PROPERTY IF:

1. THE CONTRACT SALES PRICE IS SET FORTH ON A SETTLEMENT STATEMENT FOR AN ARM'S LENGTH CONTRACT OF SALE OF THE PROPERTY; AND

2. THE SETTLEMENT ON THE CONTRACT OCCURS WITHIN 1 YEAR AFTER THE DECEDENT'S DEATH.

(2) Paragraph (1) of this subsection does not apply to property assessed for property tax purposes on the basis of its use value.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

AN ACT concerning

Education – Teacher Identification Number

FOR the purpose of authorizing the State Department of Education to assign a unique identification number to each teacher employed in the public schools in the State; requiring that the identification number meet certain requirements; limiting the use of the teacher identification number to certain educational purposes; and generally relating to assigning an identification number to school teachers.

BY adding to

Article – Education

Section 6–115

Annotated Code of Maryland

(2008 Replacement Volume)

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

Article – Education

6–115.

(A) **SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE DEPARTMENT MAY ASSIGN A UNIQUE IDENTIFICATION NUMBER TO EACH TEACHER EMPLOYED BY A PUBLIC SCHOOL IN THE STATE.**

(B) **THE IDENTIFICATION NUMBER MUST BE RANDOMLY GENERATED AND MAY NOT PROVIDE PERSONALLY IDENTIFIABLE INFORMATION ABOUT THE INDIVIDUAL TO WHOM IT IS ASSIGNED.**

(C) **THE IDENTIFICATION NUMBER SHALL BE LIMITED TO USE IN REPORTING FOR EDUCATIONAL PURPOSES ONLY:**

(1) **TO MATCH DATA FROM MULTIPLE DATA COLLECTIONS AND YEARS; AND**

(2) **TO MEET STATE AND FEDERAL REPORTING REQUIREMENTS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 407**(House Bill 588)**

AN ACT concerning

Education – Public Schools – Standardized Course Numbering System

FOR the purpose of authorizing the State Department of Education to develop a standardized course numbering system to facilitate the collection of data on student participation in courses offered in the public schools; authorizing each county school system to adopt the standardized course numbering system on a voluntary basis; requiring a certain county school system to provide a translation of course numbers under certain circumstances; *declaring the intent of the General Assembly*; and generally relating to a standardized course numbering system in public schools.

BY adding to

Article – Education

Section 7–112.1

Annotated Code of Maryland

(2008 Replacement Volume)

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

Article – Education**7–112.1.**

(A) **SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE DEPARTMENT MAY DEVELOP A STANDARDIZED COURSE NUMBERING SYSTEM TO FACILITATE THE COLLECTION OF DATA ON STUDENT PARTICIPATION IN COURSES OFFERED BY THE PUBLIC SCHOOLS.**

(B) **THE COURSE NUMBERING SYSTEM SHALL BE AVAILABLE FOR ADOPTION BY EACH COUNTY SCHOOL SYSTEM ON A VOLUNTARY BASIS.**

(C) **IF THE DEPARTMENT REQUIRES A DATA COLLECTION INVOLVING COURSE NUMBERS, A COUNTY SCHOOL SYSTEM THAT HAS NOT ADOPTED THE STATE STANDARDIZED COURSE NUMBERING SYSTEM SHALL BE RESPONSIBLE FOR PROVIDING A TRANSLATION BETWEEN THE COUNTY SCHOOL SYSTEM'S COURSE NUMBERS AND THOSE IN THE STATE STANDARDIZED COURSE NUMBERING SYSTEM.**

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a county school system that has not adopted the State standardized course numbering system and is responsible for providing a translation between the county school system's course numbers and those in the State standardized course numbering system, as required under Section 1 of this Act, may be able to access and use any federal or State funds otherwise available in order to mitigate the fiscal impact of this Act to the county school system.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 408

(House Bill 595)

AN ACT concerning

State Government – Recycling Program – Aluminum, Glass, Paper, and Plastic

FOR the purpose of requiring the Office of Recycling in the Department of the Environment to include certain elements in the State's recycling plan for State government; requiring State agencies and units of State government to implement the plan by a certain date; deleting certain obsolete dates; and generally relating to requirements for recycling for State government.

BY repealing and reenacting, with amendments,
 Article – Environment
 Section 9–1706
 Annotated Code of Maryland
 (2007 Replacement Volume and 2008 Supplement)

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

Article – Environment

9–1706.

(a) [By July 1, 1990, the] **THE** Office of Recycling, in cooperation with the Department of General Services and other State agencies, shall develop a recycling plan that reduces by recycling the amount of the solid waste stream generated for

disposal by the State government by at least 20 percent or to an amount that is determined practical and economically feasible, but in no case may the amount to be recycled be less than 10 percent.

(B) BY JULY 1, 2010, THE RECYCLING PLAN UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE A SYSTEM FOR RECYCLING ALUMINUM, GLASS, PAPER, AND PLASTIC GENERATED FOR DISPOSAL BY THE STATE GOVERNMENT, INCLUDING THE PLACEMENT OF COLLECTION BINS IN STATE-OWNED OR STATE-OPERATED OFFICE BUILDINGS IN LOCATIONS IN THE STATE WHERE IT IS DETERMINED TO BE PRACTICAL AND ECONOMICALLY FEASIBLE.

[(b)] (C) By January 1, [1992] **2012**, each State agency and unit of State government shall implement the recycling plan required under [subsection (a) of] this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 409

(House Bill 598)

AN ACT concerning

Academic Facilities Bonding Authority

FOR the purpose of approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of Maryland; authorizing the University System of Maryland to issue bonds, in a certain total principal amount of money, to finance certain projects; providing that the bonds issued under the authority of this Act are not a debt or obligation of the State or any of its subdivisions; and generally relating to the authority to issue academic facilities bonds.

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

(1) In accordance with § 19-102(d) of the Education Article, each of the following projects is approved as a project for an academic facility, and the University System of Maryland may issue, sell, and deliver bonds in the total principal amount of \$10,000,000 for the purposes of financing and refinancing the costs of these projects:

(i) Bowie State University (Prince George's County) – Fine and Performing Arts Building

(ii) Towson University (Baltimore County) – College of Liberal Arts Complex

(2) In accordance with § 19–102(d) of the Education Article, such system–wide capital facilities renewal projects for the constituent institutions and centers of the University System of Maryland as are authorized by the Board are hereby approved as projects for academic facilities, and the University System of Maryland may issue, sell, and deliver bonds in the total principal amount of \$17,000,000 for the purposes of financing and refinancing the costs of those facilities renewal projects.

(3) The bonds issued under the authority of this Act do not create or constitute any indebtedness or obligation of the State or of any political subdivision thereof except the University System of Maryland, and the bonds shall so state on their face. The bonds do not constitute a debt or obligation contracted by the General Assembly of Maryland or pledge the faith and credit of the State within the meaning of Article III, § 34 of the Maryland Constitution.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 410

(House Bill 606)

AN ACT concerning

Garrett County – County Commissioners – Signs ~~on~~ Adjacent to State and Local Roadways – Authority to Adopt Local Ordinance

FOR the purpose of authorizing the County Commissioners of Garrett County to enact ordinances regulating the height, size, location, and setback of certain signs ~~on~~ adjacent to certain roads; providing that an ordinance enacted under this Act may not be less stringent than any applicable State or federal law; and generally relating to the regulation of road signs in Garrett County.

BY adding to

Article 25 – County Commissioners
Section 154A

Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article 25 – County Commissioners

154A.

(A) THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY ENACT ORDINANCES REGULATING THE HEIGHT, SIZE, LOCATION, AND SETBACK OF AN ADVERTISING SIGN ~~ON~~ ADJACENT TO A STATE OR COUNTY ROAD IN GARRETT COUNTY.

(B) AN ORDINANCE ENACTED UNDER THIS SECTION MAY NOT BE LESS STRINGENT THAN ANY APPLICABLE STATE OR FEDERAL LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 411

(House Bill 683)

AN ACT concerning

Post Adoption Support Services Pilot Program

FOR the purpose of altering a certain purpose of the Post Adoption Support Services Pilot Program; expanding the eligibility of an adopted child or adoptive family for post adoption support services; repealing a requirement that a local department of social services conduct a clinical assessment of the needs of an adoptive child and adoptive family under certain circumstances; substituting a requirement that a local department conduct an assessment of the needs of an adoptive child and adoptive family under certain circumstances; providing for the distribution of certain funds; altering the date on or before which the Secretary of Human Resources is required to submit a certain report to the General Assembly; extending the termination date of the Post Adoption Support Services Pilot Program; making certain technical changes; and generally relating to the Post Adoption Support Services Pilot Program.

BY repealing and reenacting, with amendments,
Chapter 444 of the Acts of the General Assembly of 2007
Section 1 and 2

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

Chapter 444 of the Acts of 2007

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

- (a) (1) In this Act the following words have the meanings indicated.
- (2) "Post adoption support services" means medical treatment, mental health services, parenting classes, or any other direct services provided by the Department of Human Resources after a child is adopted that:
- (i) aid an adopted child or adoptive family in which an adopted child is in crisis; and
- (ii) assist in preventing the child from being returned to the care and supervision of the Department of Human Resources.
- (3) "Program" means the Post Adoption Support Services Pilot Program.
- (b) There is a Post Adoption Support Services Pilot Program.
- (c) The purpose of the Program is to:
- (1) provide post adoption support services to adopted children and their adoptive families; and
- (2) [provide additional State funds] **ENSURE THAT FUNDS ARE ALLOCATED** for adopted children.
- (d) An adopted child or adoptive family shall be eligible for post adoption support services if the adoption was ordered [under § 5-338] **IN THIS STATE UNDER TITLE 5, SUBTITLE 3, SUBTITLE 3A, OR SUBTITLE 3B** of the Family Law Article.
- (e) At the request of an adoptive parent for post adoption support services from the local [Department of Social Services] **DEPARTMENT OF SOCIAL SERVICES**, the local [Department of Social Services] **DEPARTMENT** shall conduct [a clinical] **AN** assessment of the needs of the adopted child and adoptive family.

(f) After a determination by the local [Department of Social Services] **DEPARTMENT** that the adopted child or adoptive family is in need of post adoption support services, the local [Department of Social Services] **DEPARTMENT** shall submit a proposed post adoption support service plan to the Department of Human Resources for approval and funding.

(g) On approval and the release of funds by the Department of Human Resources, the local [Department of Social Services] **DEPARTMENT** or a vendor designated by the local [Department of Social Services] **DEPARTMENT** shall provide the post adoption support services to the adopted child or adoptive family.

(h) (1) Funding for the Program shall be provided from existing resources of the Department of Human Resources.

(2) It is the intent of the General Assembly that not more than \$250,000 from any fund source be expended per fiscal year.

(i) **IN ORDER TO ENSURE THE EQUITABLE DISTRIBUTION OF FUNDS ALLOCATED FOR THE PROGRAM, THE DEPARTMENT OF HUMAN RESOURCES:**

(1) SHALL ALLOW THE DELIVERY OF POST ADOPTION SUPPORT SERVICES TO AT LEAST 125 ADOPTIVE FAMILIES AND MAY AWARD UP TO \$2,000 TO EACH ADOPTIVE FAMILY;

(2) EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION, SHALL DEDICATE 80% OF THE FUNDS TO FAMILIES OF CHILDREN ADOPTED THROUGH LOCAL DEPARTMENTS AND 20% OF THE FUNDS TO REMAINING ADOPTIVE FAMILIES; AND

(3) AFTER OCTOBER 31, 2009, BUT BEFORE NOVEMBER 30, 2009, SHALL EVALUATE THE DISTRIBUTION OF FUNDS UNDER ITEM (2) OF THIS SUBSECTION, AND MAY REALLOCATE FUNDS IF NECESSARY TO ACHIEVE AN EQUITABLE DISTRIBUTION.

(j) On or before December 1, [2009] **2010**, the Secretary of [the Department of] Human Resources shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on:

(1) the number of adopted children and adoptive families served by the Program;

(2) the number of adopted children and adoptive families that made applications for post adoption support services under the Program;

(3) the types of post adoption support services provided to adopted children and adoptive families by the Program; and

(4) the effectiveness of the post adoption support services provided under this Program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008. It shall remain effective for a period of [1 year] **2 YEARS** and 6 months and, at the end of December 31, [2009] **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 this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 412

(House Bill 686)

AN ACT concerning

Calvert County – Sheriff – ~~Pension~~ Compensation

FOR the purpose of providing that the Board of County Commissioners for Calvert County may make certain payments on or ~~before~~ after a certain date equal to a certain amount to certain individuals serving as the Sheriff of Calvert County for certain periods of employment as the Sheriff of Calvert County; ~~on or before a certain date who elected to participate in the Calvert County Employees' Savings Plan on or after a certain date; providing for the termination of this Act;~~ providing that this Act does not apply to the salary or compensation of the incumbent Sheriff of Calvert County; and generally relating to pensions for sheriffs of Calvert County.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 2-309(f)(1)

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

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

(a) ~~This section applies to an individual who:~~

~~(1) on or before July 1, 2009, serves as the Sheriff of Calvert County;~~
and

~~(2) on or after July 1, 2008, elected to participate in the Calvert County Employees' Savings Plan.~~

~~(b) On or before June 30, 2010, the Board of County Commissioners for Calvert County may pay an individual described in subsection (a) of this section an amount equal to the amount of contributions the Board of County Commissioners would have made to the Calvert County Employees' Savings Plan on behalf of the individual for the years of service the individual accrued as Sheriff of Calvert County prior to joining the Calvert County Employees' Savings Plan.~~

~~(c) The amount payable in subsection (b) of this section may be made in one or more payments as deemed appropriate by the Board of County Commissioners for Calvert County.~~

Article - Courts and Judicial Proceedings

2-309.

(f) (1) (I) The Sheriff of Calvert County shall receive an annual salary of:

[(i)] 1. \$78,000 for calendar year 2006;

[(ii)] 2. \$81,000 for calendar year 2007;

[(iii)] 3. \$84,000 for calendar year 2008; and

[(iv)] 4. \$87,000 for calendar year 2009 and each subsequent calendar year.

(II) 1. ON OR AFTER JANUARY 1, 2011, THE COUNTY COMMISSIONERS MAY PAY TO THE SHERIFF ADDITIONAL COMPENSATION EQUAL TO THE AMOUNT OF CONTRIBUTIONS THE COUNTY COMMISSIONERS WOULD HAVE MADE TO THE CALVERT COUNTY EMPLOYEES' SAVINGS PLAN ON BEHALF OF THE SHERIFF FOR THE YEARS OF SERVICE THE SHERIFF ACCRUED AS THE SHERIFF OF CALVERT COUNTY PRIOR TO JOINING THE CALVERT COUNTY EMPLOYEES' SAVINGS PLAN.

2. THE AMOUNT PAYABLE IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE MADE IN ONE OR MORE PAYMENTS AS DEEMED APPROPRIATE BY THE COUNTY COMMISSIONERS.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Calvert County in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Calvert County shall take effect at the beginning of the next following term of office.

~~SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009. It shall remain effective for a period of 1 year and, at the end of June 30, 2010, 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 7, 2009.

Chapter 413

(House Bill 745)

AN ACT concerning

Town of Sykesville Employees – Participation in the Employees’ Pension System

FOR the purpose of requiring certain employees of the Town of Sykesville to participate in the Employees’ Pension System of the State of Maryland as of a certain date; providing for certain employees of the Town of Sykesville to receive service credit for certain prior service; providing that certain employees of the Town of Sykesville who become members of the Employees’ Pension System after a certain date may not receive certain service credit; and generally relating to employees of the Town of Sykesville participating in the Employees’ Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–201(a), 23–204(b), and 31–111
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 31–111.5
Annotated Code of Maryland
(2004 Replacement Volume and 2008 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

23–201.

(a) Except as provided in subsection (b) of this section, §§ 23–203 through 23–205 of this subtitle apply only to:

(1) a regular employee whose compensation is provided by State appropriation or paid from State funds;

(2) an appointed or elected official of the State, including:

(i) a clerk of the circuit court;

(ii) a register of wills;

(iii) a State's Attorney; and

(iv) a sheriff;

(3) an employee or official of a participating governmental unit who is eligible to participate under Title 31, Subtitle 1 of this article;

(4) an employee of the Office of the Sheriff of Baltimore City;

(5) an additional employee or agent of the State Racing Commission authorized by § 11–207 of the Business Regulation Article;

(6) a permanent employee of the board of supervisors of elections of a county;

(7) a full-time master in chancery or in juvenile causes who is appointed on or after July 1, 1989, in any county by the circuit court for that county;

(8) an employee of the Maryland Environmental Service who is a member of the Employees' Pension System on June 30, 1993, or transfers from the Employees' Retirement System on or after July 1, 1993;

(9) a former Baltimore City jail employee who became an employee of the Baltimore City Detention Center and a member of the Employees' Pension System on July 1, 1991;

(10) a nonfaculty employee of the Baltimore City Community College who:

(i) is a member of the Employees' Pension System on October 1, 2002;

(ii) transfers from the Employees' Retirement System on or after October 1, 2002;

(iii) transfers from the Teachers' Pension System in accordance with § 23-202.1 of this subtitle; or

(iv) becomes an employee of the Baltimore City Community College on or after October 1, 2002;

(11) a court reporter for the Circuit Court for Charles County who is a member of the Employees' Pension System on July 1, 1994, or transfers from the Employees' Retirement System on or after July 1, 1994;

(12) a staff employee of the University System of Maryland, Morgan State University, or St. Mary's College who is:

(i) a member of the Employees' Pension System on January 1, 1998, or transfers from the Employees' Retirement System on or after January 1, 1998; or

(ii) a staff employee of the University System of Maryland, Morgan State University, or St. Mary's College who becomes an employee on or after January 1, 1998;

(13) on or after the date that the Board of Education of Kent County begins participation in the Employees' Pension System, a supportive service employee of the Board of Education of Kent County;

(14) an employee of the Town of Oakland on or after the date that the Town of Oakland begins participation in the Employees' Pension System;

(15) an employee of the City of Frostburg on or after the date that the City of Frostburg begins participation in the Employees' Pension System; [and]

(16) an employee of the Town of Berwyn Heights on or after the date that the Town of Berwyn Heights begins participation in the Employees' Pension System; **AND**

(17) AN EMPLOYEE OF THE TOWN OF SYKESVILLE ON OR AFTER THE DATE THAT THE TOWN OF SYKESVILLE BEGINS PARTICIPATION IN THE EMPLOYEES' PENSION SYSTEM.

23–204.

(b) (1) This subsection does not apply to an employee of the Town of Berwyn Heights.

(2) (i) Except as provided in paragraph (3) of this subsection, this subsection applies only to the employees of a participating governmental unit who:

1. are employed by the participating governmental unit on June 30, 2004; and

2. were employed by the participating governmental unit on the effective date of participation in the State systems.

(ii) Except as provided in paragraph (3) of this subsection, membership in the Employees' Pension System is optional for an individual under subparagraph (i) of this paragraph until the individual ceases employment with the participating governmental unit that was employing the individual on June 30, 2004.

(3) Membership in the Employees' Pension System is not optional for individuals who are:

(i) supportive service employees of the Board of Education of Kent County;

(ii) employees of the Town of Oakland; [or]

(iii) employees of the City of Frostburg; **OR**

(IV) EMPLOYEES OF THE TOWN OF SYKESVILLE.

31–111.

(a) Except as provided in subsection (b) of this section and §§ 31–111.1, 31–111.3, [and] 31–111.4, **AND 31–111.5** of this subtitle, if an employee of a participating governmental unit joins the Employees' Pension System within 1 year after the effective date, the employee is entitled to service credit for employment with the participating governmental unit before the effective date.

(b) If an employee of the Baltimore Metropolitan Council elects to become a member of the Employees' Retirement System or the Employees' Pension System, the employee may not receive credit for service from July 1, 1992, to the effective date unless the employee pays to the Board of Trustees the amount of the member contributions the employee would have made during that period, plus regular interest.

31–111.5.

(A) AN INDIVIDUAL WHO IS AN EMPLOYEE OF THE TOWN OF SYKESVILLE ON THE EFFECTIVE DATE SHALL RECEIVE ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN THE EMPLOYEES' PENSION SYSTEM EQUAL TO 75% OF THE INDIVIDUAL'S PERIOD OF EMPLOYMENT WITH THE TOWN OF SYKESVILLE BEFORE THE EFFECTIVE DATE AS CERTIFIED BY THE TOWN OF SYKESVILLE AS OF THE EFFECTIVE DATE.

(B) IF AN EMPLOYEE OR FORMER EMPLOYEE OF THE TOWN OF SYKESVILLE BECOMES A MEMBER OF THE EMPLOYEES' PENSION SYSTEM AT ANY TIME AFTER THE EFFECTIVE DATE, THE EMPLOYEE MAY NOT RECEIVE SERVICE CREDIT FOR EMPLOYMENT WITH THE TOWN OF SYKESVILLE BEFORE THE EFFECTIVE DATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 414

(House Bill 756)

AN ACT concerning

Cultural and Linguistic Health Care Provider Competency Program

FOR the purpose of establishing a Cultural and Linguistic Health Care Provider Competency Program; providing for the purpose of the Program; ~~requiring the Program to operate through certain professional associations; requiring encouraging certain professional societies to develop a~~ identify certain training ~~program~~ programs or to develop or collaborate in the development of certain training programs, if feasible; ~~providing for the funding for the Program; requiring the Office of Minority Health and Health Disparities to convene a certain workgroup;~~ requiring the Department of Health and Mental Hygiene to develop a certain method through which certain training is recognized by certain licensing boards; defining certain terms; and generally relating to the Cultural and Linguistic Health Care Provider Competency Program.

BY adding to

Article – Health – General

Section 20–1301 through ~~20–1306~~ 20–1304 to be under the new subtitle “Subtitle 13. Cultural and Linguistic Competency of Health Care Providers”

Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Preamble

WHEREAS, Research suggests that health care providers' diagnostic and treatment decisions, as well as their feelings about patients, are influenced by patients' race or ethnicity; and

WHEREAS, Health care providers may not recognize manifestations of prejudice in their own behavior; and

WHEREAS, Education programs regarding cultural competence, sensitivity, and health literacy have been developed to enhance health professionals' awareness of how cultural and social factors influence health care, while providing methods to obtain, negotiate, and manage this information clinically once it is obtained; now, therefore,

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

Article - Health - General

SUBTITLE 13. CULTURAL AND LINGUISTIC COMPETENCY OF HEALTH CARE PROVIDERS.

20-1301.

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

(B) "CULTURAL AND LINGUISTIC COMPETENCY" MEANS CULTURAL AND LINGUISTIC ABILITIES THAT CAN BE INCORPORATED INTO THERAPEUTIC AND MEDICAL EVALUATION AND TREATMENT, INCLUDING:

(1) DIRECT COMMUNICATION IN THE PATIENT'S PRIMARY LANGUAGE;

(2) UNDERSTANDING AND APPLYING THE ROLES THAT CULTURE, ETHNICITY, AND RACE PLAY IN DIAGNOSIS, TREATMENT, AND CLINICAL CARE; AND

(3) AWARENESS OF HOW THE ATTITUDES, VALUES, AND BELIEFS OF HEALTH CARE PROVIDERS AND PATIENTS INFLUENCE AND IMPACT PROFESSIONAL AND PATIENT RELATIONS.

(C) "HEALTH CARE PROVIDER" INCLUDES A PHYSICIAN, NURSE, DENTIST, SOCIAL WORKER, PSYCHOLOGIST, OR OTHER ALLIED HEALTH PROFESSIONAL.

(D) "PROGRAM" MEANS THE CULTURAL AND LINGUISTIC HEALTH CARE PROVIDER COMPETENCY PROGRAM.

20-1302.

(A) THERE IS A CULTURAL AND LINGUISTIC HEALTH CARE PROVIDER COMPETENCY PROGRAM.

(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE FOR A VOLUNTARY PROGRAM IN WHICH EDUCATIONAL CLASSES ARE OFFERED TO HEALTH CARE PROVIDERS TO TEACH HEALTH CARE PROVIDERS:

(1) METHODS TO IMPROVE THE HEALTH CARE PROVIDER'S CULTURAL AND LINGUISTIC COMPETENCY TO COMMUNICATE WITH NON-ENGLISH SPEAKING PATIENTS AND PATIENTS FROM OTHER CULTURES WHO ARE ENGLISH SPEAKING;

(2) CULTURAL BELIEFS AND PRACTICES THAT MAY IMPACT PATIENT HEALTH CARE PRACTICES AND ALLOW HEALTH CARE PROVIDERS TO INCORPORATE THE KNOWLEDGE OF THE BELIEFS AND PRACTICES IN THE DIAGNOSIS AND TREATMENT OF PATIENTS; AND

(3) METHODS TO ENABLE HEALTH CARE PROVIDERS TO INCREASE THE HEALTH LITERACY OF THEIR PATIENTS TO IMPROVE THE PATIENT'S ABILITY TO OBTAIN, PROCESS, AND UNDERSTAND BASIC HEALTH INFORMATION AND SERVICES TO MAKE APPROPRIATE HEALTH CARE DECISIONS.

20-1303.

~~(A) THE PROGRAM SHALL OPERATE THROUGH THE~~ THE MEDICAL AND CHIRURIGICAL FACULTY OF MARYLAND, THE STATE MEDICAL SOCIETY, THE MARYLAND NURSES ASSOCIATION, THE MARYLAND STATE DENTAL ASSOCIATION, THE NATIONAL ASSOCIATION OF SOCIAL WORKERS - MARYLAND CHAPTER, AND THE MARYLAND SOCIETY FOR CLINICAL SOCIAL WORK, THE MARYLAND PSYCHOLOGICAL ASSOCIATION, OR ANY OTHER HEALTH PROFESSIONAL ASSOCIATION IN THE STATE IS ENCOURAGED TO IDENTIFY TRAINING PROGRAMS, OR, IF FEASIBLE, TO DEVELOP OR COLLABORATE IN THE DEVELOPMENT OF TRAINING PROGRAMS, THAT

~~(B) EACH PROFESSIONAL SOCIETY LISTED IN SUBSECTION (A) OF THIS SECTION SHALL DEVELOP A TRAINING PROGRAM TO ADDRESS:~~

~~(1) ADDRESS ETHNIC LANGUAGE OR RACIAL GROUPS OF INTEREST TO THE HEALTH CARE PROVIDER MEMBERS THAT;~~

~~(1) (2) IS ARE BASED ON THE ESTABLISHED KNOWLEDGE OF HEALTH CARE PROVIDERS SERVING TARGET POPULATIONS;~~

~~(2) (3) IS ARE DEVELOPED IN COLLABORATION WITH THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES; AND~~

~~(3) (4) INCLUDES INCLUDE STANDARDS THAT IDENTIFY THE DEGREE OF COMPETENCY FOR PARTICIPANTS TO QUALIFY FOR COMPLETION OF THE A PROGRAM.~~

~~20-1304.~~

~~THE PROGRAM SHALL BE FUNDED THROUGH FEES PAID BY THE HEALTH CARE PROVIDERS WHO ENROLL IN THE TRAINING PROGRAMS AND BY ANY OTHER SOURCE OF FUNDING OBTAINED BY THE APPROPRIATE PROFESSIONAL SOCIETY.~~

~~20-1305.~~

~~THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES SHALL CONVENE A WORKGROUP INCLUDING PATIENTS, HEALTH CARE PROVIDERS, AND THE PROFESSIONAL SOCIETIES LISTED IN § 20-1303(A) OF THIS SUBTITLE TO EVALUATE THE TRAINING PROGRAMS ESTABLISHED UNDER THIS SUBTITLE.~~

~~20-1306. 20-1304.~~

THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL DEVELOP A METHOD THROUGH WHICH THE APPROPRIATE PROFESSIONAL LICENSING BOARD RECOGNIZES THE TRAINING RECEIVED BY HEALTH CARE PROVIDERS UNDER THIS SUBTITLE, EITHER THROUGH CONTINUING EDUCATION CREDITS OR OTHERWISE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 415**(House Bill 773)**

AN ACT concerning

Worcester County – Gaming – Bingo

FOR the purpose of increasing certain fees for bingo conducted in Worcester County; increasing certain maximum prizes offered in bingo; repealing a prohibition against conducting bingo outside a certain area; specifying that a certain game may be played without a prize limit; repealing a prohibition against conducting bingo on Sunday; repealing a prohibition against certain forms of advertising for bingo; authorizing all forms of advertising for bingo under certain circumstances; and generally relating to bingo conducted in Worcester County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–2602
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–2610 and 13–2611
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing
Article – Criminal Law
Section 13–2612
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY adding to
Article – Criminal Law
Section 13–2612
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

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

Article – Criminal Law

13–2602.

This subtitle applies only in Worcester County.

13-2610.

(a) An organization or municipal corporation described in § 13-2606 of this subtitle that intends to conduct bingo under this part must obtain:

(1) an annual license to conduct bingo for more than 15 days in a year;
or

(2) a temporary license to conduct bingo for 15 days or fewer in a year.

(b) (1) An applicant for a license shall submit to the board an application on the form that the board by regulation requires.

(2) The application form shall require:

(i) the name of the applicant;

(ii) the name of each principal officer of the applicant; and

(iii) a certification that no person will conduct bingo except a person who:

1. is a salaried employee or bona fide member of the applicant; and

2. shall not receive any form of commission or bonus.

(c) (1) An applicant shall pay to the board a license fee of:

(i) \$100 for an annual license; or

(ii) ~~[\$3]~~ **\$25 IN ADDITION TO \$5** for each day bingo is conducted for a temporary license.

(2) The board shall pay to the county commissioners all license fees collected under this part.

(d) The board shall issue a license to each applicant who meets the requirements of this part and the regulations adopted under this part.

[(e) A license may not be issued to an applicant to conduct bingo outside the election district in which the main office, headquarters, or usual meeting place of the applicant is located.]

[(f)] (E) If an applicant conducts bingo on premises that are leased by the applicant, the lease agreement must be approved by the board before a license may be issued.

[(g)] (F) The board may deny a license to an applicant or suspend or revoke a license if the applicant or licensee has violated this part or any regulation adopted under this part.

13-2611.

(a) The charge for admission to a place in order to participate in bingo conducted under this part may not exceed [\$1] **\$5**.

(b) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)** of this subsection, the value of a prize in money, merchandise, or services for any one game of bingo conducted under this part may not exceed [\$50] **\$200**.

(2) Jackpot prizes may be offered in a maximum amount of [\$1,000] **\$5,000**.

(3) **“WINNER TAKE ALL” GAMES MAY BE OFFERED WITHOUT A PRIZE LIMIT.**

(c) A licensee's employees and the terms of their employment must be approved by the board before they may conduct bingo under this part.

(d) A minor may not be allowed to participate in bingo conducted under this part.

[(e)] Bingo may not be conducted under this part on Sunday.]

[(f)] (E) Bingo may not be conducted under this part in a room or area where alcoholic beverages are sold or served during the game.

[(g)] (F) A licensee under this part may not conduct bingo on more than 125 days in a year.

[13-2612.

(a) Except as provided in subsection (b) of this section, a person may not advertise the location or time of bingo, or the prizes awarded or to be awarded, by:

(1) radio, television, or sound systems;

(2) billboards, posters, or handbills; or

(3) any other means addressed to the public.

(b) (1) Unless otherwise prohibited by county or municipal law, one sign not exceeding 36 square feet, stating that bingo will be conducted, may be displayed on or adjacent to the premises where bingo will be conducted.

(2) In accordance with regulations adopted under § 13-2608 of this subtitle, notice that bingo will be conducted may be posted on a bulletin board or included on a poster inside a hotel, motel, restaurant, or store that is located in the election district in which the game will be conducted.]

13-2612.

UNLESS OTHERWISE PROHIBITED BY COUNTY OR MUNICIPAL LAW, ALL FORMS OF ADVERTISING FOR BINGO ARE ALLOWED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 416

(House Bill 781)

AN ACT concerning

~~Harford County~~ Property Tax Credit - Seniors

FOR the purpose of ~~authorizing the governing body of Harford County or of a municipal corporation in Harford County to grant, by law, a tax credit against the county or municipal corporation tax imposed on certain real property owned by individuals of at least a certain age and of certain incomes; authorizing the governing body of Harford County or of a municipal corporation in Harford County to provide, by law, for eligibility criteria for the credit, the amount and duration of the credit, certain regulations and procedures, and any other provisions necessary to carry out the credit; providing for the application of this Act; and generally relating to a property tax credit in Harford County for certain real property owned by individuals of at least a certain age~~ altering the minimum age for purposes of a certain property tax credit that the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation are authorized to grant; providing for the application of this Act; and generally relating to enabling authority for a certain property tax

credit for certain real property owned by and used as the principal residence of certain individuals of a certain age and of limited income.

BY ~~adding to~~ repealing and reenacting, with amendments,

Article – Tax – Property

Section ~~9-314(d)~~ 9-245(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

Article – Tax – Property

~~9-314.~~

~~(D) (1) THE GOVERNING BODY OF HARFORD COUNTY OR OF A MUNICIPAL CORPORATION IN HARFORD COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL PROPERTY TAX IMPOSED ON REAL PROPERTY USED AS THE PRINCIPAL RESIDENCE OF AND OWNED BY AN INDIVIDUAL WHO:~~

~~(I) IS AT LEAST 65 YEARS OLD;~~

~~(II) IS OF A LIMITED INCOME; AND~~

~~(III) HAS OWNED THE HOME FOR AT LEAST 5 YEARS.~~

~~(2) THE GOVERNING BODY OF HARFORD COUNTY OR OF A MUNICIPAL CORPORATION IN HARFORD COUNTY MAY PROVIDE, BY LAW, FOR:~~

~~(I) ELIGIBILITY CRITERIA FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION;~~

~~(II) THE AMOUNT AND DURATION OF A PROPERTY TAX CREDIT UNDER THIS SUBSECTION;~~

~~(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR A TAX CREDIT UNDER THIS SUBSECTION; AND~~

~~(IV) ANY OTHER PROVISION NECESSARY TO CARRY OUT A TAX CREDIT UNDER THIS SUBSECTION.~~

9-245.

(a) The Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation may grant, by law, a tax credit against the county or municipal corporation property tax imposed on real property that is owned by and used as the principal residence of an individual who is at least [70] 65 years old and of limited income.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009, and shall be applicable to all taxable years beginning after June 30, 2009.

Approved by the Governor, May 7, 2009.

Chapter 417

(House Bill 782)

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay-for-Performance Program

FOR the purpose of requiring the Department of Health and Mental Hygiene to ~~consult with certain individuals to make a certain evaluation on or before a certain date; requiring the Department to make a certain report to the General Assembly on or before a certain date; prohibiting the Department from distributing certain revenues until a certain date or the termination of certain rate reductions; requiring the Department to use certain accountability measures;~~ develop certain accountability measures for use in a pay-for-performance program; requiring the Department, in consultation with certain stakeholders, to make certain changes to the program on or before a certain date and each year thereafter; requiring the Department to examine and modify the program to include improvement measures in the scoring criteria on or before certain dates; requiring the Department to score nursing facilities based on certain scoring criteria and to send a certain transmittal to certain nursing facilities on or before a certain date; requiring the Department to distribute a certain percentage of the revenues generated by a certain quality assessment beginning on a certain date; requiring the Department to implement a certain program beginning on a certain date; requiring the Department to consult with certain stakeholders to assess the State's long-term care reimbursement methodology, to conduct a certain evaluation of the methodology, and to make a certain report to the General Assembly on or before a certain date; codifying the provisions of law relating to the pay-per-performance program; and generally relating to nursing facilities and accountability measures for a pay-for-performance program.

~~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~~

BY adding to

Article – Health – General

Section 19-14B-01 to be under the new subtitle “Subtitle 14B.

Pay-for-Performance Program for Nursing Homes”

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

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

~~(a) [Beginning] **EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, BEGINNING** July 1, 2009, a portion of the revenues from the quality assessment shall be distributed to nursing facilities subject to this Act based on accountability measures that indicate quality of care or a commitment to quality of care. The Department of Health and Mental Hygiene shall develop a plan for accountability measures to use in a pay for performance program in consultation with representatives of the nursing facilities and other stakeholders. The accountability measures should be objective, measurable, and when considered in combination with each other, deemed to have a correlation to residents’ quality of life and care. **THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL DEVELOP ACCOUNTABILITY MEASURES IN CONSULTATION WITH REPRESENTATIVES OF THE NURSING FACILITIES AND OTHER STAKEHOLDERS.**~~

~~(b) The plan developed by the Department under subsection (a) of this section shall include:~~

- ~~(1) Program goals;~~
- ~~(2) Recommended options;~~
- ~~(3) Funding sources;~~
- ~~(4) Implementation timelines and benchmarking periods; and~~

~~(5) The administrative cost of implementation of a pay-for-performance program.~~

~~(c) ON OR BEFORE OCTOBER 1, 2009, THE DEPARTMENT SHALL CONSULT WITH REPRESENTATIVES OF NURSING FACILITIES AND OTHER STAKEHOLDERS TO REEVALUATE THE ACCOUNTABILITY MEASURES DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION AND EVALUATE THE DISTRIBUTION OF FUNDING AND EDUCATION REGARDING THE FINAL SCORING CRITERIA. IN REEVALUATING THE ACCOUNTABILITY MEASURES, THE DEPARTMENT SHALL CONSIDER OTHER ACCOUNTABILITY PROGRAMS.~~

~~[(e)] (d) Up to 25% 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.~~

~~[(d)] (E) (1) On or before December 1, 2008, the plan required under this section shall be submitted by the Department, in accordance with § 2-1246 of the State Government Article, to the General Assembly.~~

~~(2) ON OR BEFORE DECEMBER 1, 2009, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY ON THE REEVALUATION AND EVALUATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.~~

~~(F) (1) THE DEPARTMENT MAY NOT DISTRIBUTE REVENUES GENERATED BY THE QUALITY ASSESSMENT TO NURSING FACILITIES THROUGH AN INCENTIVE PROGRAM AS PROVIDED UNDER SUBSECTION (D) OF THIS SECTION UNTIL THE LATER OF JULY 1, 2011, OR THE TERMINATION OF RATE REDUCTIONS IMPOSED ON NURSING FACILITIES BY THE STATE.~~

~~(2) THE DEPARTMENT SHALL EVALUATE NURSING HOMES USING ACCOUNTABILITY MEASURES DEVELOPED BY THE DEPARTMENT UNDER SUBSECTION (C) OF THIS SECTION BUT MAY NOT DISTRIBUTE REVENUES TO NURSING FACILITIES BASED ON THE ACCOUNTABILITY MEASURES AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.~~

Article - Health - General

SUBTITLE 14B. PAY-FOR-PERFORMANCE PROGRAM FOR NURSING HOMES.

19-14B-01.

(A) (1) AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A PORTION OF THE REVENUES FROM THE QUALITY ASSESSMENT THAT IS ASSESSED UNDER § 19-310.1 OF THIS TITLE SHALL BE DISTRIBUTED TO NURSING FACILITIES SUBJECT TO § 19-310.1 OF THIS TITLE BASED ON ACCOUNTABILITY MEASURES THAT INDICATE QUALITY OF CARE OR A COMMITMENT TO QUALITY OF CARE.

(2) IN CONSULTATION WITH REPRESENTATIVES OF THE NURSING FACILITIES AND OTHER STAKEHOLDERS, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL DEVELOP ACCOUNTABILITY MEASURES TO USE IN A PAY-FOR-PERFORMANCE PROGRAM THAT TAKE INTO ACCOUNT BOTH PERFORMANCE AND IMPROVEMENT.

(3) THE ACCOUNTABILITY MEASURES SHALL BE OBJECTIVE, MEASURABLE, AND WHEN CONSIDERED IN COMBINATION WITH EACH OTHER, DEEMED TO HAVE A CORRELATION TO RESIDENTS' QUALITY OF LIFE AND CARE.

(B) (1) ON OR BEFORE DECEMBER 1, 2009, AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL, IN CONSULTATION WITH REPRESENTATIVES OF NURSING FACILITIES AND OTHER INTERESTED STAKEHOLDERS, MAKE NECESSARY CHANGES TO THE PAY-FOR-PERFORMANCE PROGRAM TO DETERMINE THE EFFECT ON PROVIDERS AND TO DETERMINE IF THE MEASURES SATISFY THE REQUIREMENTS OF BEING OBJECTIVE, MEASURABLE, AND, WHEN CONSIDERED IN COMBINATION WITH EACH OTHER, HAVE A CORRELATION TO RESIDENTS' QUALITY OF LIFE AND CARE.

(2) IN PERFORMING THE REVIEW REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ON OR BEFORE DECEMBER 1, 2009, AND ON OR BEFORE DECEMBER 1, 2010, THE DEPARTMENT SHALL EXAMINE AND MODIFY THE PAY-FOR-PERFORMANCE PROGRAM TO INCLUDE IMPROVEMENT MEASURES IN THE SCORING CRITERIA.

(C) (1) UP TO 25% OF THE REVENUES GENERATED BY THE QUALITY ASSESSMENT UNDER ~~§ 19-301.1~~ § 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.

(2) 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.

(D) ON OR BEFORE DECEMBER 1, 2008, THE PLAN REQUIRED UNDER THIS SECTION SHALL BE SUBMITTED BY THE DEPARTMENT, IN ACCORDANCE

WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

(E) ON OR BEFORE JULY 1, 2009, THE DEPARTMENT SHALL:

(1) (I) SCORE NURSING FACILITIES BASED ON SCORING CRITERIA DEVELOPED AND REPORTED TO THE GENERAL ASSEMBLY IN THE DECEMBER 1, 2008, REPORT AS REQUIRED BY CHAPTER 200 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2008; AND

(II) SEND EACH NURSING FACILITY A TRANSMITTAL WITH THE SCORING CRITERIA, THE PERFORMANCE OF THE NURSING FACILITY RELATIVE TO THE SCORING, AND THE MONIES THAT WOULD HAVE BEEN RECEIVED BY THE NURSING FACILITY USING THE SCORING CRITERIA.

(2) BEGINNING JULY 1, 2010, THE DEPARTMENT SHALL DISTRIBUTE 50% OF THE REVENUES GENERATED BY THE QUALITY ASSESSMENT THAT IS ASSESSED UNDER § 19-310.1 OF THIS TITLE AND REQUIRED FOR USE IN A PAY-FOR-PERFORMANCE PROGRAM TO NURSING FACILITIES AS PROVIDED IN THIS SECTION.

(3) BEGINNING JULY 1, 2011, THE DEPARTMENT SHALL FULLY IMPLEMENT THE PAY-FOR-PERFORMANCE PROGRAM AS PROVIDED IN THIS SECTION.

(F) (1) (I) THE DEPARTMENT SHALL CONSULT WITH REPRESENTATIVES OF NURSING FACILITIES AND OTHER STAKEHOLDERS TO ASSESS THE STATE'S LONG-TERM CARE REIMBURSEMENT METHODOLOGY AND WHETHER IT IS PROSPECTIVE AND PREDICTABLE, PROMOTES QUALITY AND EFFICIENCY, AND CONSIDERS SEVERITY.

(II) IN EVALUATING THE STATE'S REIMBURSEMENT METHODOLOGY, THE DEPARTMENT SHALL CONSIDER ALTERNATIVE REIMBURSEMENT MECHANISMS, THE PAY-FOR-PERFORMANCE PROGRAM, AND QUALITY AND OUTCOME-BASED MEASURES.

(2) ON OR BEFORE OCTOBER 1, 2010, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE EVALUATION REQUIRED UNDER SUBSECTION (F)(1) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 418

(Senate Bill 664)

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay-for-Performance Program

FOR the purpose of requiring the Department of Health and Mental Hygiene to ~~consult with certain individuals to make a certain evaluation on or before a certain date; requiring the Department to make a certain report to the General Assembly on or before a certain date; prohibiting the Department from distributing certain revenues until a certain date or the termination of certain rate reductions; requiring the Department to use certain accountability measures;~~ develop certain accountability measures for use in a pay-for-performance program; requiring the Department, in consultation with certain stakeholders, to make certain changes to the program on or before a certain date and each year thereafter; requiring the Department to examine and modify the program to include improvement measures in the scoring criteria on or before certain dates; requiring the Department to score nursing facilities based on certain scoring criteria and to send a certain transmittal to certain nursing facilities on or before a certain date; requiring the Department to distribute a certain percentage of the revenues generated by a certain quality assessment beginning on a certain date; requiring the Department to implement a certain program beginning on a certain date; requiring the Department to consult with certain stakeholders to assess the State’s long-term care reimbursement methodology, to conduct a certain evaluation of the methodology, and to make a certain report to the General Assembly on or before a certain date; codifying the provisions of law relating to the pay-per-performance program; and generally relating to nursing facilities and accountability measures for a pay-for-performance program.

~~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~~

BY adding to

Article – Health – General

Section 19-14B-01 to be under the new subtitle “Subtitle 14B.

Pay-for-Performance Program for Nursing Homes”

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

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

~~(a) [Beginning] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, BEGINNING July 1, 2009, a portion of the revenues from the quality assessment shall be distributed to nursing facilities subject to this Act based on accountability measures that indicate quality of care or a commitment to quality of care. The Department of Health and Mental Hygiene shall develop a plan for accountability measures to use in a pay for performance program in consultation with representatives of the nursing facilities and other stakeholders. The accountability measures should be objective, measurable, and when considered in combination with each other, deemed to have a correlation to residents' quality of life and care. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL DEVELOP ACCOUNTABILITY MEASURES IN CONSULTATION WITH REPRESENTATIVES OF THE NURSING FACILITIES AND OTHER STAKEHOLDERS.~~

~~(b) The plan developed by the Department under subsection (a) of this section shall include:~~

- ~~(1) Program goals;~~
- ~~(2) Recommended options;~~
- ~~(3) Funding sources;~~
- ~~(4) Implementation timelines and benchmarking periods; and~~
- ~~(5) The administrative cost of implementation of a pay for performance program.~~

~~(c) ON OR BEFORE OCTOBER 1, 2009, THE DEPARTMENT SHALL CONSULT WITH REPRESENTATIVES OF NURSING FACILITIES AND OTHER STAKEHOLDERS TO REEVALUATE THE ACCOUNTABILITY MEASURES DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION AND EVALUATE THE DISTRIBUTION OF FUNDING AND EDUCATION REGARDING THE FINAL SCORING CRITERIA. IN REEVALUATING THE ACCOUNTABILITY MEASURES, THE DEPARTMENT SHALL CONSIDER OTHER ACCOUNTABILITY PROGRAMS.~~

~~[(e)] (D) Up to 25% 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.~~

~~[(d)] (E) (1) On or before December 1, 2008, the plan required under this section shall be submitted by the Department, in accordance with § 2-1246 of the State Government Article, to the General Assembly.~~

~~(2) ON OR BEFORE DECEMBER 1, 2009, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY ON THE REEVALUATION AND EVALUATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.~~

~~(F) (1) THE DEPARTMENT MAY NOT DISTRIBUTE REVENUES GENERATED BY THE QUALITY ASSESSMENT TO NURSING FACILITIES THROUGH AN INCENTIVE PROGRAM AS PROVIDED UNDER SUBSECTION (D) OF THIS SECTION UNTIL THE LATER OF JULY 1, 2011, OR THE TERMINATION OF RATE REDUCTIONS IMPOSED ON NURSING FACILITIES BY THE STATE.~~

~~(2) THE DEPARTMENT SHALL EVALUATE NURSING HOMES USING ACCOUNTABILITY MEASURES DEVELOPED BY THE DEPARTMENT UNDER SUBSECTION (C) OF THIS SECTION BUT MAY NOT DISTRIBUTE REVENUES TO NURSING FACILITIES BASED ON THE ACCOUNTABILITY MEASURES AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.~~

Article - Health -General

SUBTITLE 14B. PAY-FOR-PERFORMANCE PROGRAM FOR NURSING HOMES.

19-14B-01.

(A) (1) AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A PORTION OF THE REVENUES FROM THE QUALITY ASSESSMENT THAT IS ASSESSED UNDER § 19-310.1 OF THIS TITLE SHALL BE DISTRIBUTED TO NURSING FACILITIES SUBJECT TO § 19-310.1 OF THIS TITLE BASED ON ACCOUNTABILITY MEASURES THAT INDICATE QUALITY OF CARE OR A COMMITMENT TO QUALITY OF CARE.

(2) IN CONSULTATION WITH REPRESENTATIVES OF THE NURSING FACILITIES AND OTHER STAKEHOLDERS, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL DEVELOP ACCOUNTABILITY MEASURES TO USE IN A

PAY-FOR-PERFORMANCE PROGRAM THAT TAKE INTO ACCOUNT BOTH PERFORMANCE AND IMPROVEMENT.

(3) THE ACCOUNTABILITY MEASURES SHALL BE OBJECTIVE, MEASURABLE, AND WHEN CONSIDERED IN COMBINATION WITH EACH OTHER, DEEMED TO HAVE A CORRELATION TO RESIDENTS' QUALITY OF LIFE AND CARE.

(B) (1) ON OR BEFORE DECEMBER 1, 2009, AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL, IN CONSULTATION WITH REPRESENTATIVES OF NURSING FACILITIES AND OTHER INTERESTED STAKEHOLDERS, MAKE NECESSARY CHANGES TO THE PAY-FOR-PERFORMANCE PROGRAM TO DETERMINE THE EFFECT ON PROVIDERS AND TO DETERMINE IF THE MEASURES SATISFY THE REQUIREMENTS OF BEING OBJECTIVE, MEASURABLE, AND, WHEN CONSIDERED IN COMBINATION WITH EACH OTHER, HAVE A CORRELATION TO RESIDENTS' QUALITY OF LIFE AND CARE.

(2) IN PERFORMING THE REVIEW REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ON OR BEFORE DECEMBER 1, 2009, AND ON OR BEFORE DECEMBER 1, 2010, THE DEPARTMENT SHALL EXAMINE AND MODIFY THE PAY-FOR-PERFORMANCE PROGRAM TO INCLUDE IMPROVEMENT MEASURES IN THE SCORING CRITERIA.

(C) (1) UP TO 25% 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.

(2) 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.

(D) ON OR BEFORE DECEMBER 1, 2008, THE PLAN REQUIRED UNDER THIS SECTION SHALL BE SUBMITTED BY THE DEPARTMENT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

(E) (1) ON OR BEFORE JULY 1, 2009, THE DEPARTMENT SHALL:

(I) SCORE NURSING FACILITIES BASED ON SCORING CRITERIA DEVELOPED AND REPORTED TO THE GENERAL ASSEMBLY IN THE DECEMBER 1, 2008 REPORT AS REQUIRED BY CHAPTER 200 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2008; AND

(II) SEND EACH NURSING FACILITY A TRANSMITTAL WITH THE SCORING CRITERIA, THE PERFORMANCE OF THE NURSING FACILITY RELATIVE TO THE SCORING, AND THE MONEY THAT WOULD HAVE BEEN RECEIVED BY THE NURSING FACILITY USING THE SCORING CRITERIA.

(2) BEGINNING JULY 1, 2010, THE DEPARTMENT SHALL DISTRIBUTE 50% OF THE REVENUES GENERATED BY THE QUALITY ASSESSMENT THAT IS ASSESSED UNDER § 19-310.1 OF THIS TITLE AND REQUIRED FOR USE IN A PAY-FOR-PERFORMANCE PROGRAM TO NURSING FACILITIES AS PROVIDED IN THIS SECTION.

(3) BEGINNING JULY 1, 2011, THE DEPARTMENT SHALL FULLY IMPLEMENT THE PAY-FOR-PERFORMANCE PROGRAM AS PROVIDED IN THIS SECTION.

(F) (1) (I) THE DEPARTMENT SHALL CONSULT WITH REPRESENTATIVES OF NURSING FACILITIES AND OTHER STAKEHOLDERS TO ASSESS THE STATE'S LONG-TERM CARE REIMBURSEMENT METHODOLOGY AND WHETHER IT IS PROSPECTIVE AND PREDICTABLE, PROMOTES QUALITY AND EFFICIENCY, AND CONSIDERS SEVERITY.

(II) IN EVALUATING THE STATE'S REIMBURSEMENT METHODOLOGY, THE DEPARTMENT SHALL CONSIDER ALTERNATIVE REIMBURSEMENT MECHANISMS, THE PAY-FOR-PERFORMANCE PROGRAM, AND QUALITY AND OUTCOME-BASED MEASURES.

(2) ON OR BEFORE OCTOBER 1, 2010, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE EVALUATION REQUIRED UNDER SUBSECTION (F)(1) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 419

(House Bill 783)

AN ACT concerning

Transfer Tax – Program Open Space Bonds – Land and Easement Acquisition

FOR the purpose of ~~authorizing the Department of Natural Resources, by resolution of the Secretary of Natural Resources and subject to the approval of the Board of Public Works, to issue certain bonds for the purpose of land acquisition; providing for the use of the proceeds; providing that, in addition to other funding, Program Open Space funding may be provided in the State Consolidated Capital Bond Funding Program or in separate bond enabling acts; providing that a bond enabling act that provides funding for a particular Program Open Space purpose may not affect the allocation of funds for certain other purposes; requiring that certain allocations of certain funds distributed to Program Open Space be adjusted in a certain manner for certain fiscal years under certain circumstances; providing for the reduction of the distribution of revenues in a certain special fund in an amount equal to the debt service for a certain fiscal year; authorizing, on a certain request, the creation of a State Debt in the amount of Sixty Million Dollars (\$60,000,000) *Seventy Million Dollars (\$70,000,000)*, the proceeds to be used for certain land acquisition and easement purchases of the State under certain circumstances; providing generally for the issuance and sale of bonds evidencing the loan under certain circumstances; imposing a certain tax on certain instruments of writing and pledging the proceeds of the tax for certain payments under certain circumstances; requiring the proceeds of a certain tax to be used for the payment of principal and interest on certain bonds under certain circumstances; altering the distribution of the proceeds of a certain tax under certain circumstances; authorizing the Department of Natural Resources to purchase certain real property based on an offer by the State that is less than a certain appraisal; stating the intent of the General Assembly that certain bonds not be included in a certain calculation unless and until the bonds have been issued; authorizing the Comptroller under certain circumstances to advance certain funds for certain land acquisition and easement purchases of the State; providing that bonds issued under this Act are not subject to a certain termination provision; dedicating certain revenues from the State transfer tax to payment of principal and interest on the bonds; and generally relating to the authority of the Department of Natural Resources to authorize the issuance of Program Open Space ~~bonds~~ funding.~~

BY ~~adding to~~ repealing and reenacting, with amendments,

Article – Natural Resources

Section ~~5-902.1~~ 5-902(c) and 5-903(a)(2)

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY ~~adding to~~ repealing and reenacting, with amendments,

Article – Tax – Property

Section ~~13-209(h)~~ 13-209(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

Article - Natural Resources

~~5-902.1.~~

~~(A) (1) SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS, THE DEPARTMENT MAY, BY RESOLUTION OF THE SECRETARY, BORROW MONEY AND INCUR INDEBTEDNESS THROUGH ISSUANCE OF PROGRAM OPEN SPACE BONDS.~~

~~(2) THE INDEBTEDNESS AUTHORIZED UNDER THIS SECTION SHALL BE EVIDENCED BY THE ISSUANCE, SALE, AND DELIVERY OF PROGRAM OPEN SPACE BONDS IN ACCORDANCE WITH TITLE 8, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND ARTICLE 31, § 22 OF THE CODE.~~

~~(B) THE BONDS TO EVIDENCE THE INDEBTEDNESS AUTHORIZED UNDER THIS SECTION OR INSTALLMENTS OF THE INDEBTEDNESS AUTHORIZED UNDER THIS SECTION MAY BE SOLD AS A SINGLE ISSUE OR MAY BE CONSOLIDATED AND SOLD AS PART OF A SINGLE ISSUE OF BONDS.~~

~~(C) THE CASH PROCEEDS OF THE SALE OF THE BONDS SHALL BE PAID TO THE STATE 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 STATE LAND ACQUISITION UNDER THIS SUBTITLE, INCLUDING ANY APPLICABLE ARCHITECTS' AND ENGINEERS' FEES.~~

~~(D) (1) FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS, AS AND WHEN DUE AND UNTIL PAID IN FULL, THE TRANSFER TAX UNDER TITLE 13, SUBTITLE 2 OF THE TAX PROPERTY ARTICLE IS HEREBY IMPOSED AND DEDICATED.~~

~~(2) THE PRINCIPAL SHALL BE DISCHARGED WITHIN 15 YEARS AFTER THE DATE OF ISSUE OF THE BONDS.~~

5-902.

(c) (1) To effectuate the purposes of this section, the General Assembly has established a TRANSFER TAX funding program under [Chapter 403 of the Acts of

the General Assembly of 1969] TITLE 13, SUBTITLE 2 OF THE TAX - PROPERTY ARTICLE.

(2) IN ADDITION TO OR IN LIEU OF THE FUNDING UNDER PARAGRAPH (1) OF THIS SUBSECTION, PROGRAM OPEN SPACE FUNDING MAY BE PROVIDED IN THE STATE CONSOLIDATED CAPITAL BOND FUNDING PROGRAM OR IN A SEPARATE BOND ENABLING ACT.

~~(3) In any fiscal year in which funding for Program Open Space is provided through the State Consolidated Capital Bond Funding Program or other bond enabling act, UNLESS OTHERWISE PROVIDED BY THE ENABLING ACT, [the debt allocations shall be provided to the Department of Natural Resources and] the Department shall allocate THE funds [among local governing bodies according to the apportionment formula] AS described in § 5-903 of this subtitle.~~

~~(4) A BOND ENABLING ACT THAT PROVIDES FUNDING FOR A PARTICULAR PROGRAM OPEN SPACE PURPOSE MAY NOT AFFECT THE ALLOCATION OF FUNDS UNDER § 5-903 OF THIS SUBTITLE.~~

(3) In any fiscal year [in] FOR which funding for Program Open Space is provided through the State Consolidated Capital Bond Funding Program or other bond enabling act, [the] EXCEPT AS OTHERWISE EXPRESSLY PROVIDED UNDER THE BOND ENABLING ACT THROUGH WHICH THE FUNDING IS PROVIDED:

(I) THE debt allocations shall be provided to the Department of Natural Resources and the Department shall allocate funds among local governing bodies according to the apportionment formula described in § 5-903 of this subtitle; AND

(II) FOR FISCAL YEARS 2011 THROUGH 2013 ONLY, THE ALLOCATIONS PROVIDED UNDER § 5-903 OF THIS SUBTITLE OF THE FUNDS DISTRIBUTED TO PROGRAM OPEN SPACE UNDER § 13-209 OF THE TAX - PROPERTY ARTICLE SHALL BE ADJUSTED TO REDUCE THE AMOUNT THAT WOULD OTHERWISE BE ALLOCATED FOR ANY PURPOSE BY THE AMOUNT OF FUNDING PROVIDED FOR THAT PURPOSE UNDER THE BOND ENABLING ACT.

5-903.

(a) (2) (i) 1. Of the remaining funds not appropriated under paragraph (1) of this subsection:

A. One half of the funds shall be used for recreation and open space purposes by the Department and the Historic St. Mary's City Commission; and

B. 20% of the funds or \$21,000,000, whichever is greater, shall be appropriated to the Forest and Park Service in the Department to operate State forests and parks.

2. Except as otherwise provided in this section, any funds the General Assembly appropriates to the State under this subsection shall be used only for land acquisition projects.

(ii) At least \$1,500,000 of the State's share of funds available under subparagraph (i)1A of this paragraph for this program shall be utilized to make grants to Baltimore City for projects which meet park purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive under subsection (b) of this section, and may be used for acquisition or development. In order for Baltimore City to be eligible for a State grant, the Department shall review projects or land to be acquired within Baltimore City, and upon the Department's recommendation, the Board of Public Works may approve projects and land including the cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore City. The State is not responsible for costs involved in the development or maintenance of the land.

(iii) 1. A portion of the State's share of funds available under subparagraph (i)1A of this paragraph for this program not to exceed \$8,000,000 for each fiscal year may be transferred by an appropriation in the State budget to the Rural Legacy Program under Subtitle 9A of this title.

2. In each fiscal year, up to \$2 million of the funds transferred under this subparagraph to the Rural Legacy Program may be used to purchase zero coupon bonds for easements.

3. Sums allocated to the Rural Legacy Program may not revert to the General Fund of the State.

(IV) THE DEPARTMENT MAY ACQUIRE REAL PROPERTY UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH BASED ON AN OFFER BY THE STATE THAT IS LESS THAN THE LOWEST APPROVED APPRAISAL FOR THE PROPERTY.

Article - Tax - Property

13-209.

~~(H) THE AMOUNT ALLOCATED IN THE STATE BUDGET FOR LAND ACQUISITION UNDER TITLE 5, SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE (PROGRAM OPEN SPACE) SHALL BE APPROPRIATED IN THE FIRST INSTANCE FOR PAYMENT OF PRINCIPAL AND INTEREST ON PROGRAM OPEN SPACE BONDS ISSUED UNDER § 5-902.1 OF THE NATURAL RESOURCES ARTICLE.~~

(a) (1) BEFORE ANY OTHER DISTRIBUTION UNDER THIS SECTION, IN ANY FISCAL YEAR THAT BONDS SECURED BY A PLEDGE OF THE STATE TRANSFER TAX ARE OUTSTANDING, THE REVENUE FROM THE TRANSFER TAX SHALL BE USED TO PAY, AS AND WHEN DUE, THE PRINCIPAL OF AND INTEREST ON THE BONDS.

(2) The Department shall deduct the cost of administering the transfer tax from the taxes collected under this title and credit those revenues to the fund established under § 1-203.3 of the Corporations and Associations Article.

[(2)] (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, [After] AFTER deducting the revenues required under [paragraph (1)] PARAGRAPHS (1) AND (2) of this subsection, the revenue from transfer tax is payable to the Comptroller for deposit in a special fund.

(4) IN ANY FISCAL YEAR IN WHICH TRANSFER TAX REVENUE IS USED TO PAY DEBT SERVICE ON OUTSTANDING BONDS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DISTRIBUTION OF REVENUES IN THE SPECIAL FUND UNDER THIS SECTION AND AS SPECIFIED IN SUBPARAGRAPH (D)1A OF § 5-903(A)(2) OF THE NATURAL RESOURCES ARTICLE, FOR STATE LAND ACQUISITION, OR TO THE AGRICULTURAL LAND PRESERVATION FUND TO THE EXTENT ANY DEBT SERVICE IS ATTRIBUTABLE TO THAT FUND, SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE DEBT SERVICE FOR THE FISCAL YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) On request of the ~~Secretary of Natural Resources~~ Governor, the Board of Public Works may borrow money and incur special obligation indebtedness through a special obligation loan to be known as the Program Open Space Acquisition Opportunity Loan of 2009 in the total principal amount up to ~~\$60,000,000~~ \$70,000,000. This loan shall be evidenced by the issuance, sale, and delivery of Maryland Program Open Space bonds authorized, issued, sold, and delivered in accordance with a resolution adopted by the Board of Public Works.

(2) The bonds to evidence the loan or installments of the 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.

(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, only on approval by the Board of Public Works, for the following public purposes: as a grant to the Department of Natural Resources for:

(a) the acquisition by the State of land for Program Open Space only if the cost of the land to be acquired is supported by current appraisals and the land presents a unique acquisition opportunity, as a result of:

(i) the reduced price of the land; or
(ii) the extraordinary location or environmental value of the land; and

(b) on the request of the Secretary of Agriculture, up to \$5,000,000 of the proceeds may be transferred to the Agricultural Land Preservation Fund for the purchase of easements that present unique opportunities as a result of:

(i) the reduced price of the easements; or
(ii) the extraordinary location or agricultural value of the easements.

(4) A State transfer tax is imposed on instruments of writing as provided under Title 13, Subtitle 2 of the Tax – Property Article and is hereby pledged to the extent necessary 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 issuance of the bonds.

(5) The proceeds of the sale of these bonds may not be used to reimburse the State for the acquisition of land prior to the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the ~~\$60,000,000~~ \$70,000,000 of Program Open Space bonds authorized by this Act not be included as State tax supported debt by the Capital Debt Affordability Committee, in accordance with § 8–112 of the State Finance and Procurement Article, unless and until the bonds authorized by this Act have been issued.

SECTION 4. AND BE IT FURTHER ENACTED, That the Comptroller may, upon the request of the ~~Department of Natural Resources~~ Governor, advance funds for land acquisition opportunity purposes under this Act, provided that if special obligation bonds have not been issued under the authority of this Act, the Board of Public Works shall within 1 year issue Program Open Space bonds under the authority of this Act in an amount at least equivalent to the amount of the funds so advanced.

SECTION 5. AND BE IT FURTHER ENACTED, That the bond authorization under Section 1 of this Act is not subject to § 8–128 of the State Finance and Procurement Article.

SECTION ~~2~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 420

(House Bill 788)

AN ACT concerning

Baltimore City and Baltimore County – Child in Need of Supervision Pilot Program – Extension

FOR the purpose of extending the termination date of the Child in Need of Supervision Pilot Program in Baltimore City and Baltimore County; requiring the Governor to include a certain general fund appropriation in the budget bills for certain fiscal years for a certain purpose; requiring that certain funds be provided as grants to Baltimore County and Baltimore City for a certain purpose; and generally relating to the Child in Need of Supervision Pilot Program in Baltimore City and Baltimore County.

BY repealing and reenacting, with amendments,
Chapter 601 of the Acts of the General Assembly of 2005
Section 3 and 5

BY repealing and reenacting, without amendments,
Chapter 601 of the Acts of the General Assembly of 2005
Section 4

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

Chapter 601 of the Acts of 2005

SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall include a general fund appropriation of \$250,000 for the Department of Juvenile Services in each budget bill for fiscal 2007, fiscal 2008, fiscal 2009, [and] fiscal 2010, **FISCAL 2011, FISCAL 2012, AND FISCAL 2013** for the purpose of implementing the provisions of this Act. Of the \$250,000, \$83,000 shall be provided as a grant to Baltimore County and \$167,000 shall be provided as a grant to Baltimore City for the purpose of implementing the provisions of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2006.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect October 1, 2005. It shall remain effective until the end of [September 30, 2010] **JUNE 30, 2013** and, at the end of [September 30, 2010] **JUNE 30, 2013**, 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 July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 421

(House Bill 796)

AN ACT concerning

Agriculture – Emerald Ash Borer Grant Fund

FOR the purpose of establishing the Emerald Ash Borer Grant Fund; establishing the purpose and uses of the Fund; requiring the Secretary of Agriculture to administer the Fund and establish certain procedures; requiring that certain unspent or unencumbered funds revert to the General Fund of the State; specifying that the State Treasurer shall hold the Fund separately and that the Comptroller shall account for the Fund; designating the money to be deposited into the Fund; ~~requiring the Governor to appropriate to the Fund a certain amount each fiscal year;~~ defining certain terms; and generally relating to the Emerald Ash Borer Grant Fund.

BY adding to

Article – Agriculture

Section 2–1501 to be under the new subtitle “Subtitle 15. Emerald Ash Borer Grant Fund”

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

Article – Agriculture

SUBTITLE 15. EMERALD ASH BORER GRANT FUND.

2-1501.

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

(2) (I) "AUTHORIZED EQUIPMENT" MEANS ANY EQUIPMENT NECESSARY FOR THE MANAGEMENT OF FOREST LAND.

(II) "AUTHORIZED EQUIPMENT" INCLUDES:

1. ~~CHERRY PICKERS;~~
- ~~2.~~ EQUIPMENT NECESSARY FOR THE:
 - A. CONSTRUCTION AND STAGING OF MARSHALING AREAS;
 - B. PLANTING OF TREES; AND
 - C. ~~SURVEYING OF FOREST LAND~~ REMOVAL OF TREES;
- ~~3.~~ 2. VEHICLES CAPABLE OF TRANSPORTING HARVESTED TREES;
- ~~4.~~ 3. WOOD CHIPPERS;
- ~~5.~~ 4. MATERIALS REQUIRED TO ADMINISTER ~~IMIDACLOPRID~~ APPROVED PRODUCTS TO ASH TREES PLANTED IN QUARANTINED AREAS ~~THAT ARE CERTIFIED BY A LICENSED ARBORIST TO BE FREE OF INFESTATION;~~ AND
- ~~6.~~ 5. ANY OTHER APPROPRIATE EQUIPMENT, AS DETERMINED BY THE SECRETARY.

(3) "FUND" MEANS THE EMERALD ASH BORER GRANT FUND.

(B) THERE IS AN EMERALD ASH BORER GRANT FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO LOCAL GOVERNMENTS, BUSINESSES, AND ORGANIZATIONS TO FINANCE PURCHASES OF AUTHORIZED EQUIPMENT TO ~~MONITOR,~~ REMOVE, DISPOSE OF, AND REPLACE TREES INFESTED BY THE EMERALD ASH BORER ~~THAT ARE LOCATED:~~

(1) ~~WITHIN THE BORDERS OF QUARANTINE AREAS INFESTED BY THE EMERALD ASH BORER~~ THAT ARE LOCATED WITHIN EMERALD ASH BORER QUARANTINE AREAS; AND

(2) ~~ON LAND IN PRINCE GEORGE'S COUNTY~~ IN ACCORDANCE WITH ANY APPLICABLE STATE OR FEDERAL LAW, REGULATION, OR QUARANTINE.

(D) THE SECRETARY SHALL ADMINISTER THE FUND.

(E) (1) AT THE END OF EACH FISCAL YEAR, ANY UNSPENT OR UNENCUMBERED BALANCE IN THE FUND SHALL REVERT TO THE GENERAL FUND IN ACCORDANCE WITH § 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) ~~(1)~~ THE FUND CONSISTS OF:

~~(1)~~ (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

~~(2)~~ (2) ANY INVESTMENT EARNINGS OF THE FUND; AND

~~(3)~~ (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

~~(2) THE GOVERNOR SHALL INCLUDE \$250,000 IN THE STATE BUDGET EACH FISCAL YEAR FOR THE FUND.~~

(G) (1) THE FUND MAY BE USED ONLY TO PROVIDE GRANTS IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(2) A GRANT PROVIDED IN ACCORDANCE WITH THIS SECTION MAY NOT EXCEED THE AMOUNT THAT THE ~~BUSINESS~~ BUSINESS LOCAL GOVERNMENT, BUSINESS, OR ORGANIZATION HAS APPROPRIATED TO FINANCE PURCHASES OF EQUIPMENT TO ~~MONITOR~~, REMOVE, DISPOSE OF, AND REPLACE INFESTED TREES LOCATED IN AREAS DESIGNATED UNDER 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 CREDITED TO THE FUND.

(1) THE SECRETARY SHALL ESTABLISH PROCEDURES FOR A PERSON TO APPLY FOR A GRANT FROM THE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 422

(House Bill 810)

AN ACT concerning

Income Tax – Mandatory Income Tax Return Preparer Requirements

FOR the purpose of requiring certain income tax return preparers under certain circumstances to file certain income tax returns by electronic means as prescribed by the Comptroller; imposing certain penalties for certain violations; exempting certain returns and providing for certain waivers under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to mandatory electronic filing of certain income tax returns by certain income tax return preparers under certain circumstances.

BY adding to

Article – Tax – General

Section 10–824 and 13–717

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

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

Article – Tax – General

10–824.

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

(2) (I) "INCOME TAX RETURN PREPARER" MEANS A PERSON WHO FOR COMPENSATION PREPARES A SUBSTANTIAL PORTION OR MORE OF A QUALIFIED RETURN OR EMPLOYS ONE OR MORE PERSONS TO PREPARE FOR COMPENSATION A SUBSTANTIAL PORTION OR MORE OF A QUALIFIED RETURN.

(II) "INCOME TAX RETURN PREPARER" DOES NOT INCLUDE A PERSON WHO MERELY PERFORMS THOSE ACTS DESCRIBED UNDER § 7701(A)(36)(B) OF THE INTERNAL REVENUE CODE.

(3) "QUALIFIED RETURN" MEANS ANY ORIGINAL RETURN OF INDIVIDUAL INCOME TAX IMPOSED BY THIS TITLE, REGARDLESS OF WHETHER A TAX IS DUE OR A REFUND IS CLAIMED.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN INCOME TAX RETURN PREPARER SHALL FILE ALL QUALIFIED RETURNS THAT THE INCOME TAX RETURN PREPARER PREPARES BY ELECTRONIC MEANS AS PRESCRIBED BY THE COMPTROLLER IF:

(1) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2008, BUT BEFORE JANUARY 1, 2010, THE INCOME TAX RETURN PREPARER HAS PREPARED MORE THAN ~~200~~ 300 QUALIFIED RETURNS IN THE PRIOR TAXABLE YEAR; ~~AND~~

(2) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2009, BUT BEFORE JANUARY 1, 2011, THE INCOME TAX RETURN PREPARER HAS PREPARED MORE THAN 200 QUALIFIED RETURNS IN THE PRIOR TAXABLE YEAR; AND

~~(2)~~ (3) FOR ANY TAXABLE YEAR BEGINNING AFTER DECEMBER 31, ~~2009~~ 2010, THE INCOME TAX RETURN PREPARER HAS PREPARED MORE THAN 100 QUALIFIED TAX RETURNS IN THE PRIOR TAXABLE YEAR.

(C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A QUALIFIED RETURN IF:

(1) THE TAXPAYER HAS INDICATED ON THE QUALIFIED RETURN THAT THE TAXPAYER DOES NOT WANT THE RETURN FILED BY ELECTRONIC MEANS; OR

(2) THE INCOME TAX RETURN PREPARER PREPARING THE QUALIFIED RETURN HAS REQUESTED AND RECEIVED A WAIVER FROM THE COMPTROLLER.

(D) ~~(1)~~ ON WRITTEN REQUEST FOR A WAIVER BY AN INCOME TAX RETURN PREPARER WHO IS SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COMPTROLLER MAY GRANT THE INCOME TAX RETURN PREPARER ~~UP TO A 12-MONTH~~ WAIVER OF THE REQUIREMENTS OF THIS SECTION IF THE INCOME TAX RETURN PREPARER IS ABLE TO ESTABLISH TO THE SATISFACTION OF THE COMPTROLLER EITHER REASONABLE CAUSE FOR NOT FILING THE RETURN BY ELECTRONIC MEANS OR THAT THERE IS NO FEASIBLE MEANS OF FILING THE RETURN BY ELECTRONIC MEANS WITHOUT UNDUE HARDSHIP.

~~(2) IF THE COMPTROLLER GRANTS THE WAIVER, THE INCOME TAX RETURN PREPARER MAY FILE SIGNED PAPER RETURNS FOR THE PERIOD ALLOWED UNDER THE WAIVER.~~

13-717.

(A) AN INCOME TAX RETURN PREPARER WHO IS SUBJECT TO § 10-824 OF THIS ARTICLE AND WHO FAILS TO FILE A RETURN AS REQUIRED IN § 10-824 OF THIS ARTICLE SHALL PAY A PENALTY OF \$50 FOR THAT FAILURE, UNLESS IT IS SHOWN THAT THE FAILURE IS DUE TO REASONABLE CAUSE AND IS NOT DUE TO WILLFUL NEGLECT.

(B) THE TOTAL AMOUNT OF THE PENALTIES ASSESSED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT EXCEED \$500 FOR ALL RETURNS FILED BY AN INCOME TAX RETURN PREPARER FOR ANY TAXABLE YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009, and shall be applicable to all taxable years beginning after December 31, 2008.

Approved by the Governor, May 7, 2009.

Chapter 423

(House Bill 822)

AN ACT concerning

Montgomery County - Railroad Grade Crossings - Automated Enforcement Systems

MC 907-09

FOR the purpose of making certain provisions of law relating to automated railroad grade crossing enforcement systems at railroad grade crossings applicable to Montgomery County; authorizing certain law enforcement agencies in Montgomery County to mail a citation within a certain period of time to the owner of a motor vehicle that is recorded in Montgomery County by an automated railroad grade crossing enforcement system while in violation of certain laws regarding railroad grade crossings; requiring the Chief Judge of the District Court, in consultation with local law enforcement agencies in Montgomery County, to adopt procedures for certain purposes; expanding the jurisdiction of the District Court; altering a certain definition; and generally relating to imposition of liability on the owner of a motor vehicle recorded in Montgomery County by an automated railroad grade crossing enforcement system violating certain laws regarding railroad grade crossings.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–167 and 11–168
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–704.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 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

4–401.

Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, or § 21–809 of the Transportation Article or § 10–112 of the Criminal Law Article;

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.

11-168.

“Traffic control signal” means any traffic control device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop and permitted to proceed.

21-704.1.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Agency” means:
 - (i) For an automated railroad grade crossing enforcement system operated and maintained at a railroad grade crossing in **MONTGOMERY COUNTY OR** Prince George’s County that is under the control of the State, the law enforcement agency of the State primarily responsible for traffic control at that railroad grade crossing; [or]
 - (ii) For an automated railroad grade crossing enforcement system operated and maintained at a railroad grade crossing under the control of Prince George’s County or a municipal corporation in Prince George’s County, a law enforcement agency of Prince George’s County or the municipal corporation that is authorized to issue citations for a violation of the Maryland Vehicle Law or of local traffic laws or regulations at that railroad grade crossing; **OR**
 - (iii) **FOR AN AUTOMATED RAILROAD GRADE CROSSING ENFORCEMENT SYSTEM OPERATED AND MAINTAINED AT A RAILROAD GRADE CROSSING UNDER THE CONTROL OF MONTGOMERY COUNTY OR A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY, A LAW ENFORCEMENT AGENCY OF MONTGOMERY COUNTY OR THE MUNICIPAL CORPORATION THAT IS AUTHORIZED TO ISSUE CITATIONS FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS AT THAT RAILROAD GRADE CROSSING.**

(3) “Automated railroad grade crossing enforcement system” means a system operated by an agency that records a driver’s response to a traffic control signal or traffic control device located at a railroad grade crossing.

(4) (i) “Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) “Owner” does not include a motor vehicle rental or leasing company or a holder of a special registration plate issued under Part III of Title 13, Subtitle 9 of this article.

(5) “Violation” means any violation of §§ 21–701 through 21–704 of this subtitle.

(b) This section applies only in **MONTGOMERY COUNTY AND** Prince George’s County.

(c) A recording by an automated railroad grade crossing enforcement system under this section indicating that the driver of a motor vehicle has committed a violation shall include:

- (1) An image of the motor vehicle;
- (2) An image of the driver of the motor vehicle;
- (3) An image of the motor vehicle’s rear license plate;
- (4) The time of the violation;
- (5) The date of the violation; and
- (6) The location of the violation.

(d) The recording shall be made on:

- (1) Two or more photographs;
- (2) Two or more microphotographs;
- (3) Two or more electronic images;
- (4) Videotape; or
- (5) Any other medium.

(e) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection

(h)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by an automated railroad grade crossing enforcement system during the commission of a violation.

(2) A civil penalty under this subsection may not exceed \$100.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (f)(1) of this section and § 7-302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(f) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, an agency shall mail to the owner liable under subsection (e) of this section a citation that shall include:

(i) The name and address of the registered owner of the vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location of the railroad grade crossing;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty must be paid;

(viii) A signed statement by a technician employed by the agency that, based on inspection of recorded images, the motor vehicle was being operated during the commission of a violation;

(ix) A statement that recorded images are evidence of a violation; and

(x) Information advising the person alleged to be liable under this section:

1. Of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

2. Warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.

(2) The agency may mail a warning notice in lieu of a citation to the owner liable under subsection (e) of this section.

(3) Except as provided in subsection (h)(5) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.

(4) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to **MONTGOMERY COUNTY OR Prince George's [County] COUNTY**, or to the District Court; or

(ii) Elect to stand trial for the alleged violation.

(g) (1) A certificate alleging that a violation occurred, sworn to or affirmed by a duly authorized agent of the agency, based on inspection of recorded images produced by an automated railroad grade crossing enforcement system shall be evidence of the facts contained in the certificate and shall be admissible in any proceeding concerning the alleged violation.

(2) Adjudication of liability shall be based on a preponderance of evidence.

(h) (1) The District Court may consider in defense of a violation:

(i) That the driver of the vehicle passed through the railroad grade crossing in a manner that would constitute a violation:

1. In order to yield the right-of-way to an emergency vehicle; or

2. As part of a funeral procession in accordance with § 21-207 of this title;

(ii) Subject to paragraph (2) of this subsection, that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(iii) That under § 21-201 of this title, this section is unenforceable against the owner because at the time and place of the alleged violation, the traffic control signal or traffic control device was not in proper position and was unable to be seen by an ordinarily observant individual;

(iv) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(v) Any other issues and evidence that the District Court deems pertinent.

(2) In order to demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report about the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(iv) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.

(4) (i) The provisions of this paragraph apply only to a citation that involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

(ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this subsection, the person named in a citation described under subparagraph (i) of this paragraph may provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

1. States that the person named in the citation was not operating the vehicle at the time of the violation; and

2. Provides the name, address, and driver's license identification number of the person who was operating the vehicle at the time of the violation.

(5) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On the receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, an agency may issue a citation as provided in subsection (f) of this section to the person that the evidence indicates was operating the vehicle at the time of the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(i) If the civil penalty is not paid and the violation is not contested, the Administration may refuse to register or reregister or may suspend the registration of the motor vehicle.

(j) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16-402 of this article and may not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(2) May be treated as a parking violation for purposes of § 26-305 of this article; and

(3) May not be considered in the provision of motor vehicle insurance coverage.

(k) In consultation with local law enforcement agencies in **MONTGOMERY COUNTY AND** Prince George's County, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of violations, and the collection of civil penalties under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 424

(House Bill 841)

AN ACT concerning

Montgomery County Public Schools – Funding Accountability and Transparency Act

MC 930-09

FOR the purpose of requiring the Montgomery County Board of Education to develop and operate a certain website that includes certain information about certain payments; specifying certain parameters of the website; defining certain terms; and generally relating to the development and operation of a searchable website by the Montgomery County Board of Education.

BY adding to

Article – Education

Section 5–115

Annotated Code of Maryland

(2008 Replacement Volume)

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

Article – Education

5–115.

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

(2) (I) “PAYEE” MEANS ANY PARTY WHO RECEIVES FROM THE MONTGOMERY COUNTY BOARD OF EDUCATION AN AGGREGATE PAYMENT OF ~~\$10,000~~ \$25,000 IN A FISCAL YEAR.

(II) “PAYEE” DOES NOT INCLUDE:

1. A MONTGOMERY COUNTY PUBLIC SCHOOL EMPLOYEE WITH RESPECT TO THE EMPLOYEE’S COMPENSATION; OR

2. A MONTGOMERY COUNTY PUBLIC SCHOOL RETIREE WITH RESPECT TO THE RETIREE’S RETIREMENT ALLOWANCE.

(3) “SEARCHABLE WEBSITE” MEANS A WEBSITE CREATED IN ACCORDANCE WITH THIS SECTION THAT DISPLAYS AND SEARCHES PAYMENT DATA OF THE MONTGOMERY COUNTY BOARD OF EDUCATION.

(B) ON OR BEFORE JANUARY 1, ~~2010~~ 2011, THE MONTGOMERY COUNTY BOARD OF EDUCATION SHALL DEVELOP AND OPERATE A SINGLE SEARCHABLE WEBSITE ACCESSIBLE TO THE PUBLIC AT NO COST THROUGH THE INTERNET.

(C) THE SEARCHABLE WEBSITE SHALL CONTAIN MONTGOMERY COUNTY BOARD OF EDUCATION PAYMENT DATA INCLUDING:

- (1) THE NAME OF A PAYEE RECEIVING A PAYMENT;
- (2) THE LOCATION OF A PAYEE BY POSTAL ZIP CODE; AND
- (3) THE AMOUNT OF A PAYMENT.

(D) THE SEARCHABLE WEBSITE SHALL ALLOW THE USER TO:

(1) SEARCH DATA FOR FISCAL YEAR ~~2009~~ 2010 AND EACH YEAR THEREAFTER; AND

(2) SEARCH BY THE FOLLOWING DATA FIELDS:

- (I) A PAYEE RECEIVING A PAYMENT; AND
- (II) THE ZIP CODE OF A PAYEE RECEIVING A PAYMENT.

(E) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL UNDER FEDERAL, STATE, OR LOCAL LAW.

(F) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "MONTGOMERY COUNTY PUBLIC SCHOOLS FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT ~~OF 2009~~".

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 425

(House Bill 846)

AN ACT concerning

Worcester County – Motorcycle Dealers – Sunday Operations

FOR the purpose of authorizing in Worcester County a motorcycle dealer to sell, barter, deliver, give away, show, or offer for sale a motorcycle or a certificate of

title for a motorcycle on Sunday; providing for a certain effective date; and generally relating to motorcycle dealers in Worcester County.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 18–101(a), (e), and (f)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 18–101(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Business Regulation
Section 18–101(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Article – Business Regulation

18–101.

(a) (1) This section does not apply to the laws that relate to the sale of alcoholic beverages.

(2) This section does not apply in Wicomico County.

(d) Except in Howard, Montgomery, and Prince George's counties, **AND EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION**, a new or used car dealer may not sell, barter, deliver, give away, show, or offer for sale a motor vehicle or certificate of title for a motor vehicle on Sunday.

(e) In Anne Arundel County, a dealer may sell, barter, deliver, give away, show, or offer for sale on Sunday a new or used camping trailer, mobile home, or travel trailer, as those terms are defined in Title 11 of the Transportation Article.

(f) A new or used car dealer who violates subsection (d) of this section is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$10,000.

(G) IN WORCESTER COUNTY, A DEALER MAY SELL, BARTER, DELIVER, GIVE AWAY, SHOW, OR OFFER FOR SALE A MOTORCYCLE, AS DEFINED IN §

11-136 OF THE TRANSPORTATION ARTICLE, OR CERTIFICATE OF TITLE FOR A MOTORCYCLE ON A SUNDAY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 426

(House Bill 872)

AN ACT concerning

**Employees' Pension System – Purchase of Service Credit – Washington
Suburban Transit Commission**

FOR the purpose of providing that certain members of the Employees' Pension System may purchase certain service credit in the Employees' Pension System; requiring certain members of the Employees' Pension System who choose to purchase certain service credit, to pay to the Board of Trustees of the State Retirement and Pension System a certain amount for that service credit; authorizing certain members of the Employees' Pension System who choose to purchase certain service credit to use certain funds towards the purchase; requiring certain members of the Employees' Pension System to complete certain claims and make certain purchases to the Board of Trustees on or before a certain date; providing for the termination of this Act; and generally relating to the purchase of service credit in the Employees' Pension System for employment with the Washington Suburban Transit Commission.

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

(a) This section applies to an individual who:

(1) on or after March 1, 1999, was hired by the Washington Suburban Transit Commission;

(2) upon commencing employment with the Washington Suburban Transit Commission, was enrolled in the Montgomery County Government 401(a) Retirement Plan;

(3) on or after September 1, 2005, but on or before February 1, 2006, was employed by the Maryland Transit Administration and enrolled in the Employees' Pension System under Title 23 of the State Personnel and Pensions Article; and

(4) upon enrolling in the Employees' Pension System did not withdraw any funds deposited into the Montgomery County Government 401(a) Retirement Plan that had been deposited by the individual or the Washington Suburban Transit Commission on behalf of the individual.

(b) An individual described under subsection (a) of this section may elect to purchase service credit in the Employees' Pension System under Title 23 of the State Personnel and Pensions Article for the period of time the individual was employed by the Washington Suburban Transit Commission and enrolled in the Montgomery County Government 401(a) Retirement Plan.

(c) An individual who elects to purchase service credit in the Employees' Pension System under subsection (b) of this section shall pay to the Board of Trustees of the State Retirement and Pension System:

(1) the member contributions that would have been paid by a member of the Employees' Pension System for the period of time the individual was employed by the Washington Suburban Transit Commission, plus regular interest to the date of payment; and

(2) the employer contributions that would have been paid by the State to the Employees' Pension System for the period of time the individual was employed by the Washington Suburban Transit Commission, plus 7.75% interest to the date of payment.

(d) An individual who elects to purchase service credit in the Employees' Pension System under subsection (b) of this section may use to purchase this service credit any funds that have been deposited on behalf of the individual in the individual's account with the Montgomery County Government 401(a) Retirement Plan.

(e) To purchase service credit under subsection (b) of this section, on or before December 31, 2009, an individual shall:

(1) complete a claim for the service credit and file it with the Board of Trustees on a form that the Board of Trustees provides; and

(2) pay to the Board of Trustees an amount equal to the amount determined under subsection (c) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009. It shall remain effective for a period of 6 months and, at the end of December 31, 2009, 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 7, 2009.

Chapter 427**(House Bill 879)**

AN ACT concerning

Divestiture from Iran and Sudan – Frederick County Retirement and Pension System

FOR the purpose of authorizing the Board of County Commissioners for Frederick County to enact certain ordinances that would allow the Frederick County Retirement Committee to take certain divestment action with regard to certain investments; providing certain immunities from liability for certain persons; requiring the Board of County Commissioners to act in good faith in taking certain actions in a certain manner; defining certain terms; making the provisions of this Act severable; and generally relating to the Board of County Commissioners for Frederick County authorizing the Frederick County Retirement and Pension System to divest from Iran or Sudan.

BY adding to

The Public Local Laws of Frederick County

Section 2-7-201

Article 11 – Public Local Laws of Maryland

(2004 Edition and September 2008 Supplement, as amended)

Preamble

WHEREAS, According to a former chair of the United States Securities and Exchange Commission (SEC), the fact that a foreign company is doing material business with a country, government, or entity on the sanctions list issued by the United States Treasury Department's Office of Foreign Asset Control (OFAC) is, in the SEC staff's view, substantially likely to be significant to a reasonable investor's decision about whether to invest in that company; and

WHEREAS, A 2006 report by the United States House of Representatives states that "a company's association with sponsors of terrorism and human rights abuses, no matter how large or small, can have a materially adverse result on a public company's operations, financial condition, earnings, and stock prices, all of which can negatively affect the value of an investment"; and

WHEREAS, In response to the financial risk posed by investments in companies doing business with a state that sponsors terrorists, the SEC established its Office of Global Security Risk to provide for enhanced disclosure of material information regarding such companies; and

WHEREAS, A resolution of the United Nations Security Council imposes sanctions on Iran for its failure to suspend its uranium–enrichment activities; and

WHEREAS, The United Nations Security Council voted unanimously for an additional embargo on Iranian arms exports and a freeze on assets abroad of an expanded list of individuals and companies involved in Iran's nuclear and ballistic missile programs, and calls for nations and institutions to bar new grants or loans to Iran except for humanitarian and developmental purposes; and

WHEREAS, Foreign entities have invested in Iran's petroleum–energy sector despite United States and United Nations sanctions against Iran; and

WHEREAS, All entities that have invested more than \$20,000,000 in Iran's energy sector in any given year since August 5, 1996, are subject to sanctions under United States law pursuant to the Iran Sanctions Act of 1996, which was renewed in 2001 and 2006; and

WHEREAS, Beginning in 2004, and several times since, the United States government has labeled ongoing atrocities by the government of Sudan and its Janjaweed allies in Darfur to be a genocide; and

WHEREAS, The United States government has imposed sanctions against the government of Sudan since 1997 that are monitored through the United States Treasury Department's Office of Foreign Assets Control; and

WHEREAS, Despite significant pressure from the United States government, the Republic of Sudan fails to take necessary actions to disassociate itself from its ties to terrorism and genocide; and

WHEREAS, On December 31, 2007, the President of the United States signed into law the Sudan Accountability and Divestment Act of 2007, which authorizes state and local governments that comply with the Act to divest assets in companies that conduct business operations in Sudan; and

WHEREAS, Divestiture should be considered with the intent to improve investment performance and, by the rules of prudence, fiduciaries must take into account all relevant substantive factors in arriving at an investment decision; and

WHEREAS, Frederick County is deeply concerned about investments in publicly traded companies that have invested in Iran's petroleum–energy sector; and

WHEREAS, The Maryland Court of Appeals has indicated that the fiduciaries of public pension plans in the State may consider humanitarian and other social issues in their analysis of investments if the associated costs are de minimis; and

WHEREAS, The Board of County Commissioners for Frederick County finds that this Act should remain in effect only insofar as it continues to be consistent with and does not unduly interfere with the foreign policy of the United States as determined by the federal government; now, therefore,

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

Article 11 - Frederick County

2-7-201.

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

(2) "COMPANY" MEANS ANY CORPORATION, UTILITY, PARTNERSHIP, JOINT VENTURE, FRANCHISOR, FRANCHISEE, TRUST, ENTITY INVESTMENT VEHICLE, FINANCIAL INSTITUTION, OR A WHOLLY OWNED SUBSIDIARY OF ANY OF THESE ENTITIES.

(3) "DIVESTMENT ACTION" MEANS SELLING, REDEEMING, TRANSFERRING, EXCHANGING, OTHERWISE DISPOSING OF, AND REFRAINING FROM FURTHER INVESTMENT IN CERTAIN INVESTMENTS.

(4) "DOING BUSINESS IN IRAN" MEANS THE COMPANY HAS, WITH ACTUAL KNOWLEDGE, ON OR AFTER AUGUST 5, 1996, MADE AN INVESTMENT OF \$20,000,000 OR MORE, OR ANY COMBINATION OF INVESTMENTS OF AT LEAST \$10,000,000 EACH, WHICH IN THE AGGREGATE EQUALS OR EXCEEDS \$20,000,000 IN ANY 12-MONTH PERIOD, AND WHICH DIRECTLY OR SIGNIFICANTLY CONTRIBUTES TO THE ENHANCEMENT OF IRAN'S ABILITY TO DEVELOP THE PETROLEUM OR NATURAL GAS RESOURCES OF IRAN.

(5) "DOING BUSINESS IN SUDAN" MEANS ENGAGING IN COMMERCE IN SUDAN BY MAINTAINING OR LEASING EQUIPMENT, FACILITIES, PERSONNEL, OR OTHER APPARATUS OF BUSINESS OR COMMERCE IN OIL-RELATED ACTIVITIES, MINERAL EXTRACTION ACTIVITIES, POWER PRODUCTION ACTIVITIES, OR PRODUCTION OF MILITARY EQUIPMENT OF SUDAN.

(6) "ELIGIBLE ACCOUNTS" MEANS ACTIVELY MANAGED SEPARATE ACCOUNTS CONTAINING FUNDS OF THE SEVERAL SYSTEMS.

(7) "INVESTMENT" MEANS THE COMMITMENT OF FUNDS OR OTHER ASSETS TO A COMPANY, INCLUDING:

(I) THE OWNERSHIP OR CONTROL OF A SHARE OR INTEREST IN THE COMPANY; OR

(II) THE OWNERSHIP OR CONTROL OF A BOND OR OTHER DEBT INSTRUMENT OF A COMPANY.

(8) "IRAN" MEANS THE ISLAMIC REPUBLIC OF IRAN.

(9) (I) "SUDAN" MEANS THE GOVERNMENT IN KHARTOUM, SUDAN, THAT IS LED BY THE NATIONAL CONGRESS PARTY (FORMERLY KNOWN AS THE NATIONAL ISLAMIC FRONT) OR ANY SUCCESSOR GOVERNMENT FORMED ON OR AFTER OCTOBER 13, 2006, INCLUDING THE COALITION NATIONAL UNITY GOVERNMENT AGREED ON IN THE COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.

(II) "SUDAN" DOES NOT MEAN THE REGIONAL GOVERNMENT OF SOUTHERN SUDAN.

(B) THE BOARD OF COUNTY COMMISSIONERS MAY ENACT AN ORDINANCE AUTHORIZING THE DIVESTMENT ACTION CONCERNING FUNDS IN ELIGIBLE ACCOUNTS THAT ARE INVESTED IN COMPANIES DOING BUSINESS IN IRAN OR SUDAN.

(C) (1) THE BOARD OF COUNTY COMMISSIONERS, ITS OFFICIALS, AGENTS, EMPLOYEES, OR ANY FIDUCIARY MAY NOT BE HELD LIABLE FOR ANY ACTIONS TAKEN OR DECISIONS MADE IN GOOD FAITH FOR THE PURPOSE OF COMPLYING WITH OR EXECUTING THE REQUIREMENTS OF ANY DIVESTMENT PROVISIONS UNDER THIS SECTION OR ANY ORDINANCE ENACTED UNDER THE AUTHORITY GRANTED IN THIS SECTION.

(2) THE BOARD OF COUNTY COMMISSIONERS, ITS OFFICIALS, AGENTS, EMPLOYEES, OR ANY FIDUCIARY SHALL ACT IN GOOD FAITH TO CARRY OUT DIVESTMENT ACTION AS AUTHORIZED BY THIS SECTION OR ANY ORDINANCE ENACTED IN COMPLIANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL LAW, INCLUDING RELEVANT JUDICIAL DECISIONS AND THE FEDERAL SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007.

(3) NOTHING IN THIS SECTION SHALL REQUIRE THE BOARD OF COUNTY COMMISSIONERS TO TAKE ACTION AS DESCRIBED IN THIS SECTION UNLESS THE BOARD OF COUNTY COMMISSIONERS DETERMINES IN GOOD FAITH THAT THE ACTION IS CONSISTENT WITH ITS FIDUCIARY RESPONSIBILITIES.

SECTION 2. 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 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 428

(House Bill 893)

AN ACT concerning

Election Law – Voting Systems – Requirements

FOR the purpose of ~~authorizing the State Board of Elections to certify a voting system that has been examined by an independent testing laboratory approved by the National Association of State Election Directors; requiring the State Board to select and certify the voting system that best satisfies certain requirements if at the time of procurement of a voting system there are no voting systems commercially available that entirely satisfy certain requirements; specifying that certain requirements for the selection and certification of a statewide voting system are subject to certain provisions of law; requiring the State Board of Elections to take certain actions if at the time of procurement of a voting system there is not commercially available a voting system that satisfies certain requirements; requiring the State Board to select and certify a voting system that satisfies certain requirements with specified exceptions; requiring the State Board to provide *only at least one* voting machine in each polling place on election day that is accessible to voters with disabilities and available for use by all voters; providing that a voting machine that is accessible to voters with disabilities is not required to provide a certain paper record; requiring the State Board to certify and deploy *one voting machine in each polling place that provides a certain paper record and is shown by a certain laboratory to meet certain accessibility requirements for voters with disabilities within a certain time a voting machine that provides a voter-verifiable paper record within a certain time after a certain determination;* requiring the State Board to discontinue use, *at a certain time,* of any voting machines that do not provide a certain paper record ~~within a certain time;~~ altering the application of a certain prior Act; requiring the State Board to notify the Department of Legislative Services no later than a certain number of days after the first election in which~~

voting machines are used that meet certain requirements; providing for the termination of this Act a certain number of days after receipt of certain notice; making this Act an emergency measure; and generally relating to the selection and certification of voting systems.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 9–101 and 9–102
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Chapter 547 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, with amendments,
Chapter 548 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 – Election Law

9–101.

(A) THE REQUIREMENTS OF THIS SECTION ARE SUBJECT TO § 9–102(J) OF THIS SUBTITLE.

[(a)] (B) The State Board, in consultation with the local boards, shall select and certify a voting system for voting in polling places and a voting system for absentee voting.

[(b)] (C) The voting system selected and certified for voting in polling places and the voting system selected and certified for absentee voting shall be used in all counties.

[(c)] (D) The State Board shall acquire:

(1) the voting system selected and certified for voting in polling places;
and

(2) the voting system selected and certified for absentee voting.

9–102.

- (a) In this section, a “voter–verifiable paper record” includes:
- (1) a paper ballot prepared by the voter for the purpose of being read by a precinct–based optical scanner;
 - (2) a paper ballot prepared by the voter to be mailed to the applicable local board, whether mailed from a domestic or an overseas location; and
 - (3) a paper ballot created through the use of a ballot marking device.
- (b) The State Board shall adopt regulations for the review, certification, and decertification of voting systems.
- (c) The State Board shall periodically review and evaluate alternative voting systems.
- (d) The State Board may not certify a voting system unless the State Board determines that:
- (1) the voting system will:
 - (i) protect the secrecy of the ballot;
 - (ii) protect the security of the voting process;
 - (iii) count and record all votes accurately;
 - (iv) accommodate any ballot used under this article;
 - (v) protect all other rights of voters and candidates;
 - (vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount; and
 - (vii) provide a voter–verifiable paper record that:
 1. is an individual document that is physically separated from any other similar document and not part of a continuous roll;
 2. is sufficiently durable to withstand repeated handling for the purposes of mandatory random audits and recounts; and
 3. uses ink that does not fade, smear, or otherwise degrade and obscure or obliterate the paper record over time;
 - (2) the voting system has been:

(i) examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission ~~OR THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS~~; and

(ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission or the U.S. Election Assistance Commission; and

(3) the public interest will be served by the certification of the voting system.

(e) In determining whether a voting system meets the required standards, the State Board shall consider:

(1) the commercial availability of the system and its replacement parts and components;

(2) the availability of continuing service for the system;

(3) the cost of implementing the system;

(4) the efficiency of the system;

(5) the likelihood that the system will malfunction;

(6) the system's ease of understanding for the voter;

(7) the convenience of voting afforded by the system;

(8) the timeliness of the tabulation and reporting of election returns;

(9) the potential for an alternative means of verifying the tabulation;

(10) accessibility for all voters with disabilities recognized by the Americans with Disabilities Act; and

(11) any other factor that the State Board considers relevant.

(f) A voting system selected, certified, and implemented under this section shall:

(1) provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities;

(2) ensure the independent, private casting, inspection, verification, and correction of secret ballots by voters with disabilities in an accessible media by both visual and nonvisual means, including synchronized audio output and enhanced visual display; and

(3) comply with both the Americans with Disabilities Act, P.L. 101-336, and the Help America Vote Act, P.L. 107-252, including accessibility standards adopted as part of the Voluntary Voting System Guidelines pursuant to the Help America Vote Act.

(g) (1) At least one voting system in each polling place on election day shall provide access for voters with disabilities in compliance with subsection (f) of this section.

(2) The State Board shall ensure that adequate backup equipment is available and contingency plans are established to ensure compliance with paragraph (1) of this subsection.

(h) Before the selection of a voting system, the State Board shall:

(1) ensure that an accessible voting system conforms to the access requirements of the Voluntary Voting System Guidelines developed in accordance with the Help America Vote Act in effect at the time of selection; and

(2) conduct an accessibility and usability evaluation of the voting system to assess its accessibility and usability by voters with disabilities, including:

(i) a public demonstration of the system; and

(ii) an evaluation by individuals representing a cross-section of voters with disabilities.

(i) (1) The State Board shall adopt regulations relating to requirements for each voting system selected and certified under § 9-101 of this subtitle.

(2) The regulations shall specify the procedures necessary to assure that the standards of this title are maintained, including:

(i) a description of the voting system;

(ii) a public information program by the local board, at the time of introduction of a new voting system, to be directed to all voters, candidates, campaign groups, schools, and news media in the county;

(iii) local election officials' responsibility for management of the system;

- (iv) the actions required to assure the security of the voting system;
 - (v) the supplies and equipment required;
 - (vi) the storage, delivery, and return of the supplies and equipment necessary for the operation of the voting system;
 - (vii) standards for training election officials in the operation and use of the voting system;
 - (viii) before each election and for all ballot styles to be used, testing by the members of the local board to ensure the accuracy of tallying, tabulation, and reporting of the vote, and observing of that testing by representatives of political parties and of candidates who are not affiliated with political parties;
 - (ix) the number of voting stations or voting booths required in each polling place, in relation to the number of registered voters assigned to the polling place;
 - (x) the practices and procedures in each polling place appropriate to the operation of the voting system;
 - (xi) assuring ballot accountability in systems using a document ballot;
 - (xii) the actions required to tabulate votes; and
 - (xiii) postelection review and audit of the system's output.
- (3) Certification of a voting system is not effective until the regulations applicable to the voting system have been adopted.

~~(J) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTIONS (F)(3) AND (H)(1) OF THIS SECTION, IF AT THE TIME OF PROCUREMENT OF A VOTING SYSTEM THERE ARE NO VOTING SYSTEMS COMMERCIALY AVAILABLE THAT SATISFY THE REQUIREMENTS OF SUBSECTIONS (F)(3) AND (H)(1) OF THIS SECTION, THE STATE BOARD SHALL SELECT AND CERTIFY THE VOTING SYSTEM THAT BEST SATISFIES THE REQUIREMENTS OF SUBSECTIONS (F)(3) AND (H)(1) OF THIS SECTION.~~

(J) (1) THIS SUBSECTION APPLIES ONLY IF, AT THE TIME OF PROCUREMENT OF A VOTING SYSTEM, THERE IS NOT A COMMERCIALY AVAILABLE VOTING SYSTEM THAT SATISFIES ALL THE REQUIREMENTS OF THIS SECTION.

(2) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE STATE BOARD SHALL SELECT, CERTIFY, AND DEPLOY A VOTING SYSTEM THAT SATISFIES ALL THE REQUIREMENTS OF THIS SECTION.

(II) NOTWITHSTANDING SUBSECTION (D)(2)(I) OF THIS SECTION, A VOTING SYSTEM SELECTED AND CERTIFIED UNDER THIS SUBSECTION SHALL HAVE BEEN EXAMINED BY AN INDEPENDENT TESTING LABORATORY THAT IS APPROVED BY THE U.S. ELECTION ASSISTANCE COMMISSION OR THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS.

(III) NOTWITHSTANDING SUBSECTIONS (F)(3) AND (H)(1) OF THIS SECTION, A VOTING SYSTEM SELECTED AND CERTIFIED IS NOT REQUIRED TO COMPLY WITH THE ACCESSIBILITY STANDARDS OF THE VOLUNTARY VOTING SYSTEM GUIDELINES UNDER THE HELP AMERICA VOTE ACT.

(3) (I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE STATE BOARD SHALL PROVIDE ~~ONLY~~ AT LEAST ONE VOTING MACHINE IN EACH POLLING PLACE ON ELECTION DAY THAT IS:

1. ACCESSIBLE TO VOTERS WITH DISABILITIES IN ACCORDANCE WITH SUBSECTION (F)(2) OF THIS SECTION; AND
2. AVAILABLE FOR USE BY ALL VOTERS.

(II) A VOTING MACHINE UNDER THIS PARAGRAPH IS NOT REQUIRED TO PROVIDE A VOTER-VERIFIABLE PAPER RECORD IN ACCORDANCE WITH SUBSECTION (D)(1)(VII) OF THIS SECTION.

~~(4) WITHIN 2 YEARS AFTER A VOTING MACHINE THAT PROVIDES A VOTER-VERIFIABLE PAPER RECORD HAS BEEN EXAMINED BY AN INDEPENDENT TESTING LABORATORY THAT IS APPROVED BY THE U.S. ELECTION ASSISTANCE COMMISSION AND SHOWN BY THE TESTING LABORATORY TO MEET THE REQUIREMENTS OF SUBSECTIONS (F)(3) AND (H)(1) OF THIS SECTION, THE STATE BOARD SHALL:~~

~~(I) CERTIFY AND DEPLOY ONE SUCH MACHINE IN EACH POLLING PLACE; AND~~

~~(II) DISCONTINUE USE UNDER PARAGRAPH (3) OF THIS SUBSECTION OF ANY VOTING MACHINES THAT DO NOT PROVIDE A VOTER-VERIFIABLE PAPER RECORD.~~

(4) (I) THE STATE BOARD SHALL CERTIFY AND DEPLOY A VOTING MACHINE THAT PROVIDES A VOTER-VERIFIABLE PAPER RECORD WITHIN 2 YEARS AFTER A DETERMINATION THAT:

1. THE VOTING MACHINE HAS BEEN EXAMINED BY AN INDEPENDENT TESTING LABORATORY THAT IS APPROVED BY THE U.S. ELECTION ASSISTANCE COMMISSION AND SHOWN BY THE TESTING LABORATORY TO MEET THE REQUIREMENTS OF SUBSECTIONS (F)(3) AND (H)(1) OF THIS SECTION;

2. THE VOTING MACHINE IS COMPATIBLE WITH THE VOTING SYSTEM SELECTED AND CERTIFIED FOR VOTING IN POLLING PLACES IN THE STATE; AND

3. THE VOTING MACHINE MEETS THE STATE CERTIFICATION REQUIREMENTS UNDER THIS SECTION.

(II) ON CERTIFICATION AND DEPLOYMENT OF A VOTING MACHINE THAT PROVIDES A VOTER-VERIFIABLE PAPER RECORD IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE BOARD SHALL DISCONTINUE THE USE OF ANY VOTING MACHINE THAT DOES NOT PROVIDE A VOTER-VERIFIABLE PAPER RECORD.

Chapter 547 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to each election [occurring on or after January 1, 2010] BEGINNING WITH THE 2010 GUBERNATORIAL PRIMARY ELECTION, that is required to be conducted in accordance with the Election Law Article.

Chapter 548 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to each election [occurring on or after January 1, 2010] BEGINNING WITH THE 2010 GUBERNATORIAL PRIMARY ELECTION, that is required to be conducted in accordance with the Election Law Article.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) The State Board of Elections shall notify the Department of Legislative Services no later than 15 days after the first election in which voting machines are used that:

(i) produce a voter-verifiable paper record; and

(ii) were examined by an independent testing laboratory ~~the~~ that is approved by the U.S. Election Assistance Commission and shown by the testing laboratory to meet the requirements of § 9-102(f)(3) and (h)(1) of the Election Law Article.

(2) Five days after the Department of Legislative Services receives notice under paragraph (1) of this section, this Act shall be abrogated and of no further force and effect.

SECTION ~~2~~ 3. 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 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 7, 2009.

Chapter 429

(House Bill 937)

AN ACT concerning

Higher Education – Student Financial Assistance – Retention of Unused Funds

FOR the purpose of requiring certain money retained in the State budget at the end of a fiscal year to be used to make awards to students during subsequent fiscal years under the Edward T. Conroy Memorial Scholarship Program and the Veterans of the Afghanistan and Iraqi Conflicts Scholarship; deleting obsolete references; making a technical correction; and generally relating to the funding of certain student financial assistance programs.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 18-107
 Annotated Code of Maryland
 (2008 Replacement Volume)

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

Article – Education

18-107.

(a) (1) Each year, money for each award program under this title shall be included in the State budget.

(2) Each year, the Governor shall include in the State budget at least 80 percent of the funds appropriated in the prior fiscal year for need-based programs as provided in §§ 18-301, 18-706(f), 18-1401, 18-1501, and 18-2601 of this title ~~and § 13-613(d)(1) of the Transportation Article.~~

(b) (1) Except as otherwise provided in this title, money appropriated under this title that is not used by the end of the fiscal year may not revert to the State Treasury.

(2) All money retained under paragraph (1) of this subsection shall be used to make awards to students during subsequent fiscal years as provided in §§ 18-301, **18-601, 18-604**, 18-706(f), 18-1401, 18-14A-01, ~~and~~ 18-1501, **AND 18-2601** of this title ~~and § 13-613(d)(1) of the Transportation Article~~ and may not be used for administrative expenses.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 430

(House Bill 941)

AN ACT concerning

Cecil County – Tobacco Products – Distribution to Minors

FOR the purpose of prohibiting a person from distributing certain tobacco-containing and tobacco-related products to a minor in Cecil County; establishing a certain civil infraction and certain civil penalty; authorizing a certain law enforcement officer in Cecil County to issue certain civil citations in certain circumstances; requiring certain persons issued a certain citation in Cecil County to file a certain notice with a certain District Court in order to elect to stand trial for a certain offense; and generally relating to the distribution of tobacco products to minors in Cecil County.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 15-102.1, 15-103, and 15-104
Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

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

15–102.1.

(a) In this section, “distribute” means to:

- (1) Give, sell, deliver, dispense, or issue;
- (2) Offer to give, sell, deliver, dispense, or issue; or
- (3) Cause or hire any person to give, sell, deliver, dispense, or issue or offer to give, sell, deliver, dispense, or issue.

(b) This section applies only in Garrett County, St. Mary’s County, [and] Carroll County, **AND CECIL COUNTY**.

(c) A person may not:

- (1) Distribute any tobacco product to a minor, unless the minor is acting solely as the agent of the minor’s employer who is engaged in the business of distributing tobacco products;
- (2) Distribute cigarette rolling papers to a minor; or
- (3) Subject to subsection (d) of this section, distribute to a minor a coupon redeemable for a tobacco product.

(d) Subsection (c)(3) of this section does not apply to the distribution of a coupon that is redeemable for a tobacco product if the coupon:

- (1) Is contained in a newspaper, magazine, or other type of publication and the coupon is incidental to the primary purpose of the publication; or
- (2) Is sent through the mail.

(e) A person has not violated this section if:

- (1) The person examined the driver’s license or other valid government–issued identification presented by the recipient of a tobacco product, cigarette rolling paper, or coupon redeemable for a tobacco product; and

(2) The license or other identification positively identified the recipient as being at least 18 years old.

(f) (1) In St. Mary's County, a person who violates this section is committing a civil infraction and is subject to a civil penalty of:

(i) \$300 for the first violation; and

(ii) \$500 for any subsequent violation within a 24-month period from the previous citation.

(2) In Garrett County, a person who violates this section is committing a civil infraction and is subject to a civil penalty not exceeding \$300.

(3) IN CECIL COUNTY, A PERSON WHO VIOLATES THIS SECTION IS COMMITTING A CIVIL INFRACTION AND IS SUBJECT TO A CIVIL PENALTY OF:

(I) \$300 FOR THE FIRST VIOLATION;

(II) ~~\$1,000~~ \$500 FOR A SECOND VIOLATION; AND

(III) ~~\$3,000~~ \$750 FOR EACH SUBSEQUENT VIOLATION.

15-103.

(a) (1) **[A] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** county health officer or a designee of a county health officer may issue a civil citation to a person who violates any provision of this title.

(2) IN CECIL COUNTY, ONLY A SWORN LAW ENFORCEMENT OFFICER MAY ISSUE A CIVIL CITATION TO A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE.

(b) A citation issued under this title shall include:

(1) The name and address of the person charged;

(2) The nature of the violation;

(3) The location and time of the violation;

(4) The amount of the civil penalty;

(5) The manner, location, and time in which the civil penalty may be paid;

- (6) The cited person's right to elect to stand trial for the violation; and
- (7) A warning that failure to pay the civil penalty or to contest liability in a timely manner in accordance with the citation:
 - (i) Is an admission of liability; and
 - (ii) May result in an entry of a default judgment that may include the civil penalty, court costs, and administrative expenses.
- (c) The county health officer **OR SWORN LAW ENFORCEMENT OFFICER** shall retain a copy of the citation.

15-104.

(a) **(1) [A] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** person who receives a citation under this title may elect to stand trial for the offense by filing with the county health officer a notice of intention to stand trial.

(2) IN CECIL COUNTY, A PERSON WHO RECEIVES A CITATION UNDER THIS TITLE MAY ELECT TO STAND TRIAL FOR THE OFFENSE BY FILING A NOTICE OF INTENTION TO STAND TRIAL WITH A COPY OF THE CITATION WITH THE DISTRICT COURT HAVING VENUE AT LEAST 5 DAYS BEFORE THE DATE SET FORTH IN THE CITATION FOR PAYMENT OF THE CIVIL PENALTY.

(b) The person electing to stand trial **UNDER SUBSECTION (A)(1) OF THIS SECTION**, shall give notice at least 5 days before the date set forth in the citation for the payment of the civil penalty.

(c) After receiving a notice of intention to stand trial **FROM A PERSON PROVIDING NOTICE UNDER SUBSECTION (A)(1) OF THIS SECTION**, the county health officer shall forward the notice to the District Court having venue, with a copy of the citation.

(d) After receiving the citation and notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(e) All penalties and forfeitures collected by the District Court for violations of this title shall be remitted to the county in which the violation occurred.

(f) In a proceeding before the District Court, a violation shall be prosecuted in the same manner and to the same extent as a municipal infraction under Article 23A, § 3(b)(7) through (15) of the Code.

(g) The county commissioners of the county in which the violation occurred may authorize the county attorney to prosecute a civil infraction under this title.

(h) If the District Court finds that a person has committed a civil infraction under this title, the person shall be liable for the costs of the court proceedings.

(i) The finding by the District Court of a violation under this title is not a criminal conviction and does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 431

(House Bill 948)

AN ACT concerning

Higher Education – Part-Time Grant Program – Eligibility

FOR the purpose of altering a certain definition to change the number of semester hours of courses in which a student must be enrolled in order to qualify as a part-time student for a certain grant program; limiting the number of grants that may be provided to certain students; and generally relating to eligibility for the Part-Time Grant Program.

BY repealing and reenacting, with amendments,

Article – Education

Section 18-1401 and 18-1402

Annotated Code of Maryland

(2008 Replacement Volume)

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

Article – Education

18-1401.

(a) In this section, “part-time student” means a student who is enrolled in a degree-granting program at an eligible institution and taking at least [6] **3** but no more than 11 semester hours of courses each semester.

(b) In cooperation with the institutions of higher education in the State, the Commission shall establish and administer a grant program for undergraduate part-time students.

(c) A recipient of a part-time grant shall:

(1) Be a resident of the State; and

(2) Have demonstrated a definite financial need according to criteria established by the Commission.

18-1402.

(a) (1) Funds for the Part-Time Grant Program shall be allocated by the Commission to each institution of higher education based upon the number of undergraduate part-time students with demonstrated financial need who are enrolled in degree-granting programs at the institution.

(2) AN INSTITUTION OF HIGHER EDUCATION MAY USE UP TO 10% OF THE PART-TIME GRANT ALLOCATION TO PROVIDE GRANTS TO STUDENTS WHO ARE ENROLLED IN AT LEAST 3 BUT LESS THAN 6 SEMESTER HOURS OF COURSES EACH SEMESTER.

(b) Funds for the grant program for part-time students shall be as provided in the annual budget of the Commission by the Governor.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 432

(House Bill 963)

AN ACT concerning

**Prince George's County - Alcoholic Beverages - Public Consumption and
Open Containers - Penalties**

PG 326-09

FOR the purpose of ~~altering in Prince George's County the penalties for violating certain prohibitions against the public consumption of alcoholic beverages or the public possession of an open container of alcoholic beverages to include the possibility of certain terms of incarceration~~ requiring a person in Prince George's County, who is charged with a certain misdemeanor relating to the public consumption of alcoholic beverages or the public possession of an open container of alcoholic beverages, to comply with a certain command in a charging document by making a personal appearance in court; making certain stylistic changes; and generally relating to penalties for alcoholic beverages violations in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 19–202, 19–203, 19–301(b), and 19–303(14)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 19–204 and 19–302
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article 2B – Alcoholic Beverages

19–202.

(a) A person may not drink any alcoholic beverage, as defined in this article, while:

(1) On public property, unless authorized by a governmental entity that has jurisdiction over the property;

(2) On the mall, adjacent parking area, or other outside area of any combination of privately owned retail establishments, like a shopping center, where the general public is invited for business purposes, unless authorized by the owner of the shopping center;

(3) On an adjacent parking area or other outside area of any other retail establishment, unless authorized by the owner of the establishment; or

(4) In any parked vehicle located on any of the places enumerated in this subsection, unless authorized.

(b) Subsection (a) of this section does not apply to the consumption of alcoholic beverages by passengers in the living quarters of a motor home equipped with a toilet and central heating or the passengers of a chartered bus in transit if the owner or operator has consented to the consumption of the beverages.

19-203.

As to public property, any local governmental entity that owns or otherwise has jurisdiction over the property may adopt by local law or ordinance, as appropriate, standards providing for the authorization of the consumption of alcoholic beverages, otherwise prohibited by this subtitle, and consistent with the intended use of the property by the general public.

19-204.

(A) [Any] ~~EXCEPT AS PROVIDED IN~~ SUBJECT TO SUBSECTION (B) OF THIS SECTION, A person who violates [the provisions of] this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(B) IN PRINCE GEORGE'S COUNTY, A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH IS CHARGED WITH A MISDEMEANOR UNDER THIS SECTION SHALL COMPLY WITH THE COMMAND IN THE CHARGING DOCUMENT TO APPEAR IN COURT BY APPEARING IN COURT IN PERSON.

19-301.

(b) A person may not possess in an open container any alcoholic beverage, as defined in this article, while:

(1) On the mall, adjacent parking area, or other outside area of any combination of privately owned retail establishments, commonly known as a shopping center, to which the general public is invited for business purposes, unless authorized by the owner of the establishment;

(2) On an adjacent parking area or other outside area of any other retail establishment, unless authorized by the owner of the establishment; or

(3) In any parked vehicle located on any of the places enumerated in this section, unless authorized.

19-302.

(A) [Any] ~~EXCEPT AS PROVIDED IN~~ SUBJECT TO SUBSECTION (B) OF THIS SECTION, A person who violates [the provisions of] this subtitle is guilty of a misdemeanor and [upon] ON conviction is subject to a fine not exceeding \$100.

(B) IN PRINCE GEORGE'S COUNTY, A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH IS CHARGED WITH A MISDEMEANOR UNDER THIS SECTION SHALL COMPLY WITH THE COMMAND IN THE CHARGING DOCUMENT TO APPEAR IN COURT BY APPEARING IN COURT IN PERSON.

19-303.

This subtitle applies only in the following counties:

(14) Prince George's County;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 433

(House Bill 964)

AN ACT concerning

Prince George's County – Alcoholic Beverages Licenses – Application Requirements

PG 315-09

FOR the purpose of requiring, in Prince George's County, that an application for an alcoholic beverages license contain a statement, if the applicant is not a citizen of the United States, that the applicant is in legal status in accordance with federal law; requiring, in Prince George's County, that an applicant who is in legal status show proof of the applicant's legal status; and generally relating to applications for alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 10-103(b)(3) and (6)

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 10–103(b–1)

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

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

Article 2B – Alcoholic Beverages

10–103.

(b) Except as otherwise provided in this subtitle, every new application for a license shall be made to the Board of License Commissioners upon forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain the following statements:

(3) (I) Except in Baltimore and Howard counties, a statement that the applicant is a citizen of the United States; **OR**

(II) **IN PRINCE GEORGE’S COUNTY, IF THE APPLICANT IS NOT A CITIZEN OF THE UNITED STATES, A STATEMENT THAT THE APPLICANT IS IN LEGAL STATUS IN ACCORDANCE WITH FEDERAL LAW;**

(6) Except **AS PROVIDED IN SUBSECTION (B–1) OF THIS SECTION** AND in Baltimore and Howard counties, the place of birth of the applicant, and if a naturalized citizen, when and where [he] **THE APPLICANT** was naturalized;

(B–1) IN PRINCE GEORGE’S COUNTY, IF THE APPLICANT IS IN LEGAL STATUS IN ACCORDANCE WITH FEDERAL LAW, THE APPLICATION FOR A LICENSE SHALL CONTAIN PROOF OF THE APPLICANT’S LEGAL STATUS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 434

(House Bill 1045)

AN ACT concerning

Cecil County – Regulation of Domestic Animals

FOR the purpose of altering the number of persons required to make a sworn complaint in the District Court alleging that a domestic animal disturbs the peace and quiet of any neighborhood in an inhabited area ~~of~~, or is vicious and has bitten any person, in Cecil County in order for a summons to be issued to the owner or keeper of the animal; altering a certain penalty; making stylistic changes; and generally relating to the regulation of domestic animals in Cecil County.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 11–504(1)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

11–504.

(1) (5) It is unlawful in Cecil County for any person to own or keep a domestic animal which disturbs the peace and quiet of any neighborhood in an inhabited area, or which is vicious and bites any person. Upon the sworn complaint in the District Court sitting in Cecil County of any [two or more persons of different households] **PERSON** alleging that a domestic animal disturbs the peace and quiet of any neighborhood in an inhabited area of Cecil County, or upon the sworn complaint of any [one or more persons] **PERSON** that a domestic animal is vicious and has bitten any person, a summons shall issue to the owner or keeper of such domestic animal to appear in the District Court sitting in Cecil County. Upon proof that the domestic animal disturbs the peace and quiet of any neighborhood in an inhabited area, or is vicious and has bitten any person, the owner or keeper may be required to deliver up the offending domestic animal to be killed in the most humane manner possible unless he removes the domestic animal permanently from the neighborhood. If the owner or keeper is required to deliver up the domestic animal to be killed or to remove it as aforesaid, and he refuses or fails to do so, then it is the duty of any police officer or any duly empowered agent on behalf of the county to seize the domestic animal wherever it may be found and to cause it to be killed in the most humane manner possible. The court may order the domestic animal restrained or enter such other appropriate order as the case may require. Any owner failing to comply with the provisions of this paragraph or a court order entered thereunder is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than [twenty–five dollars

(\$25.00)] **\$500** for each offense. Notwithstanding the foregoing provisions of this subsection, the barking of hunting dogs in pursuit of game [shall] **MAY** not be considered a disturbance of the public peace for the purposes hereof.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 435

(House Bill 1051)

AN ACT concerning

Employees' Pension System – Service Retirement Allowance – Creditable Service

FOR the purpose of providing that certain individuals who were employed by the City of Annapolis as contractual employees for a certain period of time may receive a certain amount of creditable service in the Employees' Pension System; providing for the termination of this Act; and generally relating to service credit in the Employees' Pension System for contractual employees.

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

(a) This section applies to any individual who:

(1) on or after February 1, 2000, was enrolled in the Employees' Pension System under Title 23 of the State Personnel and Pensions Article as an employee of the City of Annapolis;

(2) on or after July 1, 2003, began working as a contractual employee for the City of Annapolis while participating in the Employees' Pension System;

(3) on or after July 1, 2008, became a permanent employee of the City of Annapolis; and

(4) while a member of the Employees' Pension System as a contractual employee of the City of Annapolis had:

(i) member contributions deducted from the individual's annual earnable compensation; and

(ii) the City of Annapolis pay employer contributions to the Employees' Pension System on behalf of the individual.

(b) An individual described under subsection (a) of this section may receive creditable service in the Employees' Pension System for the period of time the individual was a contractual employee of the City of Annapolis and had employee contributions deducted from the individual's annual earnable compensation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009. It shall remain effective for a period of 6 months and, at the end of December 31, 2009, 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 7, 2009.

Chapter 436

(House Bill 1057)

AN ACT concerning

Net Energy Metering – Micro Combined Heat and Power

FOR the purpose of including a customer that uses a certain micro heat and power electric generating facility that meets certain conditions among the list of eligible customer-generators that are eligible for net energy metering; defining a certain term; and generally relating to net energy metering.

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

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7-306(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 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 ~~or~~, leases and operates ~~uses~~, **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) **“MICRO COMBINED HEAT AND POWER” MEANS THE SIMULTANEOUS OR SEQUENTIAL PRODUCTION OF ~~HEAT AND ELECTRICITY~~ USEFUL THERMAL ENERGY AND ELECTRICAL OR MECHANICAL POWER NOT EXCEEDING 30 KILOWATTS.**

[(4)] (5) “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 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 437**(House Bill 1058)**

AN ACT concerning

Environment – Sewage Sludge Utilization Permits – Local Notice

FOR the purpose of requiring the Department of the Environment to provide notice of a certain application to the legislative body and elected executive of a certain county; requiring the Department to provide notice of a certain application to the elected executive of a certain municipal corporation; and generally relating to sewage sludge utilization permits.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–234
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Article – Environment

9–234.

(a) When the Department receives an application for a permit to utilize sewage sludge at a site, the Department immediately shall mail a copy of the permit application:

(1) To the **LEGISLATIVE BODY AND ANY ELECTED EXECUTIVE OF A** county and to **THE ELECTED EXECUTIVE OF** any municipal corporation where the sewage sludge utilization site is to be located; and

(2) To **THE LEGISLATIVE BODY AND ANY ELECTED EXECUTIVE OF** any other county within 1 mile of the sewage sludge utilization site.

(b) For a permit to apply sewage sludge on marginal land or to construct a permanent facility that is designed primarily to utilize sewage sludge, the Department shall:

(1) Publish notice of the application in a local newspaper having a substantial circulation in the county where the sewage sludge is to be applied or the facility is to be constructed;

(2) Mail a copy of the notice to:

- (i) The local health official;
- (ii) The chairman of the legislative body and any elected executive of the county where the sewage sludge is to be applied or the facility is to be constructed;
- (iii) The elected executive of any municipal corporation where the sewage sludge is to be applied or the facility is to be constructed; and
- (iv) Any other county within 1 mile of where the sewage sludge is to be applied or the facility is to be constructed.

(c) (1) Except as otherwise provided in § 9-234.1 of this subtitle, within 15 days after receiving a copy of the permit application, the executive or the legislative body of the county, or the executive or the legislative body of the municipal corporation, where the sewage sludge is to be applied or the facility is to be constructed may request that the Department hold a public hearing.

(2) If the Department receives a request under paragraph (1) of this subsection, the Department shall hold a public hearing in the affected subdivision in accordance with the Administrative Procedure Act.

(3) If the executives or legislative bodies of more than 1 county or municipal corporation request a hearing under this subsection, the Department may hold a consolidated hearing in 1 county.

(d) For a permit to apply sewage sludge on land other than marginal land, the Department shall mail a copy of the permit application to:

- (1) The local health official;
- (2) The chairman of the legislative body and any elected executive of the county where the sewage sludge is to be applied; and
- (3) The elected executive of any municipal corporation where the sewage sludge is to be applied.

(e) (1) Within 10 days after receiving a copy of the permit application, the executive or the legislative body of the county, or the executive or the legislative body of the municipal corporation, where the sewage sludge is to be applied may request that the Department conduct a public information meeting.

(2) If the Department receives a request under paragraph (1) of this subsection, the Department:

(i) Shall conduct a public information meeting in the affected subdivision;

(ii) May consolidate the public information meeting with 1 or more public information meetings for other applications in the same county; and

(iii) Shall notify the applicant for a permit and give the applicant the opportunity to present information at the public information meeting.

(3) If the executives or legislative bodies of more than 1 county or municipal corporation request a public information meeting under this subsection, the Department may hold a consolidated public information meeting in 1 county.

(f) The Department shall provide each county and municipal corporation that receives a copy of any application under this section with an opportunity to consult with the Department about the decision to issue, deny, or place restrictions on a sewage sludge utilization permit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 438

(House Bill 1134)

AN ACT concerning

Washington Suburban Sanitary Commission – Audit and Financial Statements

MC/PG 122–09

FOR the purpose of requiring the Washington Suburban Sanitary Commission to file each year a certified copy of its annual audit and current financial statements with the Montgomery County and Prince George's County Senate and House delegations to the Maryland General Assembly; and generally relating to the audits and financial statements of the Washington Suburban Sanitary Commission.

BY repealing and reenacting, with amendments,
Article 29 – Washington Suburban Sanitary District
Section 1–106
Annotated Code of Maryland

(2003 Replacement Volume and 2008 Supplement)

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

Article 29 – Washington Suburban Sanitary District

1–106.

The WSSC shall:

- (1) Publish annually in at least one newspaper in Montgomery County, and one in Prince George’s County, a copy of the current financial statement of the WSSC;
- (2) Employ a certified public accountant licensed to practice in this State to audit the books and accounts of the WSSC;
- (3) Keep available and open to public inspection during business hours, at its principal office, the annual audit and current financial statements; and
- (4) File annually with the County Executive and County Council of Prince George’s County [and], the County Executive of Montgomery County, **AND THE MONTGOMERY COUNTY AND PRINCE GEORGE’S COUNTY SENATE AND HOUSE DELEGATIONS TO THE MARYLAND GENERAL ASSEMBLY**, a certified copy of the annual audit and current financial statements.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 439

(House Bill 1136)

AN ACT concerning

**Montgomery County – Washington Suburban Sanitary Commission
– Financial Oversight Act**

MC/PG 101–09

FOR the purpose of requiring the Washington Suburban Sanitary Commission to file a certified copy of its annual audit and current financial statements each year

with the County Council of Montgomery County; authorizing the County Council of Montgomery County to audit and examine the books and records of the Commission under certain circumstances; and generally relating to audits and financial statements of the Washington Suburban Sanitary Commission.

BY repealing and reenacting, with amendments,
Article 29 – Washington Suburban Sanitary District
Section 1–106 and 4–101(d)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

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

Article 29 – Washington Suburban Sanitary District

1–106.

The WSSC shall:

(1) Publish annually in at least one newspaper in Montgomery County, and one in Prince George's County, a copy of the current financial statement of the WSSC;

(2) Employ a certified public accountant licensed to practice in this State to audit the books and accounts of the WSSC;

(3) Keep available and open to public inspection during business hours, at its principal office, the annual audit and current financial statements; and

(4) File annually with the County Executive and County Council of Prince George's County and the County Executive **AND COUNTY COUNCIL** of Montgomery County, a certified copy of the annual audit and current financial statements.

4–101.

(d) The **COUNTY COUNCIL OR** County Executive of Montgomery County or the County Council or County Executive of Prince George's County may at any time in person or by either of their duly authorized agents, audit and examine the books and records of the WSSC; provided, however, that such audit or examination shall be without cost to the WSSC.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 440

(House Bill 1138)

AN ACT concerning

Maryland–Washington Regional District – Prince George’s County – General Plan and ~~Local~~ Area Master Plans

MC/PG 106–09

FOR the purpose of requiring the Maryland–National Capital Park and Planning Commission, at certain intervals, to ~~initiate and adopt a~~ review the general plan for the development of the portion of the Maryland–Washington Regional District that is located in Prince George’s County and certain local master plans for certain areas in the portion of the Maryland–Washington Regional District that is located in Prince George’s County; requiring the Prince George’s District Council, at certain intervals, to consider whether amendments should be made to the area master plan for the development of the portion of the Maryland–Washington Regional District that is located in Prince George’s County; requiring a certain decision of the District Council to be in writing and include certain information; and generally relating to a general plan and certain ~~local~~ area master plans for certain areas in the portion of the Maryland–Washington Regional District located in Prince George’s County.

BY repealing and reenacting, with amendments,
 Article 28 – Maryland–National Capital Park and Planning Commission
 Section 7–108(a) and (b)
 Annotated Code of Maryland
 (2003 Replacement Volume and 2008 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

7–108.

(a) (1) (I) At the direction of the district council for Prince George’s County or the district council for Montgomery County, as the case may be, hereinafter referred to in this section as the “appropriate district council”, the Commission shall initiate and adopt a general plan for the development of that portion of the Maryland–Washington Regional District located in each county and, from time to time, shall initiate and adopt amendments thereto.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL ~~INITIATE AND ADOPT, IN THE YEAR FOLLOWING~~ REVIEW, 2 YEARS AFTER EACH DECENNIAL CENSUS OF THE UNITED STATES, A THE GENERAL PLAN FOR THE DEVELOPMENT OF THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT LOCATED IN PRINCE GEORGE'S COUNTY.

(2) The general plan and amendments shall contain the Commission's recommendations for such development, together with such descriptive or supporting material as the appropriate district council may direct, or the Commission shall determine to be necessary and feasible.

(3) The appropriate district council, pursuant to the procedures set forth in this section, may direct the Commission to prepare the general plan, or amendments thereto, based on studies and the consideration of such elements, factors, and conditions as the following:

(i) Existing and forecasted population, including population distribution and other appropriate characteristics;

(ii) Existing and forecasted amount, type, intensity, general location, and characteristics of commercial, industrial, and public sector facilities, and employment related thereto;

(iii) Existing and forecasted type, amount, need and location of major public services, facilities, and utilities;

(iv) Staging or scheduling of development and capital improvements, and the fiscal or economic impact of same;

(v) Existing and forecasted transportation needs, facilities, routes, and systems;

(vi) Existing and forecasted needs and demand for housing, and the amount, type, quality, and general location of housing;

(vii) Existing land uses, forecasts of land absorption rates or markets, and analyses of the amount, general location, and interrelationships among different categories of land use;

(viii) Physical resources and conditions including, but not limited to, topography, soils, geology and mineral deposits, hydrology and waterways, wetlands and shorelines, water and air quality, climate, noise, open spaces, scenic

areas, vegetation, forests, agricultural lands, fisheries, wildlife and wildlife habitats, and other areas of environmental or ecological importance or sensitivity;

(ix) Sites, structures, areas, or settings of archeological, historical, architectural, cultural, or scenic value or significance;

(x) Extent and general location of physically blighted or deteriorated areas and factors related thereto;

(xi) Evaluation of the probable consequences of major recommendations of the plan on the general physical and social environment and population of the regional district;

(xii) Estimates of the probable consequences on public revenues and expenditures of major recommendations of the plan; and

(xiii) Any other matter, element, factor, or condition determined by the district council or Commission to be necessary and feasible to the preparation or presentation of the general plan.

(4) The appropriate district councils may provide, to the extent necessary and feasible:

(i) That the Commission shall consider various alternative concepts of growth or development in preparing the general plan, and shall appropriately describe the alternatives so considered; and

(ii) That the general plan shall include such chapters or sections as may be necessary to contain and explain its recommendations with respect to any element, factor, or condition set forth in this paragraph and paragraph (3) of this subsection.

(5) The general plan may be amended, extended, added to, or revised from time to time by the initiation and adoption of appropriate amendments to it by the Commission. Any functional master plan, local area master plan, or any amendment thereto shall be an amendment to the general plan if so designated by the appropriate district council.

(6) The material in paragraphs (3) and (4) of this subsection shall be considered as guidelines concerning the basis, contents, and considerations of the general plan, functional master plans, local area master plans, or any amendment thereto, and the plans or any amendments thereto shall not be deemed null and void, inapplicable or inoperative on the ground that the basis, contents, or considerations thereof are not consistent with this article; provided that nothing in this subsection shall prevent, in a judicial review on the record of a governmental action concerning development, consideration of the reasonableness of a plan or its appropriateness and completeness in relation to the governmental action and review.

(b) (1) The appropriate district council shall provide for its county, pursuant to the procedures set forth in this section, to the extent necessary and feasible:

(i) That the Commission shall initiate and adopt, and the district council shall approve and from time to time amend a map showing the entire area of that county within the regional district, divided into local planning areas. Prior to the approval or amendment of the map, the district council shall consult with the Commission with respect to the boundaries of the local planning areas located wholly or partially within that county and, in the event of disagreement as to boundaries, the decision of the district council shall prevail within the area of its jurisdiction;

(ii) 1. NOTWITHSTANDING THE PROVISIONS OF ITEM (I) OF THIS PARAGRAPH, THAT, EVERY 6 YEARS, THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL SHALL CONSIDER WHETHER TO AMEND THE AREA MASTER PLAN IN THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT LOCATED IN PRINCE GEORGE'S COUNTY; AND

2. THAT THE DECISION OF THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL REGARDING WHETHER TO AMEND THE AREA MASTER PLAN SHALL BE IN WRITING AND SHALL INCLUDE THE REASONS FOR THE DECISION;

~~(ii)~~ **(iii)** That, in accordance with the work program and budget adopted by the county council of that county, the Commission shall initiate and adopt, and from time to time may amend or revise, a local master plan for each planning area, any part thereof, or any combination of contiguous planning areas;

~~(iii)~~ **(iv)** That a local master plan may include recommendations for zoning, staging of development and public improvements, and public services relative to the implementation of the plan;

~~(iv)~~ **(v)** That a local master plan shall be based upon and include in greater detail, but need not be limited to, the same factors, elements, and conditions as contained in the general plan and amendments thereto; and

~~(v)~~ **(vi)** That a local master plan or any amendment thereto, adopted hereafter, shall show on a map contained within the plan, the boundary of the area within which it applies.

(2) A local master plan or any amendment thereto shall be, upon adoption by the Commission and approval by the appropriate district council, an amendment to the general plan if so designated by that district council.

(3) Any plan adopted prior to the approval of, or any amendment to, the planning area map shall continue in force and shall not be invalidated by the fact that its boundaries do not correspond to the boundaries as shown on the planning area map.

~~(4) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL INITIATE AND ADOPT, AT LEAST ONCE EVERY 7 YEARS, A LOCAL MASTER PLAN FOR EACH PLANNING AREA, ANY PART THEREOF, OR ANY COMBINATION OF CONTIGUOUS PLANNING AREAS IN THE PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT LOCATED IN PRINCE GEORGE'S COUNTY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 441

(House Bill 1139)

AN ACT concerning

Washington Suburban Sanitary Commission – System Development Surcharge – Exemptions

MC/PG 104-09

FOR the purpose of authorizing the County Councils of Montgomery County and Prince George's County to grant an exemption from a system development charge imposed by the Washington Suburban Sanitary Commission for certain properties owned by certain entities that are exempt from federal taxation and whose primary use, mission, and purpose is to provide recreational and educational programs and services to youth under certain circumstances; extending through a certain date the authority of the county councils of Montgomery County and Prince George's County to grant a certain exemption from a certain system development charge; providing for the termination of this Act; and generally relating to the Washington Suburban Sanitary Commission and the system development charge.

BY repealing and reenacting, with amendments,
Article 29 – Washington Suburban Sanitary District
Section 6-113
Annotated Code of Maryland

(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Chapter 423 of the Acts of the General Assembly of 2007
Section 3

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

Article 29 – Washington Suburban Sanitary District

6–113.

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

(2) “Fixture unit” means the assigned value for a particular plumbing fixture, or group of plumbing fixtures, as set forth in the WSSC plumbing and gas fitting regulations, standardized with a common lavatory having an assigned value of 1 based on its probable discharge into the drainage system or hydraulic demand on the water supply.

(3) “New service” means:

(i) A first time connection of a property to the WSSC water or sewer system; or

(ii) A new connection or increased water meter size for a property previously or currently served by the WSSC if the new connection or increased meter size is needed because of a change in the use of the property or an increase in demand for service at the property.

(4) “Toilet” means a water closet, as set forth in the WSSC plumbing and gas fitting regulations.

(b) (1) Subject to the provisions of this section, in addition to any other charges authorized under this article, the WSSC may impose a system development charge that shall be paid by an applicant for new service.

(2) The system development charge shall be paid as follows:

(i) For residential properties:

1. 50% at the time the application is filed; and
2. 50% within 12 months after the date on which a plumbing permit application is filed with the Commission or on transfer of title to the property, whichever occurs first; and

(ii) For other properties, 100% at the time the plumbing permit application is filed.

(3) At the time of the filing of the plumbing permit application, the applicant shall deposit with the WSSC security in the form of an irrevocable letter of credit or a financial guaranty bond or in a form established and approved by the WSSC under its rules and regulations.

(c) (1) (i) The Montgomery County Council and the Prince George's County Council shall meet annually to discuss and approve the amount of the system development charge.

(ii) The amount of the charge for a particular property:

1. Shall be based on the number of plumbing fixtures and the assigned values for those fixtures as set forth in the WSSC plumbing and gas fitting regulations;

2. Except as provided in item 3 of this subparagraph, on or after July 1, 1998, may not exceed \$200 per fixture unit;

3. For residential properties with five or fewer toilets, shall be based on the number of toilets per dwelling unit and:

A. For each apartment unit, may not exceed \$2,000;

B. For dwellings with one or two toilets, may not exceed \$3,000;

C. For dwellings with three to four toilets, may not exceed \$5,000; or

D. For dwellings with five toilets, may not exceed \$7,000; and

4. For dwellings with more than five toilets, shall be calculated on a fixture unit basis.

(iii) When establishing the charge under this section, the County Councils shall identify and consider the actual cost of construction of WSSC facilities.

(iv) When establishing the charge under this section, under criteria established jointly and agreed to by the County Councils, the County Councils:

1. Shall grant a full or partial exemption from the charge for public sponsored or affordable housing as jointly defined and agreed upon by the County Councils;

2. May grant a full or partial exemption from the charge for:

A. Revitalization projects; or

B. If the property is used [exclusively] **PRIMARYLY** for **RECREATIONAL AND EDUCATIONAL** programs and services to youth, property owned by a community-based organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and that has the [exclusive] **PRIMARY** mission and purpose of providing **RECREATIONAL AND EDUCATIONAL** programs and services to youth, provided the exemption amount is limited to \$80,000; and

3. May grant a full or partial exemption from the charge, under conditions prescribed by the County Councils, for:

A. Residential property located in a mixed retirement development as defined in the zoning ordinance of Prince George's County;

B. Residential property located in a planned retirement community as defined in the zoning ordinance of Montgomery County;

C. Other elderly housing; or

D. Properties used for biotechnology research and development, or manufacturing.

(v) On July 1, 1999, and July 1 of each succeeding year, the maximum charge, as established in subparagraph (ii) of this paragraph, may be changed by an amount equal to the prior calendar year's change in the consumer price index published by the Bureau of Labor Statistics of the United States Department of Labor for urban wage earners and clerical workers for all items for the Washington, D.C. metropolitan area, or the successor index.

(2) If the charge established by the County Councils is less than the amount necessary to recover the full cost of constructing growth related facilities, the WSSC shall identify the portion of the cost of that growth that will be paid by current ratepayers as:

(i) A percentage of any rate increase; and

(ii) The annual monetary amount on a typical residential customer's annual water and sewer bill.

(3) If the County Councils do not agree on the amount of the charge, the charge imposed during the previous year shall continue in effect for the following fiscal year.

(4) If the County Councils have not previously agreed on any system development charge, a system development charge may not be imposed during that fiscal year.

(5) (i) Before July 1, 1994, the WSSC may not impose a system development charge in an amount greater than 50% of the charge established by the County Councils under this subsection.

(ii) Before July 1, 1995, the WSSC may not impose a system development charge greater than 75% of the charge established by the County Councils under this subsection.

(d) (1) (i) The WSSC shall deposit all funds collected under the system development charge into the system development charge fund.

(ii) The system development charge fund is a special fund which may not revert to general funds of the WSSC.

(2) The WSSC may only use the funds collected under the system development charge to:

(i) Pay for new treatment, transmission, and collection facilities, the need for which is directly attributable to the addition of new service, and the construction of which began after July 1, 1993; or

(ii) Amortize any bond that is issued in connection with the construction of those new facilities.

(3) Other costs of enhancement, maintenance, or environmental regulation on existing or new systems shall be borne equally by all ratepayers.

(e) (1) The WSSC may allow a developer to design and construct any on-site or off-site facilities necessary for a project of the developer, as long as those facilities are:

(i) In the WSSC Capital Improvement Program and the 10-year Comprehensive Water Supply and Sewerage System Plan adopted by one of the County Councils;

(ii) Major projects included in the WSSC Capital Improvement Program; or

(iii) Projects that include a sewer main or a water main that:

1. Provides only local service;
2. Is 2,000 feet or less;
3. Has a diameter of:
 - A. 15 inches or more if it is a sewer main; or
 - B. 16 inches or more if it is a water main; and
4. Is built to avoid unnecessary and uneconomical duplication when a major project is constructed.

(2) A facility constructed under this subsection shall be designed, constructed, and inspected in accordance with:

- (i) The standards utilized by the WSSC; and
- (ii) All applicable laws, regulations, and written policies of the WSSC.

(3) After the WSSC approves facilities constructed by a developer under this subsection, the WSSC shall:

- (i) Accept the facilities as part of the WSSC system; and
- (ii) Subject to the provisions of paragraph (4) of this subsection, grant the developer a credit against any charge imposed under this section in an amount equal to the cost of constructing those facilities.

(4) The internal auditor of the WSSC shall review and approve the costs incurred by the developer.

(5) The WSSC and the developer shall enter into an agreement incorporating the provisions of this subsection.

(6) If the WSSC rejects a developer's request to design and construct facilities under this subsection, the WSSC shall submit to the developer a written explanation of the reasons for the rejection.

(7) The WSSC shall submit a report at the end of each fiscal year to the House and Senate Delegations of both counties and to the County Councils. The report shall state the number of requests made by developers under this subsection including the number of acceptances and rejections by the WSSC and the justification for any rejections.

Chapter 423 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 [2] ~~5~~ **3** years AND 6 MONTHS and, at the end of ~~June 30~~ **DECEMBER 31**, [2009] ~~2012~~ **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 this Act shall take effect July 1, 2009. It shall remain effective for a period of ~~3 years~~ 1 year and 6 months and, at the end of ~~June 30~~ December 31, ~~2012~~ 2010, 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 7, 2009.

Chapter 442

(House Bill 1141)

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Montgomery County Municipal Corporations – Authority to Regulate Commercial Signs

MC/PG 111–09

FOR the purpose of authorizing municipal corporations in Montgomery County to enact by local law certain regulations for commercial signs; and generally relating to the authority of municipal corporations in Montgomery County to regulate commercial signs.

BY adding to

Article 28 – Maryland–National Capital Park and Planning Commission
Section 8–115.2
Annotated Code of Maryland
(2003 Replacement Volume and 2008 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

8–115.2.

(A) THIS SECTION ONLY APPLIES TO MUNICIPAL CORPORATIONS LOCATED IN MONTGOMERY COUNTY.

(B) NOTWITHSTANDING ANY OTHER LAW, A MUNICIPAL CORPORATION MAY ENACT BY LOCAL LAW AN ADDITIONAL OR STRICTER COMMERCIAL SIGN REGULATION THAN IS OTHERWISE IMPOSED BY THE STATE, THE COMMISSION, OR THE COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 443

(House Bill 1144)

AN ACT concerning

~~Maryland-Washington Regional District Highways Pedestrian and Bicycle Traffic and Facilities~~ Bicycle and Pedestrian Advisory Committee - Membership

MC/PG 115-09

FOR the purpose of ~~requiring the Maryland National Capital Park and Planning Commission in the Maryland Washington Regional District to consider certain information relating to existing hiking, biking, and walking trails in the Commission's review of certain proposed construction projects; requiring the Commission to communicate its reasons to certain persons if the Commission does not approve a certain proposed facility without conditions under certain circumstances; requiring the Director of Bicycle and Pedestrian Access to consult regularly with the Commission; adding a representative from the Maryland National Capital Park and Planning Commission to the membership of the Bicycle and Pedestrian Advisory Committee; increasing the maximum number of members of the Committee; requiring the State Highway Administration, for a project located in the Maryland Washington Regional District, to implement a certain plan to increase safety and access for bicycle or pedestrian traffic; requiring the plan to be developed by a certain local government in consultation with the Commission under certain circumstances; requiring the Administration to construct a project in the Maryland Washington Regional District in a manner that will enhance, to the extent possible, existing major routes for pedestrian and bicycle traffic; requiring the Administration to develop certain guidelines in consultation with the~~

~~Commission under certain circumstances; requiring sidewalks to be constructed in response to a request by the Commission under certain circumstances; requiring certain persons that regularly employ more than a certain number of employees located in the Maryland-Washington Regional District to report to the Commission regarding certain accommodations for bicycle access by a certain date; making stylistic and technical changes; and generally relating to the bicycle and pedestrian traffic and facilities in the Maryland-Washington Regional District, and generally relating to the membership of the Bicycle and Pedestrian Advisory Committee.~~

~~BY repealing and reenacting, with amendments,
Article 28 – Maryland National Capital Park and Planning Commission
Section 7-112
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~2-604(b)(5), 2-606(b) and (d), 8-204(e), 8-601.1, and 8-630(b), (d), and (e)~~
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 2-606(a) and (c)
Annotated Code of Maryland
(2008 Replacement Volume)

~~BY repealing and reenacting, with amendments,
Article – Transportation
Section 21-1008
Annotated Code of Maryland
(2006 Replacement Volume and 2008 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**~~

~~7-112.~~

~~(A) (1) [When] AFTER the Commission has adopted a master plan of highways of the regional district and has certified the plan to the County Council and clerk of the Circuit Court of Montgomery County and to the Board of County Commissioners and clerk of the Circuit Court of Prince George's County, [thereafter no road, park, or other public way or ground, no public (including federal) buildings or~~

~~structures, and no public utility, whether publicly or privately owned, shall] **THE FOLLOWING FACILITIES MAY NOT** be located, constructed, or authorized in the regional district [until and] unless the proposed location, character, grade, and extent [thereof] **OF THE FACILITY** has been submitted to and approved by the Commission:~~

~~(I) **A ROAD, PARK, OR OTHER PUBLIC WAY OR GROUND;**~~

~~(II) **A PUBLIC BUILDING OR STRUCTURE, INCLUDING A FEDERAL BUILDING OR STRUCTURE; AND**~~

~~(III) **A PUBLICLY OR PRIVATELY OWNED PUBLIC UTILITY.**~~

~~(2) **IN REVIEWING A PROPOSED PUBLIC FACILITY SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL CONSIDER THE FEASIBILITY OF CONSTRUCTING THE FACILITY IN A MANNER THAT WILL ENHANCE, TO THE EXTENT POSSIBLE, EXISTING SIDEWALKS AND HIKING, BIKING, AND WALKING TRAILS.**~~

~~(B) (1) [In case of disapproval] **IF THE COMMISSION DOES NOT APPROVE WITHOUT CONDITION A PROPOSED FACILITY SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION,** the Commission shall communicate its reasons to the State, federal, county, municipal, or district board, body, or official [proposing to locate, construct, or authorize such public way, ground, building, structure, or utility] **THAT SUBMITTED THE PROPOSED FACILITY.**~~

~~(2) [Thereupon] **ON RECEIPT OF THE COMMISSION'S REASONS FOR DISAPPROVAL,** the board, body, or official in its discretion may overrule the disapproval and proceed.~~

~~(C) (1) The widening, extension, relocation, narrowing, vacation, abandonment, change of use of any road, park, or other public way or ground in the regional district, or the acquisition or sale of any land in the regional district by any public board, body, or official shall be subject to [similar] submission and approval; and the failure] **AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**~~

~~(2) **FAILURE BY THE COMMISSION** to approve **A PROPOSED PROJECT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION** may be [similarly] overruled **AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**~~

~~(D) The failure of the Commission to act within 60 days [from and] after the date of official submission to it shall be deemed an approval, unless [a longer period be granted by] the submitting **PUBLIC** board, body, or official **GRANTS A LONGER PERIOD FOR THE COMMISSION TO ACT.**~~

~~(E) (1) After appropriate public hearings, the Commission shall adopt uniform standards of review to be followed in reviewing changes to public property located in the regional district.~~

~~(2) The Commission shall publish a notice of the adoption of the standards of review in one newspaper of record that is published in each county.~~

~~(3) The notice shall [include]:~~

~~(I) INCLUDE a summary of the purpose of the standards and the review process[.]; AND~~

~~(II) [The notice also shall identify] IDENTIFY a location and a phone number to contact for a complete copy of the standards of review.~~

Article – Transportation

~~2-604.~~

~~(b) To carry out the purposes of this subtitle, the Director shall:~~

~~(5) Consult regularly with the Bicycle and Pedestrian Advisory Committee established under § 2-606 of this subtitle AND WITH THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT.~~

2-606.

(a) The Governor shall appoint a Bicycle and Pedestrian Advisory Committee to provide guidance to State agencies concerning:

- (1) Funding of bicycle and pedestrian related programs;
- (2) Public education and awareness of bicycling and pedestrian related activities;
- (3) Public education and awareness of bicycling and pedestrian safety; and
- (4) Any other issue directly related to bicycling and pedestrians.

(b) The Committee shall consist of the following:

- (1) One representative each from:
 - (i) The Department of Transportation;

- (ii) The Department of Natural Resources;
- (iii) The State Department of Education;
- (iv) The Department of State Police;
- (v) The Department of Business and Economic Development;
- (vi) The Department of Health and Mental Hygiene;
- (vii) The Department of Planning; [and]
- (viii) The Department of Disabilities; **AND**

(IX) THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION;

(2) One citizen member from each of the following areas:

- (i) The Eastern Shore;
- (ii) Western Maryland; and
- (iii) Southern Maryland;

(3) Two citizen members from each of the following areas:

- (i) The Baltimore metropolitan area; and
- (ii) The Washington metropolitan area; and

(4) Up to six citizen members selected to represent the interests of bicyclists, pedestrians, and the disabled community to include:

- (i) A representative of individuals who are visually impaired;
- and
- (ii) A representative of individuals who are mobility impaired.

(c) One of the citizen members selected under subsection (b) of this section shall have an expertise in bicycle and pedestrian safety.

(d) The total membership of the Committee may not exceed [21] **22** members.

~~8-204.~~

~~(e) (1) (I) The Administration shall:~~

~~[(i)] 1. Determine and may change from time to time the location, construction, geometrics, design, and maintenance of the State highway system; and~~

~~[(ii) 1.] 2. If the Administration and a local government designate an area as a bicycle and pedestrian priority area, implement a plan developed in cooperation with the local government to increase safety and access for bicycle or pedestrian traffic.~~

~~[2.] (H) If there is no State highway within the limits of the bicycle and pedestrian priority area, the plan shall be developed by the local government.~~

~~(2) FOR A PROJECT LOCATED IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT:~~

~~(I) IF THE ADMINISTRATION AND A LOCAL GOVERNMENT DESIGNATE AN AREA AS A BICYCLE AND PEDESTRIAN PRIORITY AREA IN CONSULTATION WITH THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION, THE ADMINISTRATION SHALL IMPLEMENT A PLAN DEVELOPED IN COOPERATION WITH THE LOCAL GOVERNMENT AND IN CONSULTATION WITH THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION TO INCREASE SAFETY AND ACCESS FOR BICYCLE OR PEDESTRIAN TRAFFIC; OR~~

~~(II) IF THERE IS NO STATE HIGHWAY WITHIN THE LIMITS OF THE BICYCLE AND PEDESTRIAN PRIORITY AREA, THE PLAN TO INCREASE SAFETY AND ACCESS FOR BICYCLE OR PEDESTRIAN TRAFFIC SHALL BE DEVELOPED BY THE LOCAL GOVERNMENT IN CONSULTATION WITH THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION.~~

~~[(2)] (3) A plan for traffic management in a bicycle and pedestrian priority area shall provide for:~~

~~(i) Appropriate changes to the location, construction, geometrics, design, and maintenance of the State highway system to increase safety and access for bicycle or pedestrian traffic in the bicycle and pedestrian priority area; and~~

~~(ii) The appropriate use of traffic control devices including pedestrian control signals, traffic signals, stop signs, and speed bumps.~~

~~§ 601.1.~~

~~(a) (1) The Administration may not construct any project that will result in the severance or destruction of an existing major route for bicycle transportation traffic, unless the project provides for construction of a reasonable alternative route or such a route already exists.~~

~~(2) IN THE MARYLAND WASHINGTON REGIONAL DISTRICT, THE ADMINISTRATION SHALL STRIVE TO CONSTRUCT A PROJECT IN A MANNER THAT WILL ENHANCE, TO THE EXTENT POSSIBLE, EXISTING MAJOR ROUTES FOR PEDESTRIAN AND BICYCLE TRAFFIC.~~

~~(b) The Administration shall develop guidelines jointly with local governments AND IN THE MARYLAND WASHINGTON REGIONAL DISTRICT, IN CONSULTATION WITH THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION, to carry out the provisions of this section.~~

~~§ 630.~~

~~(b) (1) Sidewalks shall be constructed at the time of construction or reconstruction of an urban highway, or in response to the request of a local government OR THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN THE MARYLAND WASHINGTON REGIONAL DISTRICT unless:~~

~~(i) The Administration determines that the cost or impacts of constructing the sidewalks would be too great in relation to the need for them or their probable use; or~~

~~(ii) The local government indicates that there is no need for sidewalks.~~

~~(2) Sidewalks constructed under this section shall be consistent with area master plans and transportation plans adopted by the local planning commission.~~

~~(d) (1) The Administration may not construct any project that will result in the severance or destruction of an existing major route for pedestrian transportation traffic, unless the project provides for construction of a reasonable alternative route or such a route already exists.~~

~~(2) FOR A PROJECT IN THE MARYLAND WASHINGTON REGIONAL DISTRICT, THE ADMINISTRATION SHALL STRIVE TO CONSTRUCT THE PROJECT IN A MANNER THAT WILL ENHANCE, TO THE EXTENT POSSIBLE, EXISTING MAJOR ROUTES FOR PEDESTRIAN AND BICYCLE TRAFFIC.~~

~~(e) The Administration shall develop guidelines jointly with local governments AND IN CONSULTATION WITH THE MARYLAND NATIONAL CAPITAL~~

~~PARK AND PLANNING COMMISSION IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT to carry out the provisions of this section.~~

~~21-1008.~~

~~(A) By fiscal year 2000, each public institution of higher education and State employment facility shall provide reasonable accommodations necessary for bicycle access, including parking for bicycles.~~

~~(B) BY FISCAL YEAR 2011, EACH STATE, FEDERAL, COUNTY, MUNICIPAL, OR PUBLIC DISTRICT, BOARD, BODY, OR OFFICIAL THAT REGULARLY EMPLOYS MORE THAN 50 EMPLOYEES LOCATED IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT SHALL SUBMIT TO THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION A PLAN FOR PROVIDING REASONABLE ACCOMMODATIONS FOR BICYCLE ACCESS, INCLUDING PARKING FACILITIES FOR BICYCLES UTILIZED BY VISITORS AND EMPLOYEES AT APPROPRIATE PUBLIC FACILITIES AND LOCATIONS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 444

(House Bill 1171)

AN ACT concerning

Alternative Energy Tax Incentive Act of 2009

FOR the purpose of exempting from the sales and use tax the sale of certain wind energy equipment to be used for certain residential purposes; clarifying that certain solar energy property that uses solar thermal electric energy is exempt from the State and local property tax; exempting from the State and local property tax certain wind energy equipment to be used for certain residential purposes; ~~exempting from the State and local property tax certain methane digesters~~; defining certain terms; and generally relating to certain tax benefits for certain alternative energy.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 11-230

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 7–242

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

Article – Tax – General

11–230.

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

(2) “Geothermal equipment” means equipment that uses ground loop technology to heat and cool a structure.

(3) **“RESIDENTIAL WIND ENERGY EQUIPMENT” MEANS EQUIPMENT INSTALLED ON RESIDENTIAL PROPERTY THAT USES WIND ENERGY TO GENERATE ELECTRICITY TO BE USED IN A RESIDENTIAL STRUCTURE ON THE PROPERTY.**

[(3)] (4) (i) “Solar energy equipment” means equipment that uses solar energy to heat or cool a structure, generate electricity to be used in a structure, or provide hot water for use in a structure.

(ii) “Solar energy equipment” does not include equipment that is part of a nonsolar energy system or that uses any type of recreational facility or equipment as a storage medium.

(b) The sales and use tax does not apply to a sale of geothermal equipment, **RESIDENTIAL WIND ENERGY EQUIPMENT**, or solar energy equipment.

Article – Tax – Property

7–242.

[(a) In this section, “solar energy property” means equipment that is installed to use solar energy to generate electricity to be used in a structure, or provide hot water for use in a structure.]

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

~~(2) “METHANE DIGESTER” MEANS EQUIPMENT THAT IS INSTALLED TO APPLY WASTEWATER AND SOLIDS TREATMENT TECHNOLOGY THAT, WHEN USED ON A FARM, PROCESSES ANIMAL WASTE UNDER ANAEROBIC CONDITIONS, YIELDING METHANE GAS AND REDUCING THE VOLUME OF SOLIDS AND TREATED LIQUIDS.~~

~~(3)~~ (2) “RESIDENTIAL WIND ENERGY EQUIPMENT” MEANS EQUIPMENT ON RESIDENTIAL PROPERTY THAT IS INSTALLED TO USE WIND ENERGY TO GENERATE ELECTRICITY TO BE USED IN A RESIDENTIAL STRUCTURE ON THE PROPERTY.

~~(4)~~ (3) “SOLAR ENERGY PROPERTY” MEANS EQUIPMENT THAT IS INSTALLED TO USE SOLAR ENERGY OR SOLAR THERMAL ELECTRIC ENERGY TO GENERATE ELECTRICITY TO BE USED IN A STRUCTURE, OR PROVIDE HOT WATER FOR USE IN A STRUCTURE.

(b) Except as provided in § 8-240 of this article, [solar energy property is not subject to real property tax] **THE FOLLOWING ARE NOT SUBJECT TO REAL PROPERTY TAX:**

- (1) ~~METHANE DIGESTERS;~~
- ~~(2)~~ RESIDENTIAL WIND ENERGY EQUIPMENT; AND
- ~~(3)~~ (2) SOLAR ENERGY PROPERTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 445

(House Bill 1179)

AN ACT concerning

Election Law – Early Voting

FOR the purpose of establishing a process to allow a voter in the State to vote in primary or general elections at early voting centers, instead of in the voter’s assigned precinct on election day; requiring each county to have a specified

number of early voting centers, based on the number of registered voters in the county; requiring the State Board of Elections, in collaboration with the local board of elections in a county, to designate the early voting polling centers in that county; requiring early voting centers to be open for voting during a certain period and during certain hours; requiring each early voting center to meet certain requirements; requiring the State Board and the local boards to take certain steps to inform voters about early voting and the location of early voting centers; making certain provisions of law applicable to early voting; requiring the State Board to adopt regulations and guidelines for the conduct of early voting; requiring local boards to pay an election judge for each early voting day that the election judge actually serves; authorizing a voter to cast a provisional ballot at an early voting center; ~~repealing a certain provision that requires the Comptroller to establish a certain tax add-on system that allows contributions to the Fund; authorizing an early voting center to be located in a building that is partially occupied by an establishment that holds an alcoholic beverages license under certain circumstances; stating the finding of the General Assembly that a certain fund is inoperable; stating that a certain report supports the finding that a certain fund is inoperable; requiring the State Board to expend a certain amount from a certain fund to finance the cost to the State of implementing early voting for certain elections; requiring the Comptroller to disburse funds, at the request of the State Board, from a certain fund for the purpose of implementing early voting for certain elections;~~ defining a certain term; making conforming changes; and generally relating to early voting.

BY repealing

Article – Election Law
Section 1–101(ii)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY renumbering

Article – Election Law
Section 1–101(x) through 1–101(hh), respectively
to be Section 1–101(y) through (ii), respectively
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY adding to

Article – Election Law
Section 1–101(x) and 10–301.1
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law
Section 9–404, ~~10–101, 10–205, and 10–310(a), 10–310(a), and 15–103~~ and
10–310(a)

Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section ~~10-101~~ and 10-203
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

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

Article – Election Law

1-101.

[(ii) “Precinct register” means the list of voters for a single precinct.]

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 1-101(x) through (hh), respectively, of Article – Election Law of the Annotated Code of Maryland be renumbered to be Section(s) 1-101(y) through (ii), respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Election Law

1-101.

(X) “ELECTION REGISTER” MEANS THE LIST OF VOTERS ELIGIBLE TO VOTE:

(1) IN A PRECINCT ON ELECTION DAY; OR

(2) IN A COUNTY EARLY VOTING CENTER DURING EARLY VOTING.

9-404.

(a) If an individual is eligible under subsection (b) of this section, the individual shall be issued and may cast a provisional ballot:

(1) at a polling place on election day; [or]

(2) AT AN EARLY VOTING CENTER DURING EARLY VOTING; OR

[(2)] (3) at the local board office in the county where the individual resides after the close of registration and before the closing of the polls on election day.

(b) An individual is eligible to cast a provisional ballot if:

(1) the individual declares in a written affirmation submitted with the provisional ballot that the individual is a registered voter in the State and is eligible to vote in that election; and

(2) (i) the individual's name does not appear on the [precinct] **ELECTION** register;

(ii) an election official asserts that the individual is not eligible to vote; or

(iii) the individual does not have the necessary identification.

(c) In addition to the individuals who cast provisional ballots under subsections (a) and (b) of this section, any individual who appears to vote during a period covered by a court order or other order extending the time for closing the polls shall cast a provisional ballot. A provisional ballot cast under this subsection shall be separated and held apart from other provisional ballots cast by those not affected by the order.

10-101.

(a) (1) Each local board shall designate a polling place that meets the requirements of this subsection for each precinct in the county as established by the local board in accordance with Title 2 of this article.

(2) Each polling place shall:

(i) provide an environment that is suitable to the proper conduct of an election;

(ii) be located as conveniently as practicable for the majority of registered voters assigned to that polling place;

(iii) except as authorized in paragraph (4) of this subsection, be in a public building;

(iv) be in the precinct that it serves unless no suitable location for a polling place can be found within that precinct, in which case the board may establish the polling place in an adjacent precinct; and

(v) whenever practicable, be selected and arranged to avoid architectural and other barriers that impede access or voting by elderly and physically disabled voters.

(3) (i) The public official responsible for the use of any public building requested by a local board for a polling place shall make available to the local board, without charge, the space that is needed in the building for the proper conduct of an election.

(ii) Light, heat, and custodial and janitorial services for the space shall be provided to the local board without charge.

(4) (i) If suitable space in a public building is not available, a local board may pay a reasonable fee for the use of space in a privately owned building.

(ii) Except as provided in ~~subparagraph (iii)~~ **SUBPARAGRAPHS (III) AND (IV)** of this paragraph, an election may not be held in any building or part of any building used or occupied by an establishment that holds an alcoholic beverages license.

(iii) An election may be held in a building that is owned and occupied by an establishment that holds an alcoholic beverages license if:

1. the local board determines that there is no suitable alternative place to hold an election;

2. the licensee agrees not to sell or dispense alcoholic beverages during the period beginning 2 hours before the polls open and ending 2 hours after the polls close; and

3. where applicable, all ballots are removed from the polling place by the local board immediately following the election.

(IV) AN EARLY VOTING CENTER MAY BE LOCATED IN A BUILDING THAT IS PARTIALLY OCCUPIED BY AN ESTABLISHMENT THAT HOLDS AN ALCOHOLIC BEVERAGES LICENSE IF:

1. THE STATE BOARD, IN COLLABORATION WITH A LOCAL BOARD, DETERMINES THAT THE BUILDING IS A SUITABLE SITE FOR AN EARLY VOTING CENTER; AND

2. THE ENTRANCE TO A LICENSEE'S ESTABLISHMENT IS AT LEAST 100 FEET FROM THE ENTRANCE TO THE BUILDING THAT IS CLOSEST TO THE PART OF THE BUILDING WHERE THE EARLY VOTING CENTER IS LOCATED.

(5) If a polling place is located in a building owned or leased by a volunteer fire company or rescue squad, the volunteer fire company or rescue squad may require the local board to pay for the use of the space that is needed in the building for the proper conduct of any election.

(b) (1) (i) In Baltimore City, public buildings shall be used for polling places to the greatest extent feasible.

(ii) For rental of privately owned polling places in Baltimore City, the local board shall pay an amount as determined in the ordinance of estimates, provided that the amount is uniform on a citywide basis.

(2) In Charles County, the local board may use private firehouses, private halls, and other buildings for polling places.

(3) In Montgomery County, the County Board of Education shall make available the space and custodial service as needed for the proper conduct of elections upon application by the local board.

10-203.

(a) The election director, with the approval of the local board, shall appoint the election judges for each polling place for a term that begins on the Tuesday that is 13 weeks before each statewide primary election.

(b) One or two election judges in each precinct shall:

(1) be designated chief judge; and

(2) supervise the staff at the polling place.

(c) The term of office for an election judge continues until the Tuesday that is 13 weeks before the next statewide primary election unless:

(1) the local board excuses the person for good cause; or

(2) a special election is held during the election judge's term of office and the State Board determines that a local board may not need the service of all of the appointed election judges.

(d) A local board shall fill each vacant election judge position in the same manner as set forth in subsection (a) of this section.

10-205.

(a) (1) A local board may fix the compensation of election judges within the limits authorized for this purpose by the county's governing body.

(2) A LOCAL BOARD SHALL PAY AN ELECTION JUDGE FOR EACH ELECTION DAY AND EACH EARLY VOTING DAY THAT THE ELECTION JUDGE ACTUALLY SERVES.

(b) (1) In Allegany County, the compensation for each day actually served may not be less than:

- (i) \$100 per day for each chief election judge; and
- (ii) \$80 per day for every other election judge.

(2) (i) In Baltimore City, the compensation for each election day **OR EARLY VOTING DAY** actually served shall be:

- 1. not less than \$200 per day for each chief election judge; and
- 2. not less than \$150 per day for every other election judge.

(ii) 1. In Baltimore City, except as provided in subparagraph 2 of this subparagraph, an election judge shall receive \$20 as compensation for completing the course of instruction required under § 10–206(g)(1) of this subtitle.

2. Unless the local board excuses the election judge from service, an election judge who fails to serve on election day **OR ON AN EARLY VOTING DAY** may not receive the compensation authorized under this subparagraph.

(3) In Baltimore County, the compensation for each election day **OR EARLY VOTING DAY** actually served shall be:

- (i) \$225 per day for each chief election judge; and
- (ii) \$162.50 per day for every other election judge.

(4) In Calvert County, the compensation for each election day **OR EARLY VOTING DAY** actually served shall be:

- (i) \$125 per day for each chief election judge; and
- (ii) \$100 per day for every other election judge.

(5) In Harford County, the compensation for each election day **OR EARLY VOTING DAY** actually served shall be:

- (i) not less than \$160 per day for each chief election judge; and
- (ii) not less than \$125 per day for every other election judge.

(6) (i) In Prince George's County, the compensation for each election day **OR EARLY VOTING DAY** actually served shall be not less than:

- 1. \$250 per day for two chief election judges; and
- 2. \$200 per day for every other election judge.

(ii) 1. In Prince George's County, except as provided under subparagraph 2 of this subparagraph, election judges and alternate election judges shall receive \$50 as compensation for completing the course of instruction required under § 10-206 of this subtitle.

2. An election judge or alternate election judge may not receive the compensation authorized under this subparagraph if the election judge refuses to serve on an election day **OR ON AN EARLY VOTING DAY**, unless the local board excuses the election judge.

(7) (i) In Washington County, the compensation for each election day **OR EARLY VOTING DAY** actually served shall be:

- 1. \$175 per day for each chief election judge, plus a mileage allowance as determined by the Washington County Board; and
- 2. \$150 per day for every other election judge.

(ii) In Washington County, a chief election judge or election judge who successfully completes a course of instruction in poll working shall be eligible for additional compensation, if approved by the Washington County Board and provided for in the county budget.

10-301.1.

(A) EXCEPT AS PROVIDED UNDER TITLE 9, SUBTITLE 3 OF THIS ARTICLE, DURING ANY REGULARLY SCHEDULED PRIMARY OR GENERAL ELECTION A VOTER MAY VOTE:

(1) IN THE VOTER'S ASSIGNED PRECINCT ON ELECTION DAY; OR

(2) AT AN EARLY VOTING CENTER IN THE VOTER'S COUNTY OF RESIDENCE ON ANY EARLY VOTING DAY IN ACCORDANCE WITH THIS SECTION.

(B) (1) EACH COUNTY SHALL HAVE AT LEAST ONE EARLY VOTING CENTER ESTABLISHED IN THE COUNTY AS PRESCRIBED IN THIS SUBSECTION.

(2) A COUNTY WITH FEWER THAN 150,000 REGISTERED VOTERS SHALL HAVE ONE EARLY VOTING CENTER ESTABLISHED IN THE COUNTY.

(3) A COUNTY WITH MORE THAN 150,000 BUT FEWER THAN 300,000 REGISTERED VOTERS SHALL HAVE THREE EARLY VOTING CENTERS ESTABLISHED IN THE COUNTY.

(4) A COUNTY WITH MORE THAN 300,000 REGISTERED VOTERS SHALL HAVE FIVE EARLY VOTING CENTERS ESTABLISHED IN THE COUNTY.

(C) ~~THE~~ NO LATER THAN 6 MONTHS BEFORE A PRIMARY ELECTION, THE STATE BOARD, IN COLLABORATION WITH THE LOCAL BOARD IN EACH COUNTY, SHALL DESIGNATE EACH EARLY VOTING CENTER IN THAT COUNTY.

(D) EACH EARLY VOTING CENTER SHALL BE OPEN FOR VOTING AS FOLLOWS:

~~(1) BEGINNING THE SECOND FRIDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE FRIDAY THURSDAY BEFORE THE ELECTIONS, BUT EXCLUDING SUNDAY; AND~~

~~(2) DURING THE HOURS BETWEEN 7 A.M. 10 A.M. AND 8 P.M.~~

(1) FOR THE 2010 GUBERNATORIAL PRIMARY AND GENERAL ELECTIONS:

(I) BEGINNING THE SECOND FRIDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS, BUT EXCLUDING SUNDAY; AND

(II) DURING THE HOURS BETWEEN 10 A.M. AND 8 P.M.; AND

(2) FOR THE 2012 PRESIDENTIAL PRIMARY AND GENERAL ELECTIONS:

(I) BEGINNING THE SECOND SATURDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS; AND

(II) 1. DURING THE HOURS BETWEEN 10 A.M. AND 8 P.M. ON THE SATURDAY AND THE MONDAY THROUGH THE THURSDAY DURING THE EARLY VOTING PERIOD; AND

2. DURING THE HOURS BETWEEN 12 NOON AND 6 P.M. ON THE SUNDAY DURING THE EARLY VOTING PERIOD.

(E) EACH EARLY VOTING CENTER SHALL SATISFY THE REQUIREMENTS OF § 10-101 OF THIS TITLE.

(F) BEGINNING 30 DAYS PRIOR TO EACH EARLY VOTING PERIOD THE STATE BOARD AND EACH LOCAL BOARD SHALL UNDERTAKE STEPS TO INFORM THE PUBLIC ABOUT EARLY VOTING AND THE LOCATION OF EARLY VOTING CENTERS IN EACH COUNTY, INCLUDING:

- (1) A SERIES OF PUBLIC SERVICE MEDIA ANNOUNCEMENTS;**
- (2) MAILINGS TO ALL REGISTERED VOTERS IN EACH COUNTY; AND**
- (3) OTHER MEASURES AS APPROPRIATE.**

(G) EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION, ANY PROVISION OF THIS ARTICLE THAT APPLIES TO VOTING ON ELECTION DAY ALSO APPLIES TO EARLY VOTING.

(H) THE STATE BOARD SHALL ADOPT REGULATIONS AND GUIDELINES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION FOR THE CONDUCT OF EARLY VOTING.

10-310.

(a) For each individual who seeks to vote, an election judge, in accordance with instructions provided by the local board, shall:

(1) locate the individual's name in the [precinct] ELECTION register and locate the preprinted voting authority card and then authorize the individual to vote a regular ballot;

(2) (i) if the individual's name is not found on the [precinct] ELECTION register, search the inactive list and if the name is found, authorize the individual to vote a regular ballot; or

(ii) if the individual's name is not on the inactive list, refer the individual for provisional ballot voting under § 9-404 of this article;

(3) establish the identity of the voter by requesting the voter to state the month and day of the voter's birth and comparing the response to the information listed in the [precinct] ELECTION register;

(4) (i) except if a voter's personal information has been deemed confidential by the local board, verify the address of the voter's residence; or

(ii) conduct an alternative verification as established by the State Board, if the voter's personal information has been deemed confidential by the local board;

(5) if any changes to the voting authority card are indicated by a voter, make the appropriate changes in information on the card or other appropriate form; and

(6) have the voter sign the voting authority card and either issue the voter a ballot or send the voter to a machine to vote.

~~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.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That:~~

~~(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15-103 of the Election Law Article is inoperable and cannot function as originally contemplated.~~

~~(b) The 2004 final report of the Study Commission on Public Funding of Campaigns in Maryland supports the finding in subsection (a) of this section.~~

~~(c) The State Board of Elections shall expend no more than \$2.5 million from the Fair Campaign Financing Fund established under § 15-103 of the Election Law Article to finance the cost to the State of implementing early voting under this Act for the 2010 primary and general elections.~~

~~(d) The Comptroller shall disburse funds at the request of the State Board of Elections from the Fair Campaign Financing Fund for purposes of this section.~~

SECTION 4. ~~5.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 446

(House Bill 1184)

AN ACT concerning

Washington County – Property Tax Deferral – Seniors Relief

FOR the purpose of authorizing the governing body of Washington County or the governing body of a municipal corporation in Washington County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain real property under certain circumstances; authorizing the county or municipal corporation to provide, by law, for the amount of the credit and certain other provisions to carry out the credit; requiring the county or municipal corporation to consult with the Department of Assessments and Taxation as certain provisions are developed; authorizing the governing body of

Washington County to provide, by law, a certain payment deferral of the county property tax for certain residential real property owned by individuals who are at least 65 years of age; requiring the governing body of Washington County under certain circumstances to specify the duration and certain amounts, restrictions, and income eligibility requirements for the payment deferral; requiring the payment of certain deferred property taxes under certain circumstances; requiring the governing body of Washington County under certain circumstances to provide certain information in a taxpayer's annual property tax bill; requiring that a payment deferral be authorized by a certain written agreement to be recorded in certain land records; providing for a certain lien attachment under certain circumstances; requiring the governing body of Washington County to provide certain notification under certain circumstances; providing for the application of this Act; providing for the termination of certain provisions of this Act; and generally relating to property tax ~~deferrals~~ relief in Washington County for certain residential real property.

BY adding to

Article – Tax – Property

Section 9–323(f) and 10–204.5

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

Article – Tax – Property

9–323.

(F) (1) IN THIS SUBSECTION, “TAXABLE ASSESSMENT” MEANS THE ASSESSMENT ON WHICH THE COUNTY PROPERTY TAX RATE WAS IMPOSED IN THE PRECEDING TAXABLE YEAR, ADJUSTED BY THE PHASED–IN ASSESSMENT INCREASE RESULTING FROM A REVALUATION UNDER § 8–104(C)(1)(III) OF THIS ARTICLE, LESS THE AMOUNT OF ANY ASSESSMENT ON WHICH A PROPERTY TAX CREDIT UNDER THIS SUBSECTION IS GRANTED.

(2) THE GOVERNING BODY OF WASHINGTON COUNTY OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN WASHINGTON COUNTY MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON RESIDENTIAL REAL PROPERTY:

(I) THAT IS NOT A DWELLING AS DEFINED IN § 9–105 OF THIS TITLE; AND

(II) FOR WHICH THE CURRENT YEAR’S TAXABLE ASSESSMENT EXCEEDS THE PRIOR YEAR’S TAXABLE ASSESSMENT BY MORE

THAN THE APPLICABLE CREDIT PERCENTAGE ESTABLISHED BY THE GOVERNING BODY UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) THE GOVERNING BODY OF WASHINGTON COUNTY OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN WASHINGTON COUNTY MAY PROVIDE, BY LAW, FOR:

(I) THE APPLICABLE CREDIT PERCENTAGE FOR PURPOSES OF PARAGRAPH (2)(II) OF THIS SUBSECTION;

(II) THE AMOUNT OF THE TAX CREDIT UNDER THIS SUBSECTION;

(III) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SUBSECTION;

(IV) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(V) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS SUBSECTION.

(4) THE GOVERNING BODY OF WASHINGTON COUNTY OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN WASHINGTON COUNTY SHALL CONSULT WITH THE DEPARTMENT AS THEY DEVELOP THE PROVISIONS UNDER PARAGRAPH (3) OF THIS SUBSECTION.

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

Article - Tax - Property

10-204.5.

(A) NOTWITHSTANDING SUBTITLE 1 OF THIS TITLE, THE GOVERNING BODY OF WASHINGTON COUNTY MAY AUTHORIZE, BY LAW, A PAYMENT DEFERRAL OF THE COUNTY PROPERTY TAX FOR RESIDENTIAL REAL PROPERTY OCCUPIED AS THE PRINCIPAL RESIDENCE OF THE OWNER.

(B) AN OWNER IS ELIGIBLE FOR A PAYMENT DEFERRAL UNDER SUBSECTION (A) OF THIS SECTION IF THE OWNER OR AT LEAST ONE OF THE OWNERS:

(1) HAS RESIDED IN THE DWELLING FOR A PERIOD OF AT LEAST 5 CONSECUTIVE YEARS;

(2) IS AT LEAST 65 YEARS OF AGE; AND

(3) MEETS THE INCOME ~~AND AGE~~ ELIGIBILITY REQUIREMENTS DETERMINED UNDER SUBSECTION (C) OF THIS SECTION.

(C) IF THE GOVERNING BODY OF WASHINGTON COUNTY AUTHORIZES A PAYMENT DEFERRAL UNDER THIS SECTION, THE GOVERNING BODY SHALL SPECIFY:

(1) THE AMOUNT OF THE TAX THAT MAY BE DEFERRED, NOT EXCEEDING THE INCREASE IN THE COUNTY PROPERTY TAX FROM THE DATE THE TAXPAYER ELECTS TO DEFER THE PAYMENT OF THE TAX;

(2) THE DURATION OF THE PAYMENT DEFERRAL UNDER SUBSECTION (A) OF THIS SECTION;

(3) RESTRICTIONS ON THE AMOUNT OF THE REAL PROPERTY ELIGIBLE FOR A PAYMENT DEFERRAL, EXCEPT THAT THE AMOUNT OF ELIGIBLE PROPERTY MAY NOT BE LESS THAN THE DWELLING AND CURTILAGE, AS DETERMINED BY THE SUPERVISOR;

(4) THE RATE OF INTEREST, NOT EXCEEDING AN ANNUAL RATE OF 3%, TO BE PAID ON THE COUNTY PROPERTY TAX PAYMENT FROM THE DUE DATE WITHOUT A DEFERRAL UNTIL THE DATE THAT THE COUNTY PROPERTY TAX IS PAID;

(5) THAT ANY MORTGAGEE OR BENEFICIARY UNDER A DEED OF TRUST BE ENTITLED TO RECEIVE NOTICE OF THE DEFERRAL AND OF THE AMOUNT OF TAX TO BE DEFERRED; AND

(6) THE LEVEL OF INCOME TO DETERMINE ELIGIBILITY FOR THE PAYMENT DEFERRAL.

(D) THE COUNTY PROPERTY TAX THAT IS DEFERRED UNDER THIS SECTION AND ANY INTEREST SPECIFIED IN SUBSECTION (C)(4) OF THIS SECTION ARE DUE:

(1) WHEN THE DEFERRAL ENDS AS SPECIFIED IN SUBSECTION (C)(2) OF THIS SECTION;

(2) WHEN THE ELIGIBLE OWNER DIES; OR

(3) IMMEDIATELY ON TRANSFER OF OWNERSHIP OF THE PROPERTY FOR WHICH THE PROPERTY TAX HAS BEEN DEFERRED.

(E) THE GOVERNING BODY OF WASHINGTON COUNTY SHALL SPECIFY THE CUMULATIVE AMOUNT OF THE DEFERRAL AND RELATED INTEREST IN THE TAXPAYER'S ANNUAL PROPERTY TAX BILL.

(F) (1) A LIEN SHALL ATTACH TO THE PROPERTY IN THE AMOUNT OF ALL DEFERRED TAXES AND INTEREST.

(2) THE LIEN SHALL REMAIN ATTACHED UNTIL THE DEFERRED TAXES AND INTEREST ARE PAID.

(G) (1) THE GOVERNING BODY OF WASHINGTON COUNTY SHALL AUTHORIZE THE DEFERRAL BY WRITTEN AGREEMENT.

(2) THE AGREEMENT SHALL REFLECT THE TERMS AND CONDITIONS OF THE DEFERRAL, INCLUDING NOTICE OF THE LIEN.

(3) THE AGREEMENT SHALL BE RECORDED IN THE LAND RECORDS OF THE COUNTY.

(H) PENALTIES MAY NOT BE CHARGED DURING THE PERIOD OF THE DEFERRAL ON ANY TAX PAYMENTS DEFERRED UNDER THIS SECTION.

(I) IN EACH ANNUAL PROPERTY TAX BILL, THE GOVERNING BODY OF WASHINGTON COUNTY SHALL PROVIDE NOTICE OF, AND SPECIFY THE DETAILS OF ELIGIBILITY FOR, A PAYMENT DEFERRAL UNDER THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be applicable to all taxable years beginning after June 30, 2009, but before July 1, 2012. Section 1 of this Act shall remain effective for a period of 3 years and 1 month and, at the end of June 30, 2012, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall ~~take effect June 1, 2009, and shall~~ be applicable to all taxable years beginning after June 30, 2009.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Sections 3 and 4 of this Act, this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 447**(House Bill 1212)**

AN ACT concerning

Horse Racing – Purse Dedication Account – Allocation of Funds

FOR the purpose of altering certain allocations of the Purse Dedication Account under the authority of the State Racing Commission to be funded with certain video lottery proceeds; requiring that funds in the Account be allocated in a certain way to thoroughbred purses at certain race tracks, the Maryland-bred Race Fund, standardbred purses at certain race tracks, and the Standardbred Race Fund; and generally relating to the Purse Dedication Account under the authority of the State Racing Commission.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–27(a)(4) and 9–1A–28(a), (b)(1), and (c)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–28(d) and (e)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Article – State Government

9–1A–27.

(a) On a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(4) 7% to the Purse Dedication Account established under § 9–1A–28 of this subtitle, not to exceed a total of \$100,000,000 to the Account annually;

9–1A–28.

(a) There is a Purse Dedication Account under the authority of the State Racing Commission.

(b) (1) The Account shall receive money as required under § 9-1A-27 of this subtitle.

(c) Subject to subsections (d) and (e) of this section, the State Racing Commission shall allocate funds in the Account as follows:

(1) 80% to the thoroughbred industry; and

(2) 20% to the standardbred industry.

(d) The amount of funds allocated to thoroughbred purses and the Maryland-bred Race Fund shall be allocated as follows:

(1) [85%] **89%** to thoroughbred purses at the Pimlico Race Course, Laurel Park, the racecourse in Allegany County, and the racecourse at Timonium; and

(2) [15%] **11%** to the Maryland-bred Race Fund.

(e) The amount of funds allocated to standardbred purses and the Standardbred Race Fund shall be allocated as follows:

(1) [85%] **89%** to standardbred purses at Rosecroft Raceway, Ocean Downs Race Course, and the racecourse in Allegany County, allocated based on the number of live racing days at each track location; and

(2) [15%] **11%** to the Standardbred Race Fund.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 448

(House Bill 1219)

AN ACT concerning

Washington County – Sheriff – Salary

FOR the purpose of ~~requiring the Board of County Commissioners to set the salary of the Sheriff of Washington County beginning on a certain date, subject to certain~~

~~limitations and within a certain period of time of receiving certain recommendations;~~ altering the salary of the Sheriff of Washington County; providing that this Act does not apply to the salary or compensation of the incumbent Sheriff of Washington County; and generally relating to the Sheriff of Washington County.

~~BY repealing and reenacting, with amendments,~~

~~Article 24 – Political Subdivisions – Miscellaneous Provisions~~

~~Section 12-205~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2008 Supplement)~~

~~BY adding to~~

~~Article 24 – Political Subdivisions – Miscellaneous Provisions~~

~~Section 12-206~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2008 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 2-309(w)(1)

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

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**~~

~~12-205.~~

~~(a) The Commission shall study the salaries of the Washington County:~~

~~(1) Board of County Commissioners;~~

~~(2) Board of Education;~~

~~(3) Orphans' Court judges;~~

~~(4) Sheriff;~~

~~(5) State's Attorney;~~

~~(6) Treasurer;~~

~~(7) Board of Supervisors of Elections; and~~

~~(8) Board of Liquor License Commissioners.~~

~~(b) (1) On or before November 20, 1996, and on or before December 1 each fourth year thereafter, the Commission shall issue a report containing recommendations to the Board of County Commissioners for review and consideration. The Board of County Commissioners may accept, reduce, or reject but may not increase the recommendations of the Commission.~~

~~(2) (f) BEGINNING JANUARY 1, 2012, THIS PARAGRAPH DOES NOT APPLY TO THE COMMISSION'S RECOMMENDATIONS FOR THE SHERIFF'S SALARY.~~

~~(H) On or before December 15, 1996, and on or before December 15 each fourth year thereafter, the Board of County Commissioners shall submit recommendations to the legislative delegation concerning the salaries of the offices in subsection (a) of this section.~~

~~12-206.~~

~~(A) BEGINNING JANUARY 1, 2012, WITHIN 45 DAYS AFTER RECEIVING THE RECOMMENDATIONS OF THE COMMISSION FOR THE SHERIFF'S SALARY, THE COUNTY COMMISSIONERS SHALL SET BY LOCAL LAW THE SALARY FOR THE SHERIFF INCLUDED IN THE RECOMMENDATIONS:~~

~~(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION; AND~~

~~(2) IN ACCORDANCE WITH ARTICLE III, § 35 OF THE MARYLAND CONSTITUTION.~~

~~(B) THE COUNTY COMMISSIONERS MAY ACCEPT, REDUCE, OR REJECT BUT MAY NOT INCREASE THE RECOMMENDATIONS OF THE COMMISSION.~~

Article - Courts and Judicial Proceedings

~~2-309.~~

~~(w) (1) (i) 1. The Sheriff of Washington County shall receive a salary of [\$80,000] \$88,000.~~

~~2. IN CALENDAR YEAR 2015 AND FOR THE TERM OF OFFICE FOR THE SHERIFF THAT BEGINS IN FISCAL YEAR 2015 AND FOR EACH TERM OF OFFICE THEREAFTER, THE SHERIFF SHALL RECEIVE THE SALARY SET BY THE COUNTY COMMISSIONERS IN ACCORDANCE WITH ARTICLE 24, TITLE 12, SUBTITLE 2 OF THE CODE.~~

(ii) The Sheriff shall appoint a chief deputy at a salary level set by the County Commissioners.

(iii) The Sheriff may appoint deputy sheriffs and other personnel necessary to perform the duties of office at salary levels set by the County Commissioners in accordance with the county's budgetary process.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Washington County in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Washington County shall take effect at the beginning of the next following term of office.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 449

(House Bill 1220)

AN ACT concerning

Washington County – Regulation of Electricians and the Provision of Electrical Services

FOR the purpose of requiring a Master Electrician to be responsible for certain work performed under the authority granted by the Master Electrician's license; repealing the requirement that persons working under the authority of a Master Electrician's license must be employees of a Master Electrician; repealing a certain prohibition on the assignment or transfer of certain licenses; requiring the names of certain persons to be included on certain licenses; and generally relating to the regulation of electricians in Washington County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 8–111 and 8–113(a)
Article 22 – Public Local Laws of Maryland
(2007 Edition, as amended)

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

Article 22 – Washington County

8–111.

This subtitle may not be construed to prevent any individual from doing or performing any of the kinds of work enumerated in this subtitle if that work is performed under the direction and supervision of a duly licensed Master Electrician. The licensed [electrician] **MASTER ELECTRICIAN** shall be responsible for any and all work done under the [licensed electrician's direction and supervision] **AUTHORITY GRANTED BY THE MASTER ELECTRICIAN'S LICENSE**. Any person working under the authority of a Master Electrician's license [shall be the employee of the licensed Master Electrician and] shall work under the direct supervision of the licensed Master Electrician.

8–113.

(a) A license or license renewal granted or issued under the provisions of this subtitle [is not assignable or transferable, and the license or license renewal] shall specify:

(1) [the] **THE** name of the individual to whom it is issued; **OR**

(2) **IF THE BOARD HAS AUTHORIZED THE ASSIGNMENT OF THE LICENSE OR LICENSE RENEWAL, THE NAME OF THE INDIVIDUAL TO WHOM IT IS ASSIGNED.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 450**(House Bill 1221)**

AN ACT concerning

Washington County – Roads and Transportation

FOR the purpose of providing that, under certain circumstances, Washington County may cause a road to be surveyed and a description and plat made of the road and recorded among the land records of the county; requiring that, under certain circumstances, the description of a road to be made by reference to the original description when the road was acquired; requiring the description and

plat to be prepared under the supervision of and certified by a certain individual; requiring the county and courts to consider the description and plat as official and prima facie correct until the contrary is proven; requiring the County Commissioners of Washington County, if they acquire land under certain circumstances, to require the filing and recordation of plats with the deed or deeds showing the location and area of the land; authorizing the County Commissioners to construct county highways or roads under certain circumstances; authorizing the County Commissioners to adopt certain regulations; requiring the Division of Public Works to reevaluate and suggest revisions to the regulations under certain circumstances; requiring the County Commissioners to accept into the county road system certain roads under certain circumstances; requiring the County Commissioners to perform certain duties under certain circumstances; altering the conditions under which certain plans and specifications for a county road or bridge must be prepared; requiring bids for certain work to be solicited in accordance with certain provisions of law; authorizing the Director of the Division of Public Works to develop and publish certain standards, policies, details, and specifications; authorizing the Division to assess a certain fee for reproduction costs; requiring a certain manual to include certain information for public works; authorizing the manual to adopt certain standards, policies, or details by reference in a certain manner; requiring notice of the availability of public review and comment to be made in a certain manner; requiring a proposed manual or amendment to the manual to be available for public review and comment for a certain period of time; requiring the Director to present the standards, manual, or revisions to the manual to the County Commissioners for adoption by resolution; authorizing the Director to develop and implement certain interim construction standards, policies, or details until a certain time; authorizing the Director to erect traffic control devices in accordance with certain provisions of law; authorizing certain traffic control devices to be erected on county highways under certain circumstances; authorizing temporary directional signs to be erected in the county right-of-way in accordance with applicable State and local standards; authorizing the County Commissioners to adopt certain regulations governing construction on county property; altering the maximum amount of a certain fine; prohibiting a person from stopping, standing, or parking a vehicle on certain surfaces of Washington County so as to impede the movement of traffic or constitute a threat to public safety; prohibiting a person from parking unregistered motor vehicles and trailers on certain surfaces of the county; prohibiting a person from creating or placing an obstruction on certain surfaces of the county; prohibiting a person from interfering with certain side ditches or drains; prohibiting certain persons from permitting certain vehicles to obstruct a crossing for a certain period of time; providing for certain criminal penalties; authorizing the Sheriff of Washington County to impound certain vehicles parked in a certain manner; authorizing the owner of an impounded vehicle to reclaim or secure the release of the vehicle after paying certain fines, costs, and fees; prohibiting a person from leaving personal property on certain property; prohibiting a lessor of real property from allowing the personal property of an evicted tenant to remain on certain property for a certain period of time;

authorizing the Division to cause the personal property to be removed under certain circumstances; requiring all expenses incurred in removing the personal property to be charged to the lessor of the real property; providing that certain provisions of law do not replace or reduce certain authority of the County Commissioners; repealing certain provisions of law relating to roads in Washington County; making certain stylistic changes; clarifying language; making technical corrections; defining certain terms; and generally relating to roads and transportation in Washington County.

BY repealing

The Public Local Laws of Washington County
Section 7-102, 7-103, 7-106, and 7-107 and the subtitle "Subtitle 1. Prohibitions"; 7-201 and 7-203 and the subtitle "Subtitle 2. Powers and Duties of County Commissioners"; and 7-301 and 7-302 and the subtitle "Subtitle 3. Road Engineer"

Article 22 – Public Local Laws of Maryland

(2007 Edition, as amended)

BY renumbering

The Public Local Laws of Washington County

Section 7-101, 7-104, 7-105, 7-202, 7-204, 7-205, 7-206, 7-207, and 7-208, respectively

to be Section 7-401, 7-404, 7-405, 7-302, 7-303, 7-304, 7-305, 7-306, and 7-307, respectively

Article 22 – Public Local Laws of Maryland

(2007 Edition, as amended)

BY adding to

The Public Local Laws of Washington County

Section 7-101 to be under the new subtitle "Subtitle 1. Definitions"; 7-201 and 7-202 to be under the new subtitle "Subtitle 2. Roads and Bridges";

7-301, 7-308, 7-309, and 7-310 to be under the new subtitle "Subtitle 3. Powers and Duties of County Commissioners"; and 7-402 and 7-403 to be

under the new subtitle "Subtitle 4. Prohibitions"

Article 22 – Public Local Laws of Maryland

(2007 Edition, as amended)

BY repealing and reenacting, with amendments,

The Public Local Laws of Washington County

Section 7-302, 7-303, 7-304, 7-305, 7-401, 7-404, and 7-405

Article 22 – Public Local Laws of Maryland

(2007 Edition, as amended)

(As enacted by Section 2 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7-102, 7-103, 7-106, and 7-107 and the subtitle "Subtitle 1. Prohibitions"; 7-201 and 7-203 and the subtitle "Subtitle 2. Powers and

Duties of County Commissioners”; and 7-301 and 7-302 and the subtitle “Subtitle 3. Road Engineer” of Article 22 – Washington County of the Code of Public Local Laws of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 7-101, 7-104, 7-105, 7-202, 7-204, 7-205, 7-206, 7-207, and 7-208, respectively, of Article 22 – Washington County of the Code of Public Local Laws of Maryland be renumbered to be Section(s) 7-401, 7-404, 7-405, 7-302, 7-303, 7-304, 7-305, 7-306, and 7-307, respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 22 – Washington County

SUBTITLE 1. DEFINITIONS

7-101.

(A) **IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) **“DIRECTOR” MEANS THE DIRECTOR OF THE DIVISION OF PUBLIC WORKS OR ITS SUCCESSOR, OR THE DIRECTOR’S DESIGNEE.**

(C) **“DIVISION” MEANS THE DIVISION OF PUBLIC WORKS OR ITS SUCCESSOR, INCLUDING THE DEPARTMENTS ORGANIZED WITHIN THE DIVISION.**

(D) **“PRIVATE LAND DEVELOPMENT” MEANS A LAND DEVELOPMENT PROJECT FUNDED BY A PRIVATE ENTITY UNDER THE REGULATIONS ESTABLISHED BY THE COUNTY COMMISSIONERS INTENDED TO CONVEY OR DEDICATE PUBLIC INFRASTRUCTURE TO THE COUNTY.**

SUBTITLE 2. ROADS AND BRIDGES

7-201.

(A) (1) **IF DOUBT EXISTS AS TO THE PROPER LOCATION OR WIDTH OF A COUNTY ROAD, OR RIGHT-OF-WAY, THE COUNTY MAY CAUSE:**

(I) **THE ROAD TO BE SURVEYED; AND**

(II) **A DESCRIPTION AND PLAT MADE OF THE ROAD AND RECORDED AMONG THE LAND RECORDS OF THE COUNTY.**

(2) THE DESCRIPTION OF THE ROAD SHALL BE MADE BY REFERENCE TO THE ORIGINAL DESCRIPTION OF THE ROAD WHEN THE ROAD WAS ACQUIRED.

(3) IF THE ORIGINAL DESCRIPTION CANNOT BE FOUND, THE DESCRIPTION AND PLAT SHALL BE MADE OF THE ROAD AS EXISTING.

(4) THE DESCRIPTION AND PLAT SHALL BE PREPARED UNDER THE SUPERVISION OF AND CERTIFIED BY A REGISTERED PROFESSIONAL LAND SURVEYOR OR PROPERTY LINE SURVEYOR WHO IS LICENSED TO PRACTICE IN THE STATE.

(B) THE COUNTY AND THE COURTS SHALL CONSIDER THE DESCRIPTION AND PLAT AS OFFICIAL AND PRIMA FACIE CORRECT UNTIL THE CONTRARY IS PROVEN.

7-202.

IF THE COUNTY COMMISSIONERS ACQUIRE TITLE TO ANY PLOTS OR AREAS OF LAND IN CONJUNCTION WITH THE CONSTRUCTION, WIDENING, RELOCATING, OR ACCEPTED OWNERSHIP OF A ROAD, AT THE TIME OF RECORDING THE DEED OR DEEDS, THE COUNTY COMMISSIONERS SHALL REQUIRE THE FILING AND RECORDATION OF PLATS WITH THE DEED OR DEEDS SHOWING THE LOCATION AND AREA OF THE LAND ACQUIRED IN THAT MANNER.

SUBTITLE 3. POWERS AND DUTIES OF COUNTY COMMISSIONERS

7-301.

(A) THE COUNTY COMMISSIONERS MAY CONSTRUCT A HIGHWAY OR ROAD TO BE OPENED FOR THE USE OF THE PUBLIC IF, IN THE JUDGMENT OF THE DIRECTOR, THE HIGHWAY OR ROAD:

(1) MEETS ENGINEERING STANDARDS ADOPTED BY THE COUNTY COMMISSIONERS; OR

(2) IF NO STANDARDS ARE ADOPTED BY THE COUNTY COMMISSIONERS, MEETS NATIONALLY ACCEPTED STANDARDS USED BY THE ENGINEERING PROFESSION.

(B) (1) THE COUNTY COMMISSIONERS MAY ADOPT REGULATIONS REGARDING THE CONSTRUCTION OF NEW HIGHWAYS, ROADS, BRIDGES,

DRAINAGE SYSTEMS, AND OTHER INCIDENTAL STRUCTURES OFFERED FOR PUBLIC OWNERSHIP BY PRIVATE ENTITIES.

(2) FROM TIME TO TIME, THE DIVISION SHALL REEVALUATE THE REGULATIONS AND MAKE RECOMMENDATIONS FOR REVISIONS AS DEEMED NECESSARY BY THE DIRECTOR.

(3) THE COUNTY COMMISSIONERS SHALL ACCEPT INTO THE COUNTY ROAD SYSTEM ROADS THAT ARE CONSTRUCTED IN COMPLIANCE WITH THE COUNTY'S REGULATIONS ON A FAVORABLE RECOMMENDATION OF THE DIRECTOR.

(4) ACCEPTANCE OF THE ROAD BY THE COUNTY:

(I) INCLUDES THE ROADWAY AND APPURTENANCES SUCH AS DRAINAGE FACILITIES, CURBS, AND TRAFFIC CONTROL DEVICES; BUT

(II) DOES NOT INCLUDE OTHER ITEMS THAT MAY BE LOCATED WITHIN THE RIGHT-OF-WAY SUCH AS DRIVEWAYS, DRIVEWAY CULVERTS, SIDEWALKS, AND OTHER ITEMS AS DETERMINED BY THE DIRECTOR.

7-302.

(A) The County Commissioners[, in addition to their other powers and duties under the law, shall] have charge and control over all the county roads, streets, alleys, highways, and bridges and all matters pertaining to them, in accordance with the provisions of [§§ 7-202 through 7-205, 7-301, and 7-302 of] this title.

(B) THE COUNTY COMMISSIONERS SHALL:

(1) KEEP THE PUBLIC HIGHWAYS, ROADS, BRIDGES, STREETS, AND ALLEYS OF THE COUNTY IN REPAIR AND REASONABLY SAFE FOR PUBLIC TRAVEL;

(2) EXERCISE GENERAL SUPERVISION OVER THE PUBLIC HIGHWAYS, ROADS, BRIDGES, STREETS, AND ALLEYS OF THE COUNTY; AND

(3) DIRECT GENERAL AND SPECIAL REPAIRS AND IMPROVEMENTS WHENEVER THE COUNTY COMMISSIONERS SHALL DEEM GENERAL AND SPECIAL REPAIRS AND IMPROVEMENTS NECESSARY OR ADVISABLE FOR PUBLIC CONVENIENCE OR SAFETY.

7-303.

(a) The County Commissioners may have signposts placed at road crossings or intersections designating the distance to the nearest prominent point and, subject to [§ 7-208] § **7-307** of this subtitle, may give suitable names to the county roads and change them as they see fit.

(b) The County Commissioners may let out the repair or maintenance of any road or portion of road by contract, when, in the [Road Engineer's] **DIRECTOR'S** judgment, that course is advisable. In that case preference shall be given, where practicable to the owners of the land directly interested in the proper care of the road or roads, and the work shall be done under the supervision of the [Road Engineer] **DIRECTOR**.

(c) All contracts made by the County Commissioners for the repair or construction of roads or bridges shall be reduced to writing and all payments shall be subject to the approval by the [Road Engineer] **DIRECTOR** of the work done under the contract.

(d) (1) Whenever work on any road or bridge involves an outlay of [\$5,000] **\$50,000** or more, plans and specifications for them shall be prepared by the [Road Engineer] **DIVISION** or someone designated by the [Road Engineer] **DIRECTOR**.

(2) Bids for the work shall be [prepared by the Road Engineer and shall be invited by publication at least once a week for 2 successive weeks in such daily paper or papers the County Commissioners designate or by advertisement through electronic media] **SOLICITED IN ACCORDANCE WITH § 1-106 OF THIS CODE**. The County Commissioners do not have to have any work done by contract if, after bids have been received and opened, it is found that the same work can be done at less expense by direct employment of the required labor or if an emergency exists of such nature as to require the speedy repair or replacement of a county road, street, alley, highway, or bridge or other construction in connection with it. This subsection does not require bids when the work is to be done by the County [Roads] **HIGHWAY** Department.

(e) The County Commissioners may adopt regulations regarding the use of the roads, streets, avenues, lanes, alleys, and bridges of the county by telephone and telegraph companies, [steam railroads and] **RAILROADS**, street railways companies, gas, [water] **WATER**, and electric light **UTILITY** companies, and similar uses, and by individuals and the traveling public. The County Commissioners may adopt regulations they consider necessary for the proper protection of the roads, streets, avenues, lanes, alleys, bridges of the county and the rights of the public in them. They may impose reasonable penalties for the violation of the regulations and may make other necessary provisions for their enforcement. All regulations, when adopted and recorded in a book or books kept for the purpose, shall have the force and effect of law.

(f) The [police] **SHERIFF** of the county [are] **IS** charged with the duty of enforcing all the regulations. In addition to other methods of enforcement [of all these regulations], the County Commissioners may apply to the [courts of equity of the State] **CIRCUIT COURT** for an injunction to enforce compliance. In this case, it is not necessary to make other jurisdictional averment than the threatened breach of these regulations, and the courts may grant these injunctions on the allegations being made. A certified copy of these regulations is proper evidence in any of the courts of the State.

7-304.

(a) The County Commissioners shall levy, annually, upon the assessable property of the county, at the time for making the county levy, a rate sufficient to pay the interest and the proper amount on the principal of any outstanding road bonds, a rate sufficient to pay the State Highway Administration the amount due for lateral roads or other plans for State aid for road purposes, and a rate to be set by the County Commissioners, not to exceed 40 cents on \$100.

(b) The tax so levied and collected within the limits of all incorporated towns or cities, together with all other money receivable by Washington County for road and bridge purposes, including all fines and forfeitures on account of roads and bridges and all taxes collected on stocks and bonds not apportioned to or assessed in any district shall constitute a fund to be known as the General Road and Bridge Fund and may be expended for any lawful road or bridge purpose anywhere in Washington County and for no other purposes.

(c) When there are insufficient funds in the county treasury set apart as the General Road and Bridge Fund to meet the demand for an emergency, the County Commissioners may borrow up to \$250,000 in 1 year, on the credit of the county, to be paid out of the road money provided in the next succeeding levy. All bills and claims on account of roads and bridges in the county shall receive the endorsement of the [Road Engineer] **DIRECTOR** before payment and shall be passed upon by the County Commissioners at a regular or adjourned meeting. A bill or claim involving the expenditure of more than \$1,000, and a contract or agreement involving a larger expenditure from the road funds of the county may not be allowed or made except by a majority vote of the County Commissioners.

(d) All claims allowed and passed as aforesaid shall be approved by the President and attested by the Clerk of the County Commissioners. When so approved an order for the amount of the claim shall be drawn against the county Tax Collector who shall pay the amount out of the proper funds.

7-305.

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

(2) "Special road improvement district" means an area of land in the county which has frontage on a substandard private road in which improvements to the road will be funded from special assessments imposed on all the owners of the land in proportion to the lengths of their respective frontages, designated as a special road improvement district by the County Commissioners.

(3) "Private road" means a road not previously accepted into the county road system.

(4) "Owners" means owners of property included in the district.

(b) The County Commissioners may create special road improvement districts within the confines of the county for the purpose of providing a method of funding the improvement of private roads in the county to county standards prior to acceptance in the county road system. Only land which fronts on the road to be improved shall be included in a district and, of such land, only so much thereof as shall have at least an average depth in one ownership of 100 feet shall be included.

(c) The procedures set forth in this subtitle for the creation of a special road improvement district may only be initiated by a petition signed by the owners of the land in the proposed district having over half of the frontage on the road. The petition may be developed and the signatures obtained either by 1 or more of the owners or by the County Commissioners.

(d) Upon receipt of a petition or upon their own motion, if the County Commissioners developed and obtained the signatures to the petition, and before a district may be created, the County Commissioners shall:

(1) Cause an investigation to be made of the section of road to be improved; the investigation shall include a study of the condition of the road, the width of the [right of way] **RIGHT-OF-WAY**, the ownership and configuration of land fronting on the road, particularly with respect to the frontages and depths of the various tracts adjoining the road, the estimated cost of improving the road and any other matters which the County Commissioners may feel are relevant to the creation of a district; and

(2) Cause a public hearing to be held after written notice of the hearing and the purpose thereof has been published 1 time in a newspaper having general circulation in the county and after a copy of the notice has been mailed or delivered to each owner of land in the proposed district. At the hearing, all persons having an interest in the creation of the district shall be heard and be permitted to present any evidence relevant to the person's position in the matter as may be desired.

(e) After the public hearing is held, the County Commissioners shall decide whether a special road improvement district shall be created for the area in question,

or for part of it, and, if the decision is in favor of the creation of a district, it shall cause a resolution to be passed outlining its boundaries and giving preliminary approval to the land therein as a special road improvement district. Afterwards, the same notice of its decision shall be given to the owners as was given of the public hearing. Any person aggrieved by the decision of the County Commissioners may appeal to the Circuit Court for Washington County within 10 days following receipt of the notice. If no appeal is taken within the period, the action of the County Commissioners shall be final and further appeal may not be taken.

(f) Following the decision of the County Commissioners to establish a district, and after the expiration of the appeal period without an appeal being taken, the County Commissioners shall:

(1) Cause surveys to be made as well as determine the lengths of the various frontages of land abutting the road to be improved assessable under this section for the improvement of the road;

(2) Cause an advertisement for bids for the improvements to the road to be published at least 2 times in 2 successive weeks in some newspaper of general circulation in the county;

(3) Cause a notice to be mailed or otherwise delivered to all of the owners of assessable frontage on the road setting forth the names of all the owners, the lengths of their respective assessable frontages, the amount of the lowest responsible bid for the improvements and the individual amounts which the County Commissioners propose to assess as the share of each owner; and

(4) Pass a resolution rescinding previously given approval if, within the period of 15 days following the mailing or delivery of the last of the notices provided in paragraph (3) of this subsection, a petition against the creation of the district, signed by over 75 percent of the owners, is received by the County Commissioners; if so received, the district may not be created. If no petition is received by the County Commissioners within the 15-day period, it shall pass a resolution making final the preliminary approval and the district will then be in existence.

(g) Following the final creation of the district, the County Commissioners shall bill each of the owners for the amount of the owner's respective share of the costs of the improvements, and the amount of each share shall be a lien against so much of the land and property of each owner as lies within the boundaries of the district in the same manner that real property taxes are liens on the property against which they are assessed. The County Commissioners may collect the shares from each of the owners and, in so doing, have the same powers as now are, or in the future may be, available to them for the collection of real property taxes.

(h) All matters relating to the work to be done in improving any private road under the provisions of this section, including scheduling, shall be under the sole

control and supervision of the County Commissioners and, in the matter of scheduling them, the County Commissioners may defer the awarding of a contract for the work until all of the shares are collected by them. At no later than the completion of the work, the road shall be accepted into the county road system.

7-308.**(A) (1) THE DIRECTOR:**

(I) MAY DEVELOP STANDARDS, POLICIES, DETAILS, AND SPECIFICATIONS AFFECTING THE DESIGN AND CONSTRUCTION OF PUBLIC WORKS IN THE COUNTY; AND

(II) SHALL PUBLISH THE STANDARDS, POLICIES, DETAILS, AND SPECIFICATIONS IN A MANUAL TO BE MADE AVAILABLE BY THE DIVISION.

(2) THE DIVISION MAY ASSESS A NOMINAL FEE FOR REPRODUCTION COSTS.

(3) THE MANUAL SHALL INCLUDE STANDARDS, POLICIES, DETAILS, AND SPECIFICATIONS FOR PUBLIC WORKS.

(4) THE MANUAL MAY ADOPT BY REFERENCE A PUBLICATION SETTING FORTH NATIONALLY ACCEPTED ENGINEERING AND DESIGN STANDARDS FOR PUBLIC WORKS AS THE COUNTY'S STANDARDS, POLICIES, DETAILS, AND SPECIFICATIONS ON EITHER AN INTERIM OR A PERMANENT BASIS.

(B) (1) A PROPOSED MANUAL OR AMENDMENT TO THE MANUAL SHALL BE AVAILABLE FOR PUBLIC REVIEW AND COMMENT.

(2) THE DIVISION SHALL PROVIDE GENERAL NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION BY POSTING A NOTICE:

(I) AT THE COUNTY COURTHOUSE; OR

(II) ON THE COUNTY'S WEBSITE.

(3) THE PROPOSED MANUAL OR AN AMENDMENT TO THE MANUAL SHALL BE OPEN FOR PUBLIC REVIEW AND COMMENT FOR NOT LESS THAN 10 DAYS.

(C) THE DIRECTOR SHALL THEREAFTER PRESENT THE STANDARDS, MANUAL, OR REVISIONS TO THE MANUAL TO THE COUNTY COMMISSIONERS FOR ADOPTION BY RESOLUTION.

(D) THE DIRECTOR MAY DEVELOP AND IMPLEMENT INTERIM CONSTRUCTION STANDARDS, POLICIES, OR DETAILS UNTIL THE COUNTY COMMISSIONERS ADOPT THE STANDARDS, POLICIES, AND DETAILS IDENTIFIED IN SUBSECTION (A) OF THIS SECTION.

7-309.

(A) THE DIRECTOR MAY ERECT TRAFFIC CONTROL DEVICES IN ACCORDANCE WITH § 25-102 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

(B) TRAFFIC CONTROL DEVICES ERECTED UNDER SUBSECTION (A) OF THIS SECTION MAY BE ERECTED ON ANY ROAD, HIGHWAY, STREET, ALLEY, OR RIGHT-OF-WAY UNDER THE JURISDICTION OF THE COUNTY COMMISSIONERS, PROVIDED THAT, ON STREETS AND HIGHWAYS, THE TRAFFIC CONTROL DEVICES CONFORM TO THE SYSTEM SET FORTH IN THE MOST RECENT EDITION OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", OR THE MANUAL'S SUCCESSOR, AS ADOPTED BY THE STATE HIGHWAY ADMINISTRATION.

(C) TEMPORARY DIRECTIONAL SIGNS MAY BE ERECTED IN THE COUNTY RIGHT-OF-WAY IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL STANDARDS.

7-310.

(A) THE COUNTY COMMISSIONERS MAY ADOPT REGULATIONS GOVERNING CONSTRUCTION ON A RIGHT-OF-WAY.

(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION MAY:

(1) PROHIBIT A PERSON, UNLESS THE PERSON FIRST OBTAINS A PERMIT FROM THE COUNTY, FROM:

(I) INSTALLING, MAINTAINING, REPAIRING, RELOCATING, OR REMOVING:

1. PIPE;

2. WIRE;
3. CABLE;
4. FIBER OPTICS; OR
5. OTHER MATERIAL; OR

(II) PERFORMING AN EXCAVATION OR CONSTRUCTION IN, ON, OVER, OR ACROSS COUNTY PROPERTY;

(2) REQUIRE THE ISSUANCE OF A PERMIT UNDER THIS SECTION TO BE CONDITIONED ON THE POSTING OF A BOND, LETTER OF CREDIT, OR OTHER SURETY ACCEPTABLE TO THE DIRECTOR, THAT GUARANTEES THE COST OF RESTORATION OF THE COUNTY PROPERTY;

(3) REQUIRE A PERSON WHO PERFORMS WORK ON COUNTY PROPERTY WITH A PERMIT UNDER THIS SECTION TO RESTORE THE PROPERTY TO A CONDITION SATISFACTORY TO THE DIRECTOR AND IN ACCORDANCE WITH STANDARDS SET FORTH BY THE DIRECTOR;

(4) IF THE HOLDER OF A PERMIT UNDER THIS SECTION DOES NOT SATISFACTORILY RESTORE THE PROPERTY AS PROVIDED UNDER ITEM (3) OF THIS SUBSECTION, GRANT THE DIVISION THE RIGHT TO EXERCISE ANY AND ALL OF THE REMEDIES PROVIDED IN THIS SECTION; AND

(5) AUTHORIZE THE DIRECTOR TO ORDER THE WORK DONE AND APPLY THE SURETY POSTED BY THE PERMIT HOLDER TO COVER THE COSTS INCURRED BY THE COUNTY IN:

- (I) PERFORMING THE WORK; OR
- (II) CAUSING THE WORK TO BE PERFORMED.

SUBTITLE 4. PROHIBITIONS

7-401.

If any person wantonly injures or defaces any sign, road marker, automatic signal, other traffic devices, barricade, or sign used during the course of construction on or along any county road, that person is guilty of a misdemeanor and, upon conviction, is subject to a fine of not [less than \$5 or more than \$50] **MORE THAN \$500** for each separate offense.

7-402.

(A) A PERSON MAY NOT STOP, STAND, OR PARK A VEHICLE SO AS TO IMPEDE THE MOVEMENT OF TRAFFIC OR CONSTITUTE A THREAT TO PUBLIC SAFETY ON A ROAD, A HIGHWAY, AN ALLEY, OR A PUBLIC PARKING FACILITY OF THE COUNTY.

(B) A PERSON MAY NOT PARK AN UNREGISTERED MOTOR VEHICLE OR AN UNREGISTERED TRAILER ON A HIGHWAY, ROAD, OR OTHER PROPERTY OF THE COUNTY.

(C) (1) A PERSON MAY NOT:

(I) CREATE OR PLACE AN OBSTRUCTION ON A PUBLIC HIGHWAY, ROAD, BRIDGE, STREET, AVENUE, LANE, OR ALLEY OF THE COUNTY; OR

(II) INTERFERE WITH OR OBSTRUCT THE SIDE DITCHES OR DRAINS OR ENCROACH ON THEM WITH FENCES OR OTHER OBSTRUCTIONS OR IN ANY OTHER MANNER.

(2) A PERSON, INCLUDING THE PERSON'S AGENT OR EMPLOYEE, THAT EXERCISES THE BUSINESS OF A COMMON CARRIER MAY NOT PERMIT A VEHICLE OR STEAM OR OTHER ENGINE OR CAR TO OBSTRUCT A CROSSING FOR 10 OR MORE MINUTES AT ONE TIME.

(D) (1) A PERSON THAT REFUSES OR NEGLECTS TO COMPLY WITH AN ORDER OF THE COUNTY COMMISSIONERS, THE ZONING INSPECTOR, OR THE SHERIFF TO REMOVE A VEHICLE OR OBSTRUCTION IN VIOLATION OF THIS SECTION WITHIN 24 HOURS FROM THE TIME OF THE NOTICE GIVEN IS:

(I) GUILTY OF A MISDEMEANOR; AND

(II) SUBJECT TO A MAXIMUM FINE OF \$500 FOR EACH OFFENSE.

(2) THE SHERIFF MAY IMPOUND A VEHICLE PARKED IN VIOLATION OF THIS SECTION, OTHERWISE PARKED SO AS TO CONSTITUTE A DEFINITE HAZARD TO PUBLIC SAFETY, OR PARKED, STOPPED, OR STANDING SO AS TO IMPEDE OR OBSTRUCT THE NORMAL MOVEMENT OF TRAFFIC OR PEDESTRIANS.

(3) **THE OWNER OF AN IMPOUNDED VEHICLE MAY RECLAIM OR SECURE THE RELEASE OF THE VEHICLE AFTER PAYING ALL OUTSTANDING FINES AND COSTS, INCLUDING ANY TOWING, IMPOUNDMENT, AND STORAGE COSTS, AS WELL AS ANY ADMINISTRATIVE FEES THAT THE COUNTY COMMISSIONERS MAY ESTABLISH.**

7-403.

(A) **A PERSON MAY NOT DISPOSE OF OR ABANDON PERSONAL PROPERTY ON A COUNTY RIGHT-OF-WAY, HIGHWAY, ROAD, EASEMENT, OR COUNTY PROPERTY.**

(B) (1) **A LESSOR OF REAL PROPERTY MAY NOT ALLOW THE PERSONAL PROPERTY OF AN EVICTED TENANT TO REMAIN ON A COUNTY RIGHT-OF-WAY, HIGHWAY, ROAD, EASEMENT, OR COUNTY PROPERTY FOR MORE THAN 2 DAYS AFTER THE DATE OF EVICTION.**

(2) **IF PERSONAL PROPERTY IS NOT REMOVED FROM THE COUNTY RIGHT-OF-WAY, HIGHWAY, ROAD, EASEMENT, OR PROPERTY ON THE THIRD DAY FOLLOWING THE DATE OF EVICTION:**

(I) **THE DIVISION MAY CAUSE THE PERSONAL PROPERTY TO BE REMOVED; AND**

(II) **ALL EXPENSES INCURRED IN THE REMOVAL OF PERSONAL PROPERTY, INCLUDING ANY ADMINISTRATIVE FEES THE DIVISION OR THE COUNTY COMMISSIONERS ESTABLISH, SHALL BE CHARGED TO THE LESSOR OF THE REAL PROPERTY.**

7-404.

(a) Upon complaint of 1 or more taxpayers of the county to the County Commissioners of any person having encroached upon or obstructed the county roads by setting out fences, or hauling or throwing obstructions on the roads, the County Commissioners shall direct that a survey of the road be performed and the correct location of the center line be ascertained.

(b) After marking with stakes the outside lines of the road as originally laid out, the [county surveyor] **DIRECTOR** shall report to the County Commissioners, at their next meeting, the name of the person who has encroached upon with fences or otherwise obstructed the road. The County Commissioners shall then pass an order notifying that person to set back the fences so as to give to the road its legal width, or to remove the obstructions, as the case may be, and place a copy of the order in the hands of the Sheriff of the county. The Sheriff shall notify the person to whom the

notice is directed, by reading it to him, and return the order to the Commissioners, with the day and date of the giving of the notice to the person mentioned in it, endorsed upon it.

7-405.

All persons who own improved lands along or adjacent to any [or] **OF** the improved public highways or roads of Washington County shall cut down and remove from and along such roads and highways all briars, undergrowth, bushes, and weeds on or before June 15 in each year. Upon the failure of any land owner to comply with the provisions of this section, the County Commissioners, at the expense of the county, shall have such briars, undergrowth, bushes, and weeds cut and removed. The County Commissioners shall be reimbursed for all costs and reasonable expenses necessarily incurred in this work, to be recovered from the party or parties delaying or refusing to cut and remove the briars, undergrowth, bushes, and weeds in the same manner as debts of like amounts are recoverable. **THIS SECTION DOES NOT SUPERSEDE ANY OTHER AUTHORITY THAT MAY HAVE BEEN GRANTED TO THE COUNTY COMMISSIONERS, NOR DOES IT SUBSTITUTE, DIMINISH, OR EXTINGUISH ANY OTHER POWERS THAT THEY MAY HAVE TO REGULATE BRIARS, UNDERGROWTH, BUSHES, OR WEEDS.**

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 451

(House Bill 1271)

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Maximum Fine for Sales Violations

FOR the purpose of altering the maximum fine that the Alcohol Beverage Board of St. Mary's County may impose for a violation of the laws as to licensing the sale of alcoholic beverages; making certain stylistic and technical corrections; and generally relating to alcoholic beverages sales in St. Mary's County.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 16-507(t)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2008 Supplement)

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

Article 2B – Alcoholic Beverages

16–507.

(t) In St. Mary's County[.]:

(1) [for] **FOR** any violation of the laws as to licensing the sale of alcoholic beverages, the penalty upon conviction shall be a fine not exceeding [**\$500**] **\$1,000[.]**;

(2) For any violation of the laws as to hours or days for the sale of alcoholic beverages, the violator shall be deemed guilty of a misdemeanor and upon trial and conviction shall be subjected to a fine of not less than \$50 nor more than \$250 or may be confined in the county jail or the House of Correction for not less than sixty days[.]; **AND**

(3) For any licensing violations, the [Board of License Commissioners] **ALCOHOL BEVERAGE BOARD** may both revoke or suspend an alcoholic beverages license and impose a fine on the licensee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 452

(House Bill 1326)

AN ACT concerning

Frederick County – State's Attorney – Annual Salary

FOR the purpose of altering the annual salary of the State's Attorney for Frederick County; providing that this Act does not apply to the salary or compensation of the incumbent State's Attorney; and generally relating to the State's Attorney for Frederick County.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure

Section 15-411(a)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 15-411(b)(1)
Annotated Code of Maryland
(2008 Replacement Volume)

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

Article – Criminal Procedure

15-411.

(a) This section applies only in Frederick County.

(b) (1) The State's Attorney's annual salary is equal to the salary of a [judge of the District Court of Maryland] **CIRCUIT COURT JUDGE**.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the State's Attorney for Frederick County in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the State's Attorney for Frederick County shall take effect at the beginning of the next following term of office.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 453

(House Bill 1355)

AN ACT concerning

Natural Resources – Tidal Fish Licenses and Authorizations – Enforcement

FOR the purpose of altering the grounds for suspension or revocation of a certain tidal fish license or authorization; requiring the Department of Natural Resources to adopt certain regulations on or before a certain date that include enhanced

penalties for certain violations; requiring the Department to adopt certain regulations in consultation with certain entities; repealing a requirement that the Department initiate certain proceedings to suspend a tidal fish license not later than a certain time; and generally relating to tidal fish licenses and authorizations.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–701(a) and (b)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–701(l)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article – Natural Resources

4–701.

(a) This section applies to any person who is required under Subtitle 2, 7, 8, 9, or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters.

(b) (1) The Department shall utilize a single, commercial license, to be known and designated as a tidal fish license.

(1) (1) In addition to any other penalty provided in this title, the Department may suspend or revoke a person's entitlement to engage in a particular activity or activities under a tidal fish license.

(2) During a period of suspension or revocation imposed by the Department, the person penalized is not and shall not be authorized under any existing, renewed, transferred, or new tidal fish license to engage in the particular activity or activities for which the suspension is imposed.

(3) The following are grounds for suspension **OR REVOCATION** of a tidal fish license or an authorization under this section:

(i) Making any false statement in an application for a tidal fish license;

(ii) Conviction of a person for [violations] **A VIOLATION** under this title [so often as to indicate an intent to disregard the fish and fisheries laws of the State, provided that proceedings for suspension on this ground are based on no fewer than:

1. 3 convictions for violations occurring on separate days within any 2-year period, of provisions under any one subtitle of this title; or

2. 5 convictions for violations occurring on separate days within any 2-year period, of any provisions under this title];

(iii) Failure to submit reports required by the provisions of this title or by the Department pursuant to provisions of this title; or

(iv) Failure for a nonresident of the State to appear in court pursuant to a citation issued by a Natural Resources police officer, or to any other process issued by any court of Maryland, for violation of this title.

[(4) The following are grounds for revocation of a tidal fish license or an authorization:

(i) Submitting a false report required by the provisions of this title or by the Department pursuant to the provisions of this title;

(ii) Suspension for a minimum of 6 months of the person's tidal fish license or authorization under paragraph (3) of this subsection at least 3 times in any 6-year period.]

[(5) (4) A penalty imposed in accordance with this subtitle shall be in addition to any other penalty authorized under § 4-1201 of this title regarding striped bass.

[(6) (5) The Department, IN CONSULTATION WITH THE TIDAL FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY COMMISSION, shall adopt regulations relating to the suspension and revocation of licenses and authorizations issued under this title, including ~~ENHANCED PENALTIES FOR:~~

[(i) A schedule of points assigned to various offenses under this title;

(ii) A schedule of the maximum number of days that a license may be suspended according to the number of points accumulated; ~~and~~

(iii) Suspension or revocation of a license or authorization or conviction of an offense under this ~~title.~~ TITLE;]

~~(I) (IV)~~ ~~REPEATED~~ ENHANCED PENALTIES FOR
REPEATED VIOLATIONS OF THIS TITLE; AND

~~(II) (V)~~ ~~VIOLATIONS~~ ENHANCED PENALTIES FOR
VIOLATIONS OF PROVISIONS OF THIS TITLE THAT REGULATE SPECIES DEEMED
BY THE DEPARTMENT TO BE IN NEED OF SPECIAL PROTECTION, INCLUDING
STRIPED BASS, CRABS, OYSTERS, AND MENHADEN.

~~[(7)] (6)~~ ~~The Department shall initiate any proceeding to suspend a~~
~~tidal fish license under this section not later than 6 months after the time for filing an~~
~~appeal of the 3rd conviction under paragraph (3)(ii)1 of this subsection has passed or~~
~~the time for filing an appeal of the 5th conviction under paragraph (3)(ii)2 of this~~
~~subsection has passed.~~

[(8)] ~~(7)~~ (6) Before the suspension or revocation of a tidal fish license
under this section, the Department shall hold a hearing upon not less than 10 days'
notice to the licensee, except that upon the failure of a nonresident of the State to
appear in a court of this State as required by any charging document accusing the
person of committing any offense under this title, in addition to any other appropriate
action taken by the court or the Department, the Department may suspend
immediately and without hearing any license issued to the person under this title.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1,
2010, the Department of Natural Resources shall adopt regulations relating to the
suspension and revocation of licenses and authorizations issued under Title 4, Subtitle
7 of the Natural Resources Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 454

(House Bill 1363)

AN ACT concerning

County Boards of Education – Procurement of Green Product Cleaning Supplies

FOR the purpose of requiring a county board of education to procure green product
cleaning supplies for its schools *under certain circumstances*; requiring a county

board to adopt certain specifications; providing that the specifications may not preclude the use of certain products that are regulated by a certain federal law and shall allow multiple avenues for obtaining green product cleaning supplies certification; defining a certain term; authorizing a county board to use certain cleaning supplies until those supplies are exhausted; providing for the application of this Act; and generally relating to the procurement of green product cleaning supplies by county boards of education.

BY repealing and reenacting, with amendments,

Article – Education

Section 5–112

Annotated Code of Maryland

(2008 Replacement Volume)

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

Article – Education

5–112.

(a) This section does not apply to:

(1) Contracts for the purchase of books and other materials of instruction as defined in the State Department of Education Financial Reporting Manual;

(2) Emergency repairs; and

(3) **[A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A** county board's participation in contracts for goods or commodities that are awarded by other public agencies or by intergovernmental purchasing organizations if the lead agency for the contract follows public bidding procedures.

(b) (1) Except as provided in paragraph (2) of this subsection, if the cost of any school building, improvement, supplies, or equipment is more than \$25,000, the county board, at least 2 weeks before bids are to be filed, shall advertise for bids in a medium accessible to the general public, which includes:

(i) A newspaper of general circulation in the region;

(ii) The Maryland Contract Weekly or comparable State publication; or

(iii) An electronic posting on a bid board and physical posting on the local school system bid board.

(2) If the amount specified in paragraph (1) of this subsection differs from the amount in § 13–109(a) of the State Finance and Procurement Article, the amount in § 13–109(a) of the State Finance and Procurement Article shall apply under paragraph (1) of this subsection.

(3) (i) The county board shall draft specifications that provide a clear and accurate description of the functional characteristics or the nature of an item to be procured, without modifying the county board's requirements.

(ii) The specifications may:

1. Include a statement of any of the county board's requirements; and
2. Provide for the submission of samples, inspection, or testing of the item before procurement.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, specifications that use one or more manufacturer's product to describe the standard of quality, performance, or other characteristics needed to meet the county board's requirements, must allow for the submission of equivalent products.

(ii) Subparagraph (i) of this paragraph does not apply if the county board determines in the written specification that:

1. A particular manufacturer's product is required to maintain compatibility of service or equipment;
2. A particular manufacturer's product is required to meet the health needs of students;
3. Replacement parts or maintenance are a paramount consideration; or
4. A product is purchased for resale.

(c) (1) A contract for the school building, improvements, supplies, or other equipment shall be awarded to the lowest responsible bidder who conforms to specifications with consideration given to:

- (i) The quantities involved;
- (ii) The time required for delivery;
- (iii) The purpose for which required;
- (iv) The competency and responsibility of the bidder;

- (v) The ability of the bidder to perform satisfactory service; and
 - (vi) The plan for utilization of minority contractors.
- (2) The county board may reject any and all bids and readvertise for other bids.

(d) (1) In this subsection, the term “minority business enterprise” has the meaning stated in § 14–301 of the State Finance and Procurement Article.

(2) In Montgomery County, by resolution and by implementing regulations, the Montgomery County Board of Education shall establish a minority business utilization program to facilitate the participation of responsible certified minority business enterprises in contracts awarded by the Montgomery County Board of Education in accordance with competitive bidding procedures.

(E) (1) IN THIS SUBSECTION, “GREEN PRODUCT CLEANING SUPPLIES” ~~INCLUDES~~ MEANS CLEANING AND SANITIZING SUPPLIES THAT PERFORM WELL AND THAT HAVE POSITIVE ENVIRONMENTAL ATTRIBUTES, INCLUDING:

- (I) BIODEGRADABILITY;**
- (II) LOW TOXICITY;**
- (III) LOW VOLATILE ORGANIC COMPOUND CONTENT;**
- (IV) REDUCED PACKAGING; AND**
- (V) LOW LIFE CYCLE ENERGY USE.**

(2) (I) TO THE EXTENT PRACTICABLE, AND ECONOMICALLY FEASIBLE, A COUNTY BOARD SHALL PROCURE GREEN PRODUCT CLEANING SUPPLIES FOR USE IN ITS SCHOOLS.

(II) IN ACCORDANCE WITH SUBSECTION (B)(3) OF THIS SECTION, A COUNTY BOARD SHALL DRAFT SPECIFICATIONS THAT PROVIDE A CLEAR AND ACCURATE DESCRIPTION OF THE FUNCTIONAL CHARACTERISTICS OR NATURE OF THE GREEN PRODUCT CLEANING SUPPLIES THAT ARE TO BE PROCURED.

(III) THE SPECIFICATIONS DRAFTED BY A COUNTY BOARD UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH:

1. MAY NOT PRECLUDE THE USE WHEN NECESSARY OF A DISINFECTANT, DISINFECTING CLEANER, SANITIZER, OR OTHER ANTIMICROBIAL PRODUCT REGULATED BY THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT UNDER 7 U.S.C. § 136 ET SEQ.; AND

2. SHALL ALLOW FOR MULTIPLE AVENUES TO OBTAIN GREEN PRODUCT CLEANING SUPPLIES CERTIFICATION, INCLUDING:

A. THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S DESIGN FOR THE ENVIRONMENT PROGRAM (DFE);

B. GREEN SEAL, GREEN LABEL, ENVIRONMENTAL CHOICE, OR U.S. GREEN BUILDING COUNCIL; AND

C. ANY OTHER ACCREDITATION THE COUNTY BOARD DETERMINES TO BE APPROPRIATE.

[(e)] (F) Nonpublic schools may participate under any contracts for goods or commodities that are awarded by county boards, other public agencies, or intergovernmental purchasing organizations, if the lead agency for the contract award follows public bidding procedures.

[(f)] (G) A contract entered into or purchase made in violation of this section is void.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not prohibit a county board from using cleaning supplies in its inventory on the effective date of this Act until those supplies are exhausted.

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 obligation or contract for cleaning supplies existing before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 455

(House Bill 1369)

AN ACT concerning

Howard County Ethics Law – Application for Zoning Regulation Amendment

Ho. Co. 12-09

FOR the purpose of making an application for a zoning regulation amendment subject to certain Howard County ethics law provisions; altering a definition; and generally relating to certain Howard County ethics law provisions.

BY repealing and reenacting, without amendments,
Article – State Government
Section 15-848(a), 15-849, and 15-850
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15-848(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Article – State Government

15-848.

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

(c) “Application” means:

(1) an application for a zoning map amendment; [or]

(2) **AN APPLICATION FOR A ZONING REGULATION AMENDMENT;**

OR

[(2)] (3) participation in the adoption and approval of a comprehensive zoning plan by appearing at a public hearing, filing a statement in an official record, or engaging in other similar communication to an elected official, where the intent is to change the classification or increase the density of the land of the applicant.

15-849.

(a) (1) When an application is filed, the applicant shall file an affidavit, under oath, stating whether the applicant:

(i) has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before the application is filed, to the best of the applicant's information, knowledge, and belief; or

(ii) is currently engaging in business with an elected official.

(2) (i) If the applicant or a party of record or a family member has made a contribution or contributions having a cumulative value of \$500 or more during the 48-month period before the application was filed or during the pendency of the application, the applicant or the party of record shall file a disclosure providing the name of the candidate or elected official to whose treasurer or political committee the contribution was made, the amount, and the date of the contribution. However, if the party of record is a community association, this paragraph may not be construed to require the association to poll its members to disclose individual contributions.

(ii) A contribution made between the filing of the application and the disposition of the application shall be disclosed within 5 business days of the contribution.

(3) An applicant who begins engaging in business with an elected official between the filing of the application and the disposition of the application shall file the affidavit at the time of engaging in business with the elected official.

(b) Except as provided in subsection (a)(3) of this section, the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official.

(c) Within 2 weeks after entering a proceeding, a party of record that has made a contribution shall submit a disclosure as described in subsection (a)(2) of this section.

(d) (1) Except as provided in paragraph (2) of this subsection, a contributor and an elected official are subject to the provisions of this Part VII if the contributor makes a contribution to:

(i) the candidate;

(ii) a slate; or

(iii) the candidate's political committee.

(2) The provisions of this Part VII do not apply to a transfer by a political action committee to a candidate or the candidate's continuing political committee.

(e) An affidavit or a disclosure required under this Part VII shall be in a form established by the Howard County Solicitor and approved by the County Council. The completed form shall be filed in the appropriate case file of an application. The disclosure form shall repeat the penalty provision in § 15-850(a) of this Part VII.

(f) A contribution made after the filing of the initial disclosure and before final disposition of the application by the County Council shall be disclosed within 5 business days of the contribution.

(g) In the enforcement of this Part VII, the administrative clerk to the zoning board or the administrator of the County Council, as appropriate, considering an application shall be subject to the authority of the Howard County Ethics Commission and, unless otherwise directed by the Ethics Commission, shall:

- (1) receive filings of affidavits and disclosures;
- (2) maintain filed affidavits and disclosures as public records available for review by the general public during normal business hours;
- (3) report violations to the Howard County Ethics Commission; and
- (4) perform ministerial duties necessary to administer this Part VII.

(h) (1) At least twice each calendar year the administrative assistant to the zoning board and the administrator of the County Council shall prepare a summary report compiling all affidavits and disclosures that have been filed.

(2) The summary report shall be a matter of public record and available for inspection upon written request.

15-850.

(a) (1) Any person who knowingly and willfully violates the provisions of this Part VII is subject to a fine of not more than \$5,000.

(2) If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty specified in paragraph (1) of this subsection.

(b) (1) Any person who is subject to the provisions of this Part VII shall preserve for 3 years from the date of filing the application all accounts, bills, receipts, books, papers, and documents necessary to complete and substantiate any reports, statements, or records required to be made under this Part VII.

(2) The papers and documents described in paragraph (1) of this subsection shall be available for inspection upon request to the Howard County Ethics Commission, after reasonable notice.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 456

(House Bill 1373)

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

FOR the purpose of including the Somers Cove Marina Commission as State personnel under the Maryland Tort Claims Act; specifying that Commission members who are not employees of the Department of Natural Resources may use certain vehicles and equipment under certain circumstances; authorizing the Department to transfer vehicles and other inventory to the Commission under certain circumstances; authorizing the Executive Director of the Commission to engage in emergency procurement under certain circumstances; requiring the Executive Director to submit a report to the Commission including certain information after use of the emergency procurement procedure; providing for the application of certain provisions relating to the purchase of items for direct resale or remanufacture; making this Act an emergency measure; and generally relating to the Somers Cove Marina Commission.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–908.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–101
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Article – Natural Resources

5–908.1.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Commission” means the Somers Cove Marina Commission.
- (3) “Fund” means the Somers Cove Marina Improvement Fund.
- (4) “Unencumbered” means not pledged for use by the State for Somers Cove Marina before the creation of the Commission.
- (b) (1) (i) There is a Somers Cove Marina Commission.
- (ii) The Commission is a body politic and corporate and an instrumentality of the State.
- (2) The Commission consists of the following members:
 - (i) Two members from Somerset County, appointed by the Board of County Commissioners of Somerset County, one of whom shall be a member of the Somerset County business community;
 - (ii) Two members from the City of Crisfield, appointed by the Mayor of Crisfield, one of whom shall be a member of the Somerset County business community; and
 - (iii) Three members appointed by the Secretary, one of whom shall be a current slip holder at Somers Cove Marina.
- (3) (i) The term of a member is 4 years.
- (ii) A member may not serve more than 2 consecutive terms.
- (iii) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (iv) 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.
- (4) A member is not entitled to compensation except for reimbursement for expenses as provided in the budget of the Commission.
- (5) (i) The Commission shall elect a chair and a vice chair of the Commission from among its members.

(ii) The Commission shall appoint a secretary–treasurer who need not be a member of the Commission.

(iii) A secretary–treasurer who is not a member of the Commission may not vote on matters before the Commission.

(6) (i) The Commission shall meet at least every 2 months, as determined by the chair.

(ii) At least 10 days before each meeting, written notice shall be given to each member of the Commission.

(7) Five members of the Commission are a quorum.

(8) A majority vote of the members present at a meeting having a quorum is needed for the Commission to act.

(9) (i) The Secretary may remove a member of the Commission for any reason upon a majority vote of the members of the Commission.

(ii) If a member is removed, a new member shall promptly be appointed by the individual or body that appointed the removed member.

(c) (1) The Secretary shall:

(i) Appoint an Executive Director;

(ii) Consult with the Commission in conducting the annual performance evaluation of the Executive Director; and

(iii) Review and make determinations on requests for approval of leases and contracts submitted to the Secretary by the Executive Director in accordance with subsection (d) of this section.

(2) The Executive Director:

(i) Shall administer the Fund;

(ii) On or before May 1 of each year, and after consulting with the Commission, shall prepare operating and capital budgets for the subsequent fiscal year and submit the budgets to the Commission for review and approval;

(iii) Shall supervise the marina manager;

(iv) May execute leases of land, buildings, or facilities at Somers Cove Marina and execute contracts for events or concessions at Somers Cove Marina in accordance with subsection (c) of this section;

(v) Subject to the approval of the Secretary, and in cooperation with the Commission, shall develop an annual master plan for the operations, maintenance, development, and improvement of Somers Cove Marina that improves services to the general boating public;

(vi) Shall administer, in cooperation with the Commission, all unencumbered grants;

(vii) 1. Shall employ a staff to operate and maintain Somers Cove Marina, and set the staff's compensation; and

2. Shall, except for the marina manager, employ staff as employees of the Commission; and

(viii) Shall be an employee of the State and serve at the pleasure of the Secretary.

(3) (i) The marina manager shall be an employee of the State.

(ii) The marina manager is responsible for the day-to-day operations of the marina.

(4) ON APPROVAL OF AND SUBJECT TO THE CONDITIONS THAT THE DEPARTMENT MAY REQUIRE, COMMISSION STAFF WHO ARE NOT EMPLOYEES OF THE DEPARTMENT MAY USE VEHICLES OR EQUIPMENT OF THE DEPARTMENT.

(d) (1) A lease of land, a building, or other facility at the Somers Cove Marina or a contract for an event or concession at the Somers Cove Marina shall conform to the annual master plan approved under subsection (c)(2)(v) of this section.

(2) A lease of land, a building, or a facility or a contract for an event or concession that is executed by the Executive Director:

(i) May not be for a term of more than 5 years or be renewed for more than an additional 5 years; and

(ii) Shall be reviewed and approved by the Commission and Office of the Attorney General.

(3) A lease entered into before the creation of the Commission shall remain in effect for the duration of the term of the lease.

(4) (i) The Executive Director may not execute a lease or contract for nonboating related improvements or goods at the marina without the approval of the Secretary.

(ii) Within 30 days after receiving a request for approval of a lease or contract, the Secretary shall provide the Executive Director with an initial response that may include a process or plan of action for addressing the merits of the request.

(E) ON APPROVAL OF AND SUBJECT TO THE CONDITIONS THAT THE SECRETARY MAY REQUIRE, THE DEPARTMENT MAY TRANSFER ANY VEHICLE, EQUIPMENT, OR OTHER INVENTORY TO THE COMMISSION.

[(e)] (F) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, THE Executive Director shall procure goods and services in accordance with the requirements of this subsection.

(2) For goods and services with an expected value of \$1,000 to \$5,000, the Executive Director shall:

- (i) Make a written or telephone request for bids;
- (ii) Evaluate the bids; and
- (iii) Award the contract to the responsible bidder that submits the responsive bid that is the lowest bid price.

(3) For goods and services with an expected value of more than \$5,000, the Executive Director shall:

- (i) Advertise the solicitation in a local newspaper and on the Somerset County website;
- (ii) Issue invitations for bids to all known prospective vendors;
- (iii) Tabulate and evaluate the bids;
- (iv) Select for award the responsible bidder who submits the responsive bid that is the lowest bid price; and
- (v) Submit the proposed award to the Commission for review and approval.

(4) FOR AN EMERGENCY PROCUREMENT THAT THE EXECUTIVE DIRECTOR DETERMINES TO BE NECESSARY TO AVOID OR MITIGATE SERIOUS

DAMAGE TO PUBLIC HEALTH, SAFETY, OR WELFARE, THE EXECUTIVE DIRECTOR SHALL:

(I) OBTAIN AS MUCH COMPETITION AS POSSIBLE UNDER THE CIRCUMSTANCES; AND

(II) AFTER AWARDING THE PROCUREMENT CONTRACT, SUBMIT TO THE COMMISSION AND THE SECRETARY A WRITTEN REPORT THAT GIVES THE JUSTIFICATION FOR THE USE OF THE EMERGENCY PROCUREMENT PROCEDURE.

[(4)] (5) The Executive Director shall adopt a procurement policy that includes provisions for minority- and women-owned business participation.

(6) THIS SUBSECTION DOES NOT APPLY TO PROCUREMENT IN SUPPORT OF ENTERPRISE ACTIVITIES FOR THE PURPOSE OF DIRECT RESALE OR REMANUFACTURE AND SUBSEQUENT RESALE.

[(f)] (G) (1) The Commission shall:

(i) Adopt an operating budget to use the Fund to implement the master plan;

(ii) Adopt a capital budget that may use funds from Somerset County, the City of Crisfield, the State, and other sources to implement the master plan;

(iii) 1. Apply for grants from the Waterway Improvement Fund in accordance with Title 8, Subtitle 7 of this article; and

2. Subject to the Secretary's approval, receive approved grant amounts at the time of acceptance of a bid or bids for waterway improvement work;

(iv) Assess slip and other fees and charges at Somers Cove Marina as necessary in order to implement the master plan;

(v) Set policy and provide general oversight of marina operations; and

(vi) Adopt rules and regulations necessary for the conduct of its own affairs.

(2) The Commission may:

(i) Accept gifts, contributions, or loans of money, supplies, goods, and services, and accept appropriations, allotments, and loans of money from:

1. The State or federal government;
2. A federal corporation;
3. A unit or instrumentality of the federal government;
4. A political subdivision or instrumentality of the State;

or

(ii) Exercise a power usually possessed by a private corporation in performing similar functions unless to do so would conflict with State law; and

(iii) Do all things necessary to carry out the mandates and powers expressly provided by this section.

[(g)] (H) There is a Somers Cove Marina Improvement Fund in the Commission, to be used for the operation, maintenance, development, and improvement of the Somers Cove Marina facilities in Crisfield, Maryland.

[(h)] (I) Any money obtained by the Commission from Somers Cove Marina shall be credited to the Fund.

[(i)] (J) (1) The Commission shall:

(i) Maintain the Fund in a bank account separate from State funds;

(ii) Transfer any unencumbered moneys in the Fund run by the Department to the Commission's Fund; and

(iii) Reimburse the State for the salary of the marina manager.

(2) Moneys of the Fund are:

(i) Not moneys of the State within the meaning of Article VI of the State Constitution; and

(ii) Subject to audit by the State, including the Department and the Legislative Auditor.

(3) Moneys pledged for use by the State for Somers Cove Marina before the creation of the Commission shall be used for the same purpose as originally pledged.

[(j)] (K) On or before October 1 of each year, the Commission shall provide to the Department an accounting of revenues and expenses from Somers Cove Marina for the previous fiscal year.

[(k)] (L) (1) On November 1, 2011, the Department and the Commission shall begin to evaluate the Commission's work so that the Department and the Commission may make findings and recommendations concerning the Commission's ability to:

(i) Operate, maintain, develop, and improve Somers Cove Marina in an effective manner; and

(ii) Afford or assume the costs of operating, maintaining, developing, and improving Somers Cove Marina, including the salaries of:

1. The Executive Director; and
2. Employees of the State who remain working at Somers Cove Marina.

(2) On November 1, 2013, based on the evaluation undertaken in accordance with paragraph (1) of this subsection, the Department and the Commission shall report their findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the General Assembly.

Article – State Government

12-101.

(a) In this subtitle, unless the context clearly requires otherwise, "State personnel" means:

(1) a State employee or official who is paid in whole or in part by the Central Payroll Bureau in the Office of the Comptroller of the Treasury;

(2) an employee or official of the:

(i) Maryland Transportation Authority;

(ii) Injured Workers' Insurance Fund;

(iii) Maryland Stadium Authority;

(iv) Maryland Environmental Service;

(v) overseas programs of the University College of the University System of Maryland;

- (vi) Maryland Economic Development Corporation;
- (vii) Maryland Technology Development Corporation;
- (viii) Maryland African American Museum Corporation;
- (ix) Maryland Automobile Insurance Fund;
- (x) Maryland Health and Higher Educational Facilities Authority; [and]
- (xi) Maryland Agricultural and Resource-Based Industry Development Corporation; **AND**

(XII) THE SOMERS COVE MARINA COMMISSION;

- (3) a person who:
 - (i) is a member of a State board, commission, or similar State entity; or
 - (ii)
 - 1. is providing a service to or for the State;
 - 2. is not paid in whole or in part by the State; and
 - 3. satisfies all other requirements for designation as State personnel as may be set forth in regulations adopted by the Treasurer pursuant to Title 10 of this article;
- (4) an individual who, without compensation, exercises a part of the sovereignty of the State;
- (5) a student enrolled in a State educational institution:
 - (i) who is providing services to third parties in the course of participation in an approved clinical training or academic program;
 - (ii) who, as determined by the Treasurer, is required to have liability insurance covering claims arising from services to third parties performed by the student in the course of the approved clinical training or academic program;
 - (iii) who, as determined by the Treasurer, cannot obtain commercial liability insurance at an affordable cost; and
 - (iv) who, as determined by the Treasurer, may be required to contribute to an insurance program for claims arising from services to third parties

performed by the student in the course of the approved clinical training or academic program;

(6) a sheriff or deputy sheriff of a county or Baltimore City;

(7) an employee of a county who is assigned to a local department of social services, including a Montgomery County employee who carries out State programs administered under Title 3, Subtitle 4 of the Human Services Article;

(8) a State's Attorney of a county or Baltimore City, or an employee of an office of a State's Attorney;

(9) a member of a board of license commissioners of a county or Baltimore City appointed under the provisions of Article 2B of the Code, or an employee of a board of license commissioners;

(10) a member of a local board of elections, or an employee of a local board of elections;

(11) a judge of a circuit court of a county or Baltimore City, or an employee of a circuit court;

(12) a judge of an orphans' court of a county or Baltimore City, or an employee of an orphans' court;

(13) to the extent of a nonprofit organization's activities as a third party payee, and to the extent the nonprofit organization has no other insurance for this purpose, a nonprofit organization that has been approved by the Department of Human Resources or its designee to serve as a third party payee for purposes of providing temporary cash assistance, transitional assistance, or child-specific benefits to Family Investment Program recipients; or

(14) a student, faculty, or staff member of an institution of higher education who is providing a service under the Family Investment Program in accordance with § 5-305, § 5-306, or § 5-317 of the Human Services Article.

(b) In this subtitle, a unit of the State government includes the Montgomery County government to the extent that Montgomery County administers a State program under Title 3, Subtitle 4 of the Human Services Article.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.~~

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 7, 2009.

Chapter 457

(House Bill 1374)

AN ACT concerning

~~Baltimore City School Police Officers – Baltimore City School Police Lodge Five Public Schools – School Police Officers – Employee Organization~~

FOR the purpose of ~~authorizing the Baltimore City School Police Lodge Five to qualify as an employee organization to represent the Baltimore City school police officers under certain circumstances; altering certain definitions; authorizing the public school employer in Baltimore City to designate an additional negotiating unit composed of certain police officers for purposes of collective bargaining;~~ and generally relating to the representation of Baltimore City school police officers in their relations with the Baltimore City Board of School Commissioners.

BY repealing and reenacting, with amendments,
 Article – Education
 Section ~~6-401~~ 6-505
 Annotated Code of Maryland
 (2008 Replacement Volume)

~~BY repealing and reenacting, without amendments,
 Article – Education
 Section ~~6-405~~
 Annotated Code of Maryland
 (2008 Replacement Volume)~~

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

Article – Education

~~6-401.~~

- (a) ~~In this subtitle the following words have the meanings indicated.~~
- (b) ~~(1) “Employee organization” means an organization that:~~

~~[(1)] (I) Includes certificated employees of a public school employer or individuals of equivalent status in Baltimore City; and~~

~~[(2)] (II) Has as one of its main purposes the representation of the employees in their relations with that public school employer.~~

~~(2) IN BALTIMORE CITY, "EMPLOYEE ORGANIZATION" INCLUDES THE BALTIMORE CITY SCHOOL POLICE LODGE FIVE.~~

~~(e) (1) "Home and hospital teacher" means a teacher employed by a public school employer to provide instructional services to a public school student who is unable to function effectively in the classroom setting due to the student's medical, physical, or emotional condition.~~

~~(2) A home and hospital teacher may teach in:~~

- ~~(i) A private home;~~
- ~~(ii) A hospital;~~
- ~~(iii) A therapeutic center;~~
- ~~(iv) A school; or~~
- ~~(v) Any other appropriate site.~~

~~(d) (1) "Public school employee" means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6-408(b) of this subtitle.~~

~~(2) In Montgomery County, "public school employees" include:~~

~~(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and~~

~~(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.~~

~~(3) In Baltimore County, "public school employee" includes:~~

~~(i) A secondary school nurse, an elementary school nurse, and a special school nurse; and~~

~~(ii) Supervisory noncertificated employees as defined under § 6-501(h) of this title.~~

~~(4) In Frederick County, "public school employee" includes a social worker employed by a public school employer.~~

~~(5) In Prince George's County, "public school employee" includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.~~

~~(6) In Charles County and Garrett County, "public school employee" includes Junior Reserve Officer Training Corps (JROTC) instructors.~~

~~(7) In Carroll County, "public school employee" includes supervisory noncertificated employees as defined under § 6-501(h) of this title.~~

~~**(8) IN BALTIMORE CITY, "PUBLIC SCHOOL EMPLOYEE" INCLUDES BALTIMORE CITY SCHOOL POLICE OFFICERS AS DEFINED UNDER § 4-318(A) OF THIS ARTICLE.**~~

~~(e) "Public school employer" means a county board of education or the Baltimore City Board of School Commissioners.~~

~~6-405.~~

~~(a) The designation of an employee organization as an exclusive representative shall be made as provided in this section.~~

~~(b) If an employee organization certifies to the public school employer that it has a membership enrollment of at least 30 percent of the total number of public school employees in a specified unit in a county as of June 1 of the year in which certification is made, this certification is a request for recognition as exclusive representative of all public school employees in the specified unit in the county.~~

~~(c) If another employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit as of the same June 1, an election shall be held in which the public school employees in the unit shall be offered the opportunity to choose:~~

~~(1) One of the employee organizations as the exclusive representative of all public school employees in the unit; or~~

~~(2) Not to have exclusive representation.~~

~~(d) If no other employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the~~

~~unit, on the request of the employee organization under subsection (b) of this section, an election shall be held and the ballot shall offer a choice between:~~

- ~~(1) Exclusive representation by the organization; and~~
- ~~(2) Not to have exclusive representation.~~

~~(c) The public school employer shall designate the employee organization described in subsection (b) of this section as the exclusive representative of all public school employees in the specified unit in a county if:~~

~~(1) No other employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit;~~

~~(2) The employee organization does not request an election under subsection (d) of this section; and~~

~~(3) The employee organization certifies that it has a membership enrollment of the majority of the public school employees in the unit in the county.~~

~~(f) (1) The State Board shall adopt rules and regulations for:~~

~~(i) Verifying the number of certificated employees of the public school employer or individuals of equivalent status in Baltimore City who are members in good standing of an employee organization on the date of the certification or who have signed a petition under this section; and~~

~~(ii) Holding elections under this section and the certification of their results.~~

~~(2) The State Board shall provide for supervision of these elections.~~

~~(3) The elections shall be held:~~

~~(i) In each school facility where public employees are assigned on a regularly scheduled school day;~~

~~(ii) In a manner assuring the secrecy of the ballot; and~~

~~(iii) On a regular working day for public school employees, between June 1 and June 15, inclusive, except in Baltimore City where the elections shall be held between November 1 and November 15 following the date on which certification of required membership enrollment is made.~~

~~(4) In any election held under this section, the employee organization that receives the largest number of votes cast in a unit shall be declared to be the~~

~~exclusive representative of all public school employees in the unit. If the largest number of votes in the election is cast not to have exclusive representation, a representative may not be designated for the unit.~~

~~(5) The public school employer shall provide any assistance required in holding the elections.~~

6-505.

(a) (1) Each public school employer may designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.

(2) In Baltimore City, Garrett County, and Frederick County, the public school employer shall designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.

(b) The public school employer shall determine the composition of the unit in negotiation with any employee organization that requests negotiation concerning the composition of the unit.

(c) (1) [There] EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, THERE may not be more than three units in a county and a unit may not include both supervisory and nonsupervisory employees.

(2) If a county has more than three recognized units and, as of July 1, 1974, the units have exclusive representation for collective negotiations, these units may continue as negotiating units.

(3) In Baltimore County, there shall only be three nonsupervisory units in addition to the supervisory unit defined under § 6-404(c)(2) of this title.

(4) In Carroll County, beginning on October 1, 2007:

(i) There shall be no more than three units; and

(ii) All units shall be nonsupervisory units.

(5) IN BALTIMORE CITY, THE PUBLIC SCHOOL EMPLOYER MAY DESIGNATE A FOURTH UNIT COMPOSED OF ALL BALTIMORE CITY SCHOOL POLICE OFFICERS, AS DEFINED IN § 4-318 OF THIS ARTICLE, UP TO AND INCLUDING THE RANK OF LIEUTENANT.

(d) (1) All eligible public school employees shall:

- (i) Be included in one of these units; and
- (ii) Have the rights granted in this subtitle.

(2) Except for an individual who is designated as management personnel or a confidential employee under this subtitle, each public school employee is eligible for membership in one of the negotiating units.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 458

(House Bill 1395)

AN ACT concerning

Campaign Finance – Reports and Affidavits – Failure to File

FOR the purpose of subjecting campaign finance entities that fail to file a certain affidavit to certain sanctions; ~~altering the maximum amount of certain fees payable for certain campaign finance reports or certain affidavits;~~ requiring the State Board of Elections, instead of a local board of elections, to assess a late filing fee for failure to file a campaign finance report or affidavit; requiring the State Board, instead of a local board of elections, to accept overdue campaign finance reports or affidavits; and generally relating to campaign finance reports and affidavits.

BY repealing and reenacting, with amendments,
 Article – Election Law
 Section 13–327 and 13–331
 Annotated Code of Maryland
 (2003 Volume and 2008 Supplement)

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

Article – Election Law

13–327.

(a) A campaign finance entity that fails to file a campaign finance report **OR AFFIDAVIT** required by this subtitle is subject to the sanctions provided in Part VII of this subtitle.

(b) The failure to provide on a campaign finance report required by § 13-304 of this subtitle all of the information required of the campaign finance entity by the State Board under this subtitle is deemed a failure to file and renders the campaign finance report overdue, only if:

(1) the State Board notifies the responsible officers in writing of the particular deficiencies; and

(2) the responsible officers fail to file a properly corrected campaign finance report within 30 days after service of the notice.

13-331.

(a) In accordance with subsection (b) of this section, [a board] **THE STATE BOARD** shall assess a late filing fee for a failure to file a campaign finance report **OR AFFIDAVIT**, as specified in § 13-327 of this subtitle.

(b) (1) The fee is \$10 for each day or part of a day, excluding Saturdays, Sundays, and holidays, that a campaign finance report, ~~AFFIDAVIT, OR CORRECTED CAMPAIGN FINANCE REPORT REQUIRED BY THIS SUBTITLE~~ **OR AFFIDAVIT** is overdue.

(2) An additional fee of \$10 is due for each of the first 6 days, excluding Saturdays, Sundays, and holidays, that a preelection campaign finance report under § 13-309 of this subtitle is overdue.

(3) The maximum fee payable for [any single] A campaign finance report **OR AFFIDAVIT** ~~REQUIRED UNDER § 13-309 OF THIS SUBTITLE~~ is [~~\$250~~] **\$500**.

~~(4) THE MAXIMUM FEE PAYABLE FOR A CORRECTED CAMPAIGN FINANCE REPORT AS SPECIFIED IN § 13-327(B) OF THIS SUBTITLE IS \$250.~~

(c) (1) [A board] **THE STATE BOARD** shall accept an overdue campaign finance report **OR AFFIDAVIT** that is submitted without payment of the late filing fee, but the campaign finance report is not considered filed until the fee has been paid.

(2) After an overdue campaign finance report **OR AFFIDAVIT** is received under paragraph (1) of this subsection no further late filing fee shall be incurred.

(d) A late filing fee is the joint and several liability of the responsible officers and:

(1) may not be paid, directly or indirectly, by the campaign finance entity; and

(2) is neither a contribution to nor an expenditure of the entity.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 459

(House Bill 1396)

AN ACT concerning

Higher Education – Student Financial Assistance – Dually Enrolled Students

FOR the purpose of expanding eligibility in the Part–Time Grant Program to include certain students who are dually enrolled in certain secondary schools in the State and certain institutions of higher education; providing that a recipient of a certain part–time grant is not required to receive certain academic credit under certain circumstances; authorizing an institution of higher education to use up to a certain amount of Part–Time Grant Program funds for certain purposes; repealing a certain termination provision relating to the Dual Enrollment Grant Program; changing the name of the Dual Enrollment Grant Program to the Early College Access Grant Program; and generally relating to student financial assistance.

BY repealing and reenacting, with amendments,

Article – Education

Section 18–1401 ~~and~~, 18–1402, and 18–14A–01 through 18–14A–03

Annotated Code of Maryland

(2008 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Education

Section ~~18–14A–01 through~~ 18–14A–04

Annotated Code of Maryland

(2008 Replacement Volume)

BY repealing and reenacting, with amendments,

Chapter 296 of the Acts of the General Assembly of 2007
Section 3

BY repealing and reenacting, with amendments,
Chapter 297 of the Acts of the General Assembly of 2007
Section 3

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

Article – Education

18–1401.

(a) In this section, “part–time student” means a student who [is]:

(1) **IS** enrolled in a degree–granting program at an eligible institution and taking at least 6 but no more than 11 semester hours of courses each semester;
OR

(2) **IS DUALY ENROLLED IN A SECONDARY SCHOOL IN THE STATE AND AN INSTITUTION OF HIGHER EDUCATION.**

(b) In cooperation with the institutions of higher education in the State, the Commission shall establish and administer a grant program for undergraduate part–time students.

(c) A recipient of a part–time grant shall:

(1) Be a resident of the State; and

(2) Have demonstrated a definite financial need according to criteria established by the Commission.

(D) FOR COURSES COMPLETED UNDER THE PROGRAM, A RECIPIENT WHO IS DUALY ENROLLED IN A SECONDARY SCHOOL IN THE STATE AND AN INSTITUTION OF HIGHER EDUCATION MAY NOT BE REQUIRED TO RECEIVE CREDIT FROM A SECONDARY SCHOOL AND AN INSTITUTION OF HIGHER EDUCATION AT THE SAME TIME.

18–1402.

(a) Funds for the Part–Time Grant Program shall be allocated by the Commission to each institution of higher education based upon the number of undergraduate part–time students with demonstrated financial need who are enrolled in degree–granting programs at the institution.

(B) IN ADDITION TO THE FUNDS PROVIDED UNDER § 18-14A-02(B) OF THIS TITLE, INSTITUTIONS MAY USE UP TO 10% OF THE PART-TIME GRANT ALLOCATION TO PROVIDE GRANTS TO STUDENTS WHO ARE DUALY ENROLLED.

[(b)] (C) Funds for the grant program for part-time students shall be as provided in the annual budget of the Commission by the Governor.

18-14A-01.

(a) In this section, "dually enrolled student" means a student who is dually enrolled in:

- (1) A secondary school in the State; and
- (2) An institution of higher education in the State.

(b) In cooperation with institutions of higher education in the State, the Commission shall establish and administer a grant program for dually enrolled students.

(c) A recipient of ~~a dual enrollment~~ **AN EARLY COLLEGE ACCESS** grant shall:

- (1) Be a resident of the State;
- (2) Be a dually enrolled student; and
- (3) Demonstrate financial need according to criteria established by the Commission.

(d) For courses completed under the program, a recipient of ~~a dual enrollment~~ **AN EARLY COLLEGE ACCESS** grant is not required to receive credit from a secondary school and an institution of higher education at the same time.

18-14A-02.

(a) Funds for the ~~Dual Enrollment~~ **EARLY COLLEGE ACCESS** Grant Program shall be allocated by the Commission to an institution of higher education based on the number of dually enrolled students receiving credit for courses completed at the institution.

(b) Funds for the ~~Dual Enrollment~~ **EARLY COLLEGE ACCESS** Grant Program shall be as provided in the annual budget of the Commission by the Governor.

18-14A-03.

The Commission shall:

(1) Establish guidelines for the awarding of ~~dual-enrollment~~ **EARLY COLLEGE ACCESS** grants to dually enrolled students; and

(2) Adopt any other guidelines or regulations necessary for the administration of this subtitle.

18-14A-04.

An institution of higher education that receives State funds under this subtitle shall provide the Commission with an annual audit of the use of the funds.

Chapter 296 of the Acts of 2007

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2007. [It shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

Chapter 297 of the Acts of 2007

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2007. [It shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2009, 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 July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 460

(House Bill 1403)

AN ACT concerning

State Plan for Higher Education Quadrennial Review – Reporting Date

FOR the purpose of altering the date by which the Maryland Higher Education Commission must first submit a quadrennial review of the State Plan for

Higher Education to the Governor and General Assembly; making this Act an emergency measure; and generally relating to the submission date of the State Plan for Higher Education.

BY repealing and reenacting, without amendments,

Article – Education
Section 11–105(b)(2)(i)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education
Section 11–105(b)(3)(i)
Annotated Code of Maryland
(2008 Replacement Volume)

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

Article – Education

11–105.

(b) (2) (i) In consultation with the governing boards and agencies concerned with postsecondary education in the State, the Commission shall develop and periodically update an overall plan consistent with the Charter, known as the State Plan for Higher Education, that shall identify:

1. The present and future needs for postsecondary education and research throughout the State;

2. The present and future capabilities of the different institutions and segments of postsecondary education in the State; and

3. The long–range and short–range objectives and priorities for postsecondary education and methods and guidelines for achieving and maintaining them.

(3) (i) The Commission shall submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly a quadrennial review of the plan by [July 1, 2008] **JULY 1, 2009**, and by July 1 of each fourth year thereafter.

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 7, 2009.

Chapter 461

(House Bill 1404)

AN ACT concerning

Higher Education – Children of Fallen State or Local Public Safety Employees – Exemption from Nonresident Tuition

FOR the purpose of establishing that certain children of State or local public safety employees killed in the line of duty shall be exempt from paying nonresident tuition at public institutions of higher education; requiring the governing board of each public institution of higher education to adopt certain policies; providing for the application of this Act; and generally relating to tuition charges for certain children of State or local public safety employees killed in the line of duty.

BY adding to

Article – Education
Section 15–106.7
Annotated Code of Maryland
(2008 Replacement Volume)

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

Article – Education

15–106.7.

(A) IN THIS SECTION, “STATE OR LOCAL PUBLIC SAFETY EMPLOYEE” HAS THE MEANING STATED IN § 18–601(A)(4) OF THIS ARTICLE.

(B) A SON OR A DAUGHTER OF A STATE OR LOCAL PUBLIC SAFETY EMPLOYEE WHO IS ELIGIBLE FOR A SCHOLARSHIP IN ACCORDANCE WITH § 18–601(D)(3)(III) OF THIS ARTICLE IS EXEMPT FROM PAYING THE NONRESIDENT TUITION RATE AT A PUBLIC INSTITUTION OF HIGHER EDUCATION.

(C) THE GOVERNING BOARD OF EACH PUBLIC INSTITUTION OF HIGHER EDUCATION, IN CONSULTATION WITH THE COMMISSION, SHALL ADOPT APPROPRIATE POLICIES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect students enrolled at a public institution of higher education beginning with the 2008 fall semester.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 462

(House Bill 1412)

AN ACT concerning

Vehicle Laws – Motor Vehicle Administration Point System

FOR the purpose of repealing certain provisions of law relating to the authority of the Motor Vehicle Administration to conduct point system conferences; clarifying certain statutory references related to the assessment of points for certain moving violations; providing for the assessment of points for a certain violation involving the unlawful operation of a commercial motor vehicle; altering the requirements for certain individuals who accumulate a certain minimum number of points; eliminating the requirement to attend a point system conference based on the accumulation of a certain number of points; removing a requirement for a return receipt for certain certified letters; repealing a certain provision requiring a minimum number of points to suspend or revoke the driving privilege under certain circumstances; making technical and conforming changes; and generally relating to the Motor Vehicle Administration point system.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–212, 16–402(a), 16–404, and 16–405
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Article – Transportation

16–212.

(a) The Administration may conduct:

- (1) A driver improvement program; **AND**
- (2) An alcohol education program[; and
- (3) Point system conferences].

(b) (1) The purpose of the programs [and conferences] authorized under this section is to provide driver rehabilitation.

(2) The Administration shall determine the content of the programs [and conferences].

(c) If an individual is convicted of 1 or more moving violations:

(1) [After a conference or] **NOTWITHSTANDING § ~~16–213(c)(2)~~ 16–212(c)(2) OF THIS SUBTITLE, AFTER** a hearing as provided in Title 12, Subtitle 2 of this article, as a condition of reinstatement of a driver's license, [or if an individual fails to attend a conference as required by § 16–404(a)(2) of this title,] the Administration may require an individual to attend a driver improvement program or alcohol education program; or

(2) A court may require an individual to attend a driver improvement program or alcohol education program.

(d) In carrying out an order of the court, a probation officer or health department officer may assign an individual to attend a driver improvement program or alcohol education program.

(e) (1) An individual who attends a program [or conference] under this section shall pay, in advance, a fee as provided in this subsection.

(2) The Administration shall set a reasonable fee based on the costs of operating the programs [and conferences] authorized by this section.

(3) The funds collected by the Administration under this subsection may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

(f) (1) The Administration may waive attendance at an alcohol education program conducted by the Administration if an individual attends a private alcohol

education program or an alcohol education program provided by a political subdivision of the State that is approved by the Alcohol and Drug Abuse Administration and the Administration.

(2) The Administration may waive attendance at a driver improvement program conducted by the Administration if an individual attends a private driver improvement program or a driver improvement program provided by a political subdivision of the State that is approved by the Administration.

(3) [The Administration may waive attendance at a point system conference conducted by the Administration if an individual attends a point system conference conducted by a private provider that is approved by the Administration.

(4)] The Administration shall establish criteria for approving private providers of [point system conferences and alcohol education or driver improvement programs and] alcohol education or driver improvement programs provided by a political subdivision of the State.

[(5)] (4) Upon application for approval to provide the programs [and conferences] allowed under this section, a private provider shall pay an application fee established by the Administration.

16-402.

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

- | | | |
|------|--|----------|
| (1) | Any moving violation not listed below and not contributing to an accident | 1 point |
| (2) | Following another vehicle too closely | 2 points |
| (3) | Speeding in excess of the posted speed limit by 10 miles an hour or more | 2 points |
| (4) | Driving with an improper class of license | 2 points |
| (5) | Failing to stop for a school vehicle with activated alternately flashing red lights..... | 3 points |
| (6) | Any violation of § 21-1111 of this article | 2 points |
| (7) | Passing an emergency or police vehicle under the provisions of § 21-405(d) of this article..... | 2 points |
| (8) | A violation of § 21-511(a) of this article..... | 2 points |
| (9) | Failure to stop a vehicle for a steady red traffic signal in violation of § 21-202 of this article or a nonfunctioning traffic control signal in violation of § 21-209 of this article | 2 points |
| (10) | Any moving violation contributing to an accident | 3 points |
| (11) | [Driving after suspension of license under the provisions of § | |

- 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another state as described in § 16-303(i) of this title] **ANY VIOLATION OF § 16-303(H) OR (I) OF THIS TITLE** 3 points
- (12) Any violation, except violations committed on the John F. Kennedy Memorial Highway, of § 21-1411 of this article..... 3 points
- (13) Speeding in excess of the posted speed limit by 30 miles an hour or more 5 points
- (14) Driving while not licensed..... 5 points
- (15) Failure to report an accident 5 points
- (16) Driving on a learner's permit unaccompanied 5 points
- (17) Any violation of § 17-107 of this article 5 points
- (18) Participating in a race or speed contest on a highway 5 points
- (19) Any violation of § 16-304 or § 16-305 of this title..... 5 points
- (20) Any violation of § 22-404.5 of this article 5 points
- (21) Speeding in excess of a posted speed limit of 65 miles an hour by 20 miles an hour or more 5 points
- (22) Aggressive driving in violation of § 21-901.2 of this article..... 5 points
- (23) Reckless driving..... 6 points
- (24) Driving while impaired by alcohol or while impaired by a drug, combination of drugs, or a combination of one or more drugs and alcohol, or driving within 12 hours after arrest under § 21-902.1 of this article..... 8 points
- (25) Turning off lights of a vehicle to avoid identification 8 points
- (26) Failing to stop after accident resulting in damage to attended vehicle or property..... 8 points
- (27) Failing to stop after accident resulting in damage to unattended vehicle or property..... 8 points
- (28) Any violation of § 16-815 or § 16-816 of this title..... 8 points
- (29) Failing to stop after an accident resulting in bodily injury or death 12 points
- (30) [Driving after refusal, suspension, cancellation, or revocation of license except for suspensions of license under the provisions of § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another state as described in § 16-303(i) of this title] **ANY VIOLATION OF § 16-303 OF THIS TITLE, EXCLUDING § 16-303(H) OR (I)** 12 points
- (31) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(a)(1) through (9) **OR (B)** of this title..... 12 points
- (32) Homicide, life threatening injury under § 3-211 of the Criminal Law Article, or assault committed by means of a vehicle..... 12 points
- (33) Driving while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by an illegally used controlled dangerous substance..... 12 points
- (34) Any felony involving use of a vehicle..... 12 points
- (35) Fleeing or attempting to elude a police officer..... 12 points

- (36) The making of a false affidavit or statement under oath, or falsely certifying to the truth of any fact or information to the Administration under the Maryland Vehicle Law or under any law relating to the ownership or operation of motor vehicles 12 points
- (37) Any violation involving an unlawful taking or unauthorized use of a motor vehicle under § 7-105 or § 7-203 of the Criminal Law Article, or § 14-102 of this article..... 12 points

16-404.

(a) The Administration shall take the following actions for points accumulated within any 2-year period:

(1) Send a warning letter to each individual who accumulates 3 points;

(2) Require attendance at a [conference] **DRIVER IMPROVEMENT PROGRAM CONDUCTED UNDER § 16-212 OF THIS TITLE** by each individual who accumulates 5 points, except that a Class A, B, or C licensee who submits evidence acceptable to the Administration that he is a professional driver may not be called in until he accumulates 8 points; and

(3) Except as provided in § 16-405 of this subtitle:

(i) Suspend the license of each individual who accumulates 8 points; and

(ii) Revoke the license of each individual who accumulates 12 points.

(b) (1) Except as provided in § 16-405 of this subtitle:

(i) If an individual accumulates 8 points, the Administration shall issue a notice of suspension; and

(ii) If an individual accumulates 12 points, the Administration shall issue a notice of revocation.

(2) Each notice shall:

(i) Be personally served or sent by certified mail, [return receipt requested,] bearing a postmark from the United States Postal Service;

(ii) State the duration of the suspension or revocation; and

(iii) Advise the individual of his right, within 10 days after the notice is sent (Saturdays, Sundays, and legal holidays excepted), to file a written request for a hearing before the Administrator.

(3) Unless a hearing is requested, each notice of suspension or revocation is effective at the end of the 10-day period after the notice is sent.

(c) (1) Except as provided in paragraphs (2) and (3) of this subsection:

(i) An initial suspension may not be for less than 2 days nor more than 30 days; and

(ii) Any subsequent suspension may not be for less than 15 days nor more than 90 days.

(2) Subject to the provisions of paragraph (3) of this subsection, the following suspension periods may apply to a suspension for an accumulation of points under § 16-402(a)(24) of this subtitle for a violation of § 21-902(b) or (c) of this article or a suspension imposed under § 16-404.1(b)(4)(iii) of this subtitle:

(i) For a first conviction, not more than 6 months;

(ii) For a second conviction at least 5 years after the date of the first conviction, not more than 9 months;

(iii) For a second conviction less than 5 years after the date of the first conviction or for a third conviction, not more than 12 months; and

(iv) For a fourth or subsequent conviction, not more than 24 months.

(3) The Administration may issue a restrictive license for the period of the suspension to an individual who participates in the Administration's Ignition Interlock System Program under § 16-404.1 of this subtitle.

(4) This subsection does not limit the authority of the Administration to issue a restrictive license or modify a suspension imposed under this subsection.

16-405.

[(a)] Except as provided in §§ 16-205(e) and 16-205.1 of this title, if the suspension or revocation of a license would affect adversely the employment or opportunity for employment of a licensee, the hearing officer may:

(1) Decline to order the suspension or revocation; or

(2) [Cancel or modify] **MODIFY** the suspension or revocation.

[(b)] For purposes of § 16-404 of this subtitle, if a licensee is required to drive a motor vehicle in the course of his regular employment:

- (1) Suspension requires 16 points; and
- (2) Revocation requires 19 points.

(c) The provisions of subsection (b) of this section do not apply to an individual whose current accumulation of points includes points resulting from a conviction for a violation of § 21-902 of this article.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 463

(House Bill 1416)

AN ACT concerning

Small Business Pollution Compliance Loan Fund – Repeal

FOR the purpose of repealing the Small Business Pollution Compliance Loan Fund; requiring the reversion to the General Fund of any remaining balance in the Fund on the effective date of this Act; requiring the Department of the Environment to collect and hold certain loan repayments on certain loans for reversion to the General Fund during a certain closeout process; and generally relating to the repeal of the Small Business Pollution Compliance Loan Fund.

BY repealing

Article – Environment

Section 2-801 through 2-806 and the subtitle “Subtitle 8. Small Business Pollution Compliance Loan Fund”

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2-801 through 2-806 and the subtitle “Subtitle 8. Small Business Pollution Compliance Loan Fund” of Article – Environment of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That, on the effective date of this Act, any remaining balance in the Small Business Pollution Compliance Loan Fund shall revert to the General Fund.

SECTION 3. AND BE IT FURTHER ENACTED, That, on the effective date of this Act, the Department of the Environment shall collect and hold all subsequently received loan repayments on any outstanding loans for reversion to the General Fund during the annual fiscal year–end closeout process.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 464

(House Bill 1419)

AN ACT concerning

Department of Natural Resources – Fish and Fisheries Laws Violations – Penalties

FOR the purpose of altering the penalties for certain violations of certain fish and fisheries laws; requiring the Department of Natural Resources, *in consultation with certain entities*, to adopt regulations establishing a certain value for certain species for a certain purpose; authorizing the Secretary of Natural Resources to order restitution under certain circumstances; and generally relating to the State fish and fisheries laws.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1201
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article – Natural Resources

4–1201.

(a) Except as otherwise specifically provided in this title, a person who violates any provision of this title is guilty of a misdemeanor and, upon conviction, is subject to a fine not exceeding [\$500] **\$1,000**, with costs imposed in the discretion of the court.

(b) Unless another penalty is specifically provided elsewhere in this title, any person found guilty of a second or subsequent violation of any provision of this title is subject to a fine not exceeding [~~\$1,000~~] **\$2,000**, or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court. For the purpose of this subsection, a second or subsequent violation is one which has occurred within two years of any prior violation of this title.

(c) In addition to any administrative penalty provided in this title, violation of any rule or regulation adopted by any unit within the Department pursuant to the provisions of this title is a misdemeanor and is punishable as provided in subsections (a) and (b).

(d) In addition to any other applicable penalty set forth in subsections (a) and (b) of this section, a person who violates any provision of this title or any regulations adopted by the Secretary under the authority of this title concerning the taking of or creel limits for striped bass, commonly known as rockfish, shall be subject to the following penalties:

(1) For a first violation, a fine not exceeding \$1,500 per fish;

(2) For a second violation, within a 2-year period, a fine not exceeding \$2,500 per fish and revocation of the fishing license for a period not less than 1 year but not more than 2 years; and

(3) For a third violation within a 4-year period, a fine not exceeding \$2,500 per fish and revocation of the fishing license for a period not less than 2 years but not more than 5 years.

(e) A common carrier transporting fish who is not the buyer, seller, or catcher of the fish or is not controlled by the buyer, seller, or catcher of the fish is not subject to any penalty under this section for transporting fish which is either unlawfully caught or of unlawful size provided that the operator of the common carrier has in his possession a valid bill of lading, stating the origin, shipper, destination and receiver of the fish and the common carrier does not know or have reason to know that the fish were unlawfully caught or of unlawful size.

(f) In addition to any other applicable penalty set forth in this title, a person who unlawfully takes oysters from a leased oyster bottom, an oyster sanctuary, an oyster reserve, or an area closed to shellfish harvest by the Department of the Environment, when the area is designated and marked by buoys or other signage or the person knew or should have known that taking the oysters from the area was unlawful, is subject to a fine not exceeding \$3,000.

(g) (1) IF A PERSON IS CONVICTED OF VIOLATING ANY PROVISION OF THIS TITLE AND THE VIOLATION CAUSES OR RESULTS IN THE INJURY, DEATH, OR DESTRUCTION OF ANY FISH, INCLUDING A PROTECTED SPECIES OF ANIMAL,

IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS TITLE, THE SECRETARY MAY ORDER THE PERSON TO PAY RESTITUTION TO THE DEPARTMENT FOR THE RESOURCE VALUE OF THE FISH, AS DETERMINED BY THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE DEPARTMENT, IN CONSULTATION WITH THE TIDAL FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY COMMISSION, SHALL ADOPT REGULATIONS THAT ESTABLISH A SCHEDULE OF RESOURCE VALUES FOR INDIVIDUAL SPECIES.

(3) IF TWO OR MORE DEFENDANTS ARE CONVICTED FOR THE SAME VIOLATION CAUSING OR RESULTING IN THE INJURY, DEATH, OR DESTRUCTION OF PROTECTED SPECIES OF ANIMALS, THE COURT MAY IMPOSE RESTITUTION AGAINST THE DEFENDANTS JOINTLY AND EQUALLY.

(4) (I) RESTITUTION UNDER THIS SECTION SHALL BE PAID WITHIN 30 DAYS OR A TIME PRESCRIBED BY REGULATION.

(II) IN EACH INSTANCE, RESTITUTION PAID UNDER THIS SECTION SHALL BE CREDITED TO THE DEPARTMENT TO BE USED ONLY FOR THE REPLACEMENT, HABITAT MANAGEMENT, OR ENFORCEMENT PROGRAMS FOR INJURED, KILLED, OR DESTROYED FISH OR PROTECTED SPECIES OF ANIMALS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 465

(House Bill 1435)

AN ACT concerning

Higher Education – Enforcement Powers of Maryland Higher Education Commission and Secretary of Higher Education

FOR the purpose of authorizing the Secretary of Higher Education to issue certain cease and desist orders and notices of violation, impose certain penalties, and seek certain relief for certain violations by an institution of postsecondary education; authorizing the Secretary to order that certain tuition payments and certain fees be returned to certain students under certain circumstances;

requiring the Secretary to consider certain matters before imposing certain sanctions; authorizing the Maryland Higher Education Commission to summarily revoke or suspend the certificate of approval of certain private career schools under certain conditions; ~~authorizing the Commission to establish certain regulations;~~ altering the authority of the Commission to limit the issues to be determined in a certain hearing; and generally relating to the enforcement powers of the Secretary of Higher Education and the Maryland Higher Education Commission.

BY repealing and reenacting, with amendments,

Article – Education

Section 11–107 and 11–205

Annotated Code of Maryland

(2008 Replacement Volume)

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

Article – Education

11–107.

(a) The Commission may authorize the Secretary, acting through the Attorney General, to seek an injunction or other judicial remedy for any violation of this title or of the rules and regulations adopted under this title.

(B) (1) IF AN INSTITUTION OF POSTSECONDARY EDUCATION IS REQUIRED TO HAVE A CERTIFICATE OF APPROVAL FROM THE COMMISSION AND IS OPERATING WITHOUT A CERTIFICATE OF APPROVAL, THE SECRETARY MAY:

(I) ISSUE AN ORDER TO CEASE AND DESIST;

(II) ISSUE A NOTICE OF VIOLATION AND IMPOSE A PENALTY OF UP TO \$5,000; AND

(III) ACTING THROUGH THE ATTORNEY GENERAL, SEEK AN INJUNCTION OR OTHER JUDICIAL REMEDY.

(2) IN IMPOSING A PENALTY UNDER THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE HARM CAUSED BY THE VIOLATION;

(III) **THE GOOD FAITH OF THE INSTITUTION AND ANY CORRECTIVE ACTIONS TAKEN;**

(IV) **ANY HISTORY OF PREVIOUS VIOLATIONS; AND**

(V) **OTHER PERTINENT CIRCUMSTANCES.**

[(b)] (C) [The] **FOR ANY INSTITUTION OF POSTSECONDARY EDUCATION REQUIRED TO HAVE COMMISSION APPROVAL BEFORE OFFERING A PROGRAM, IF THE INSTITUTION OFFERS AN UNAPPROVED PROGRAM, THE** Secretary may require [any private career school offering unapproved programs] **THE INSTITUTION** to refund all tuition and fees paid by students who enrolled in [such programs,] **THE PROGRAM,** and may revoke the certificate of approval of any [private career school] **INSTITUTION** that fails to make a required refund within the time specified by the Secretary.

[(c)] (D) The remedies provided in this section are in addition to any other remedies provided by law.

11-205.

(a) The Commission may summarily order the revocation or suspension of a certificate of approval of a private career school if:

(1) The school's owner or director, or any person in whose name the approval is issued, is convicted of a crime of moral turpitude or a crime relating to the operation of the school if:

- (i) The conviction is final; and
- (ii) The period for appeal has expired; [or]

(2) An agency that exercises concurrent authority over the private career school has revoked any approval to operate required by law; **OR**

~~(3) **THE SCHOOL'S CERTIFICATE OF APPROVAL IS SUBJECT TO SUMMARY REVOCATION OR SUSPENSION ON ANY OTHER GROUND ESTABLISHED BY THE COMMISSION.**~~

(3) **WITHOUT PRIOR APPROVAL OF THE COMMISSION, THE CERTIFICATE OF APPROVAL OF A SCHOOL IS SOLD, PLEDGED, OR TRANSFERRED, OR THERE IS A CHANGE OF OWNERSHIP OF A SCHOOL.**

(b) The Commission may summarily order a revocation or suspension of a certificate of approval of a private career school under subsection (a) of this section only if it gives the school:

(1) Prior oral or written notice of the proposed revocation or suspension and a brief, informal opportunity for response;

(2) Prior or prompt subsequent written notice of the revocation or suspension and the findings on which the revocation or suspension is based; and

(3) After the revocation or suspension is effective, an opportunity to be heard promptly before the Commission.

(c) (1) In any hearing held on the grounds for revocation under subsection (a) of this section, the Commission may limit the issues to be determined to whether:

(i) The alleged conviction in fact occurred; ~~or~~

(ii) The alleged revocation under subsection (a)(2) of this section in fact occurred; **OR**

(III) THE ALLEGED SALE, PLEDGE, OR TRANSFER, OR CHANGE OF OWNERSHIP OF THE PRIVATE CAREER SCHOOL IN FACT OCCURRED.

(2) Notwithstanding paragraph (1) of this subsection, in any hearing held on the grounds for revocation under subsection (a) of this section, a private career school may present matters in mitigation of the offense alleged by the Commission.

~~(D) THE COMMISSION MAY ADOPT REGULATIONS THAT ESTABLISH OTHER GROUNDS FOR SUMMARY REVOCATION OR SUSPENSION OF A CERTIFICATE OF APPROVAL OF A PRIVATE CAREER SCHOOL.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 466

(House Bill 1440)

AN ACT concerning

State Board of Public Accountancy – Reinstatement Fee for Expired Firm Permits

FOR the purpose of authorizing the State Board of Public Accountancy to reinstate the permit to practice certified public accountancy of a firm that has failed to renew its permit on the payment of a reinstatement fee if the firm is otherwise entitled to a permit; and generally relating to permits.

BY adding to

Article – Business Occupations and Professions

Section 2–416

Annotated Code of Maryland

(2004 Replacement Volume and 2008 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

2–416.

IN ACCORDANCE WITH ITS REGULATIONS, THE BOARD MAY REINSTATE THE PERMIT OF A FIRM THAT HAS FAILED TO RENEW THE PERMIT FOR ANY REASON IF THE FIRM:

(1) OTHERWISE IS ENTITLED TO A PERMIT; AND

(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 467

(House Bill 1450)

AN ACT concerning

State Board of Cosmetologists – Executive Director

FOR the purpose of repealing the provision that the Executive Director of the State Board of Cosmetologists is the individual who is responsible for the day-to-day operation of the Board; repealing the requirement that the Executive Director of the Board be a licensed senior cosmetologist or a master barber; and generally relating to the State Board of Cosmetologists.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 5–204
Annotated Code of Maryland
(2004 Replacement Volume and 2008 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

5–204.

- (a) A majority of the members then serving on the Board is a quorum.
- (b) No formal action may be taken by the Board without the approval of a majority of the members of the Board eligible to vote.
- (c) The Board shall meet at least once a month, at the times and places that the Board determines.
- (d) Subject to the State budget, each member of the Board is entitled to:
 - (1) a reasonable fee set by the Board for each day on which the member is engaged in the duties of office; and
 - (2) reimbursement for expenses under the Standard State Travel Regulations.
- (e) [(1)] The Board may employ a staff in accordance with the State budget.
 - [(2)] The Executive Director shall be the person responsible for the day-to-day operation of the Board.
 - (3) The Executive Director of the Board shall be a licensed senior cosmetologist or a master barber.]
- (f) The Board shall have its principal office in Baltimore City.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 468

(House Bill 1453)

AN ACT concerning

Unemployment Insurance – Exemption from Covered Employment – Home Workers

FOR the purpose of providing that work performed by certain home workers is not covered employment for the purposes of unemployment insurance; providing that certain contributions and benefit charges collected are not subject to refund; providing for the application of this Act; and generally relating to unemployment insurance law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–206
Annotated Code of Maryland
(2008 Replacement Volume)

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

Article – Labor and Employment

8–206.

(a) Work is not covered employment when performed by a licensed barber or licensed cosmetologist who leases a chair or booth from a holder of a barbershop permit, a beauty salon permit, or an owner–manager permit who operates a barbershop or beauty salon, if the Secretary is satisfied that:

(1) the barber or cosmetologist as lessee and the permit holder have entered into a written lease that is in effect;

(2) the lessee pays a stipulated amount for use of the chair or booth and is not required to make any further accounting of income to the permit holder;

(3) the lessee has access to the premises at all hours and may set personal work hours and prices; and

(4) the lease expressly states that the lessee knows:

(i) of the responsibility to pay State and federal income taxes and make contributions to Social Security for self-employment; and

(ii) that the work is not covered employment.

(b) Work that a direct seller performs is not covered employment if the Secretary is satisfied that:

(1) the direct seller is engaged in the trade or business of selling consumer products:

(i) in the home or at any other location outside of a permanent retail establishment; or

(ii) to a buyer on a buy-sell basis, a deposit-commission basis, or any similar basis for resale by the buyer or any other person in the home or at any other location outside of a permanent retail establishment;

(2) the direct seller and the person for whom the work is performed have entered into a written agreement that is currently in effect;

(3) substantially all of the compensation for the employment is related directly to sales or other output, including the performance of a service, rather than to the number of hours worked; and

(4) the written agreement states that the direct seller will not be treated as an employee for the purpose of State and federal income taxes with respect to the employment performed under the agreement.

(c) Work that an individual performs is not covered employment if the Secretary is satisfied that the individual:

(1) is engaged in the trade or business of delivering or distributing newspapers or shopping news, including any services directly related to the delivery or distribution of newspapers or shopping news; and

(2) meets the requirements for a direct seller under subsection (b)(2), (3), and (4) of this section.

(d) Work that a messenger service driver performs for a person who is engaged in the messenger service business is not covered employment if the Secretary is satisfied that:

(1) the driver and the person who is engaged in the messenger service business have entered into a written agreement that is currently in effect;

- (2) the driver personally provides the vehicle;
- (3) compensation is by commission only;
- (4) the driver may set personal work hours; and
- (5) the written agreement states expressly and prominently that the driver knows:

- (i) of the responsibility to pay estimated Social Security taxes and State and federal income taxes;

- (ii) that the Social Security tax the driver must pay is higher than the Social Security tax the driver would pay otherwise; and

- (iii) that the work is not covered employment.

(e) Work is not covered employment when performed by a taxicab driver who uses a taxicab or taxicab equipment of a taxicab business that is carried on by the holder of a taxicab permit if the Secretary is satisfied that:

- (1) the driver and permit holder have entered into a written agreement that is currently in effect for the use of the taxicab or taxicab equipment;

- (2) the driver pays a stipulated amount for the use of the taxicab or taxicab equipment and is not required to make any further accounting to the permit holder;

- (3) the driver has access to the taxicab or taxicab equipment at all hours and, subject to the Public Utility Companies Article, may set personal work hours and places; and

- (4) the agreement states expressly that the driver knows:

- (i) of the responsibility to pay State and federal income taxes;

and

- (ii) that the work is not covered employment.

(f) (1) (i) This subsection applies to an individual who is an owner operator of:

- 1. a Class F (tractor) vehicle, described in § 13-923 of the Transportation Article; or

2. except as provided in subparagraph (ii) of this paragraph, a Class E (truck) vehicle, as described in § 13-916 of the Transportation Article, including a Class E (truck) vehicle described in § 13-919 of the Transportation Article.

(ii) This subsection does not apply to an individual who is an owner operator of a vehicle registered as a Class T (tow truck) vehicle under § 13-920 of the Transportation Article.

(2) Work is not covered employment when performed by an owner operator if the Secretary is satisfied that:

(i) the owner operator and a motor carrier have entered into a written agreement that is currently in effect for permanent or trip leasing;

(ii) under the agreement:

1. there is no intent to create an employer-employee relationship; and

2. the owner operator is paid rental compensation;

(iii) for federal tax purposes, the owner operator qualifies as an independent contractor; and

(iv) the owner operator:

1. owns the vehicle or holds it under a bona fide lease arrangement;

2. is responsible for the maintenance of the vehicle;

3. bears the principal burden of the operating costs of the vehicle, including fuel, repairs, supplies, vehicle insurance, and personal expenses while the vehicle is on the road;

4. is responsible for supplying the necessary personnel in connection with the operation of the vehicle; and

5. generally determines the details and means of performing the services under the agreement, in conformance with regulatory requirements, operating procedures of the motor carrier, and specifications of the shipper.

(G) WORK IS NOT COVERED EMPLOYMENT WHEN PERFORMED BY A HOME WORKER IF THE SECRETARY IS SATISFIED THAT:

(1) THE WORK IS PERFORMED ACCORDING TO SPECIFICATIONS FURNISHED BY THE PERSON FOR WHOM THE SERVICES ARE PERFORMED;

(2) THE WORK IS PERFORMED ON TEXTILES FURNISHED BY THE PERSON FOR WHOM THE SERVICES ARE PERFORMED; AND

(3) THE TEXTILES MUST BE RETURNED TO THE PERSON FOR WHOM THE SERVICES ARE PERFORMED OR THAT PERSON'S DESIGNEE.

SECTION 2. AND BE IT FURTHER ENACTED, That Section 8-206(g) of the Labor and Employment Article, as enacted by Section 1 of this Act, shall be applied to and interpreted to affect all determinations by the Secretary of Labor, Licensing, and Regulation of: (1) rates of contributions for employing units for all calendar years beginning on or after January 1, 2010; and (2) benefit charges for unemployment insurance claims for benefits based on work performed on or after January 1, 2010. Contributions paid or benefit charges collected prior to January 1, 2010, that would be affected by the enactment of Section 1 of this Act, are not subject to refund.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 469

(House Bill 1466)

AN ACT concerning

Family Investment Program – Temporary Cash Assistance – Assignment of Support

FOR the purpose of altering a condition of eligibility for temporary cash assistance by requiring applicants and recipients to assign certain support rights to the State for the period that the family receives temporary cash assistance; repealing a requirement that the assignment include any right accrued when the assignment is executed; and generally relating to temporary cash assistance.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5-312(b)
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

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

Article - Human Services

5-312.

(b) A local department shall provide temporary cash assistance to an applicant or recipient only if:

(1) the applicant or recipient meets the requirements for participation in the FIP set forth in § 5-308 of this subtitle;

(2) the applicant or recipient assigns to the State all right, title, and interest in support, **FOR THE PERIOD THAT THE FAMILY RECEIVES TEMPORARY CASH ASSISTANCE**, from any other person that the applicant or recipient has on behalf of any intended or potential recipient for whom the applicant or recipient is applying for or receiving assistance[, including any right accrued when the assignment is executed]; and

(3) in the case of an applicant or recipient who is a minor parent, the applicant or recipient lives:

(i) with a parent, legal guardian, custodian, or other adult relative who will be the payee of the minor parent;

(ii) in an adult-supervised group living arrangement that provides a protective payee and:

1. there is no available parent, legal guardian, custodian, or other adult relative with whom the minor parent can live;

2. the minor parent or child would be subject to physical or emotional harm, sexual abuse, or neglect in the home of any available adult relative; or

3. a social service worker finds that living with any available adult relative would not be in the best interest of the minor parent or child; or

(iii) independently, if a social service worker confirms that the physical safety or emotional health of the minor parent or child would otherwise be in jeopardy.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 470

(House Bill 1468)

AN ACT concerning

Public Health Surveillance – Confidentiality

FOR the purpose of expanding certain requirements for confidentiality relating to certain reports on certain conditions or diseases by physicians, certain institutions, and certain medical laboratories so as to require that all information collected in connection with a report, the subject of the report, or other individuals who might be affected by the condition or disease in the report are subject to those requirements; making certain exceptions; and generally relating to the confidentiality of certain information related to certain conditions or diseases.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–201, 18–202, and 18–205
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article – Health – General

18–201.

(a) A physician with reason to suspect that a patient under the physician's care has a condition or an infectious or contagious disease, except human immunodeficiency virus or acquired immunodeficiency syndrome, that endangers public health and that has been designated by the Secretary as reportable shall submit immediately a report to the health officer for the county where the physician cares for that patient.

(b) The report shall:

(1) Contain the information and be in a format specified or approved by the Secretary; and

(2) Be transmitted as directed by the Secretary.

(c) (1) [All physician reports required under this section are:

(i) Confidential;

(ii) Not open to public inspection; and

(iii) Subject to subpoena or discovery in any criminal or civil proceeding only pursuant to a court order sealing the court record.] **EXCEPT AS PROVIDED IN PARAGRAPHS (2) THROUGH (5) OF THIS SUBSECTION, ALL REPORTS AND ALL INFORMATION COLLECTED IN CONNECTION WITH A REPORT FROM A HEALTH CARE PROVIDER, THE SUBJECT OF THE REPORT, OR OTHER INDIVIDUALS WHO MIGHT BE AFFECTED BY THE CONDITION OR DISEASE IN THE REPORT ARE:**

(I) CONFIDENTIAL;

(II) NOT MEDICAL RECORDS UNDER TITLE 4, SUBTITLE 3 OF THIS ARTICLE;

(III) NOT OPEN TO PUBLIC INSPECTION; AND

(IV) NOT DISCOVERABLE OR ADMISSIBLE IN EVIDENCE IN ANY CIVIL OR CRIMINAL MATTER EXCEPT IN ACCORDANCE WITH A COURT ORDER SEALING THE COURT RECORD.

(2) THIS SUBSECTION DOES NOT APPLY TO REPORTS, INFORMATION, AND RECORDS OTHERWISE AVAILABLE TO THE PUBLIC OR REQUIRED TO BE PUBLICLY DISCLOSED.

[(2)] (3) The Secretary may prepare and disseminate nonindividually identifiable information about one or more cases of a condition or disease based on any report received under this section, for any purpose consistent with the Secretary's lawful duties as authorized by an act of the Maryland General Assembly.

[(3)] (4) This subsection does not apply to or restrict the use or publication of any statistics, information, or other material that summarizes or refers to confidential records in the aggregate, without disclosing the identity of any individual who is the subject of the confidential record.

[(4)] (5) This subsection does not apply to a disclosure by the Secretary to another governmental agency performing its lawful duties as authorized by an act of the Maryland General Assembly or the United States Congress where the Secretary determines that:

(i) The agency to whom the information is disclosed will maintain the confidentiality of the disclosure; and

(ii) The disclosure is necessary to protect the public health or to prevent the spread of an infectious or contagious disease.

18–202.

(a) In this section, “institution” includes:

(1) A hospital; and

(2) A lodging facility.

(b) When the administrative head of an institution has reason to believe that an individual on the premises of the institution has a condition or an infectious or contagious disease, except human immunodeficiency virus or acquired immunodeficiency syndrome, that has been designated by the Secretary as reportable, the administrative head immediately shall submit a report to the health officer for the county where the institution is located.

(c) The report shall:

(1) Contain the information and be in a format specified or approved by the Secretary; and

(2) Be transmitted as directed by the Secretary.

(d) (1) [All institution reports required under this section are:

(i) Confidential;

(ii) Not open to public inspection; and

(iii) Subject to subpoena or discovery in any criminal or civil proceeding only pursuant to a court order sealing the court record.] **EXCEPT AS PROVIDED IN PARAGRAPHS (2) THROUGH (5) OF THIS SUBSECTION, ALL REPORTS AND ALL INFORMATION COLLECTED IN CONNECTION WITH A REPORT FROM A HEALTH CARE PROVIDER, THE SUBJECT OF THE REPORT, OR OTHER INDIVIDUALS WHO MIGHT BE AFFECTED BY THE CONDITION OR DISEASE IN THE REPORT ARE:**

(I) CONFIDENTIAL;

(II) NOT MEDICAL RECORDS UNDER TITLE 4, SUBTITLE 3 OF THIS ARTICLE;

(III) NOT OPEN TO PUBLIC INSPECTION; AND

(IV) NOT DISCOVERABLE OR ADMISSIBLE IN EVIDENCE IN ANY CIVIL OR CRIMINAL MATTER EXCEPT IN ACCORDANCE WITH A COURT ORDER SEALING THE COURT RECORD.

(2) THIS SUBSECTION DOES NOT APPLY TO REPORTS, INFORMATION, AND RECORDS OTHERWISE AVAILABLE TO THE PUBLIC OR REQUIRED TO BE PUBLICLY DISCLOSED.

[(2)] (3) This subsection does not apply to or restrict the use or publication of any statistics, information, or other material that summarizes or refers to confidential records in the aggregate, without disclosing the identity of any individual who is the subject of the confidential record.

[(3)] (4) The Secretary may prepare and disseminate nonindividually identifiable information about one or more cases of a condition or a disease based on any report received under this section, for any purpose consistent with the Secretary's lawful duties as authorized by an act of the Maryland General Assembly.

[(4)] (5) This subsection does not apply to a disclosure by the Secretary to another governmental agency performing its lawful duties as authorized by an act of the Maryland General Assembly or the United States Congress where the Secretary determines that:

(i) The agency to whom the information is disclosed will maintain the confidentiality of the disclosure; and

(ii) The disclosure is necessary to protect the public health or to prevent the spread of an infectious or contagious disease.

18-205.

(a) In this section, "clinical material" means:

(1) An organism isolated from a clinical specimen;

(2) Material derived or prepared from a clinical specimen in which evidence of a communicable disease has been identified or detected; or

(3) If the organism or material described in subparagraph (i) or (ii) of this paragraph is not available, material from an individual that has already been obtained by the medical laboratory, in the following order of preference:

(i) A patient specimen;

- (ii) Microbial genetic material; or
- (iii) Other laboratory material.

(b) (1) Except for the director of the State's public health laboratory system, the director of a medical laboratory located in this State shall submit a report to the health officer for the county where the laboratory is located after an examination of a human specimen shows evidence of any infectious or contagious disease or condition that has been designated by the Secretary as reportable.

(2) The director of the State's public health laboratory system shall submit a report to the Secretary if an examination of a human specimen shows evidence of any infectious or contagious disease or condition that has been designated by the Secretary as reportable.

(3) The director of a medical laboratory located outside of this State that performs a medical laboratory test on a human specimen acquired from a person in this State shall submit a report to the Secretary after an examination of that specimen shows evidence of any infectious or contagious disease or condition that has been designated by the Secretary as reportable.

(4) A director of a medical laboratory shall submit clinical material to the Secretary as directed by the Secretary.

(c) (1) When more than 1 specimen is taken from a patient during 1 disease episode, the director of the medical laboratory need not report every test result of a specimen that shows evidence of the same disease in that patient if:

- (i) At least 1 positive test result is reported; and
- (ii) The health officer has approved the reporting of less than all test results.

(2) The director of the medical laboratory need not report vibriosis, noncholera, if the disease is found in a specimen obtained from the patient's teeth, gingival tissues, or oral mucosa.

(d) The report shall:

(1) Contain the information and be in a format specified or approved by the Secretary; and

(2) Be transmitted as directed by the Secretary.

(e) This section does not relieve a person of the duty to report under § 18-201, § 18-201.1, § 18-202, or § 18-202.1 of this subtitle.

(f) (1) A health officer shall inform the Secretary of each laboratory examination report received under subsection (b)(1) of this section.

(2) The Secretary shall inform the health officer of the jurisdiction where the patient resides of a laboratory examination report received under this section from a medical laboratory located outside this State.

(g) The Secretary, a health officer, or an agent of the Secretary or health officer may discuss a laboratory report with the attending physician or another health care provider caring for a patient, but, if the physician or another health care provider caring for a patient is not reasonably available, may communicate with a patient directly in a manner prescribed by the Secretary.

(h) (1) [All reports required under this section are:

(i) Confidential;

(ii) Not open to public inspection; and

(iii) Subject to subpoena or discovery in a criminal or civil proceeding only pursuant to a court order sealing the court record.] **EXCEPT AS PROVIDED IN PARAGRAPHS (2) THROUGH (5) OF THIS SUBSECTION, ALL REPORTS AND ALL INFORMATION COLLECTED IN CONNECTION WITH A REPORT FROM A HEALTH CARE PROVIDER, THE SUBJECT OF THE REPORT, OR OTHER INDIVIDUALS WHO MIGHT BE AFFECTED BY THE CONDITION OR DISEASE IN THE REPORT ARE:**

(I) CONFIDENTIAL;

(II) NOT MEDICAL RECORDS UNDER TITLE 4, SUBTITLE 3 OF THIS ARTICLE;

(III) NOT OPEN TO PUBLIC INSPECTION; AND

(IV) NOT DISCOVERABLE OR ADMISSIBLE IN EVIDENCE IN ANY CIVIL OR CRIMINAL MATTER EXCEPT IN ACCORDANCE WITH A COURT ORDER SEALING THE COURT RECORD.

(2) [Reports submitted under this section relating to human immunodeficiency virus and acquired immunodeficiency syndrome are:

(i) Confidential and subject to Title 4, Subtitle 1 of this article;

and

(ii) Not medical records under Title 4, Subtitle 3 of this article, but are subject to the confidentiality requirements of Title 4, Subtitle 1 of this article.] **THIS SUBSECTION DOES NOT APPLY TO REPORTS, INFORMATION, AND RECORDS OTHERWISE AVAILABLE TO THE PUBLIC OR REQUIRED TO BE PUBLICLY DISCLOSED.**

[(3) The reports and any proceedings, records, or files submitted under this section related to HIV/AIDS are not discoverable and are not admissible in evidence in any civil action.

(4) (3) The Secretary may prepare and disseminate nonindividually identifiable information about one or more cases of a condition or a disease based on any report made under this section, for any purpose consistent with the Secretary's lawful duties as authorized by an act of the Maryland General Assembly.

[(5) (4) This subsection does not apply to a disclosure by the Secretary to another governmental agency performing its lawful duties as authorized by an act of the Maryland General Assembly or the United States Congress where the Secretary determines that:

(i) The agency to whom the information is disclosed will maintain the confidentiality of the disclosure; and

(ii) The disclosure is necessary to protect the public health or to prevent the spread of an infectious or contagious disease.

[(6) (5) This subsection does not apply to or restrict the use or publication of any statistics, information, or other material that summarizes or refers to confidential records in the aggregate, without disclosing the identity of any individual who is the subject of the confidential record.

(i) To assure compliance with this section, the Secretary, a health officer, or an agent of the Secretary or health officer may inspect pertinent laboratory records.

(j) The Secretary shall adopt regulations that designate the diseases or conditions that are reportable by a director of a medical laboratory under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 471**(House Bill 1479)**

AN ACT concerning

Board of Directors of the Assistive Technology Loan Program – Membership

FOR the purpose of ~~adding~~ substituting the Secretary of Information Technology or a designee ~~to~~ for the Secretary of Budget and Management or a designee as a member of the Board of Directors of the Assistive Technology Loan Program.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 7–602, 7–603, and 7–604
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 7–605
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

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

Article – Human Services

7–602.

There is an Assistive Technology Loan Program in the Department.

7–603.

The purpose of the Program is to provide assistance for the purchase of assistive technology.

7–604.

There is a Board of Directors of the Program.

7–605.

(a) The Board consists of:

(1) ~~the Secretary of Budget and Management or the Secretary's designee;~~

~~(2)~~ **THE SECRETARY OF INFORMATION TECHNOLOGY OR THE SECRETARY'S DESIGNEE;**

~~(3)~~ **(2)** a representative from the Department of Health and Mental Hygiene, Developmental Disabilities Administration, appointed by the Secretary of Health and Mental Hygiene;

~~[(3)]~~ **(4)** a representative of the State Department of Education Division of Rehabilitation Services, appointed by the State Superintendent of Schools; and

~~[(4)]~~ **(5)** eight members of the public appointed by the Governor with the advice and consent of the Senate.

(b) Of the eight members of the public appointed by the Governor:

(1) four shall have significant experience in finance, accounting, investment management, or consumer lending; and

(2) four shall have disabilities or assist individuals with disabilities, at least one of whom shall be a member of the Maryland Commission on Disabilities.

(c) (1) The term of a member appointed by the Governor is 4 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.

(4) A member appointed by the Governor may not serve more than two terms.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

AN ACT concerning

Frederick County – Multivenue Wine License

FOR the purpose of establishing a Multivenue wine license in Frederick County; specifying that a holder of the license may hold simultaneous wine events at a certain number of venues that meet certain requirements; authorizing a holder of the license to sell wine and to allow a certain license holder to conduct a wine tasting under certain circumstances; requiring that a holder of the license prohibit a guest from transporting wine under certain circumstances; and generally relating to a Multivenue wine license in Frederick County.

BY renumbering

Article 2B – Alcoholic Beverages

Section 8–406.1

to be Section 8–406.2

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–406.1

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–406.1 of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 8–406.2.

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

Article 2B – Alcoholic Beverages

8–406.1.

(A) **THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.**

(B) **THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A 1-DAY MULTIVENUE WINE (MVW) (ON- AND OFF-SALE) LICENSE TO A BONA FIDE NONPROFIT ORGANIZATION.**

(C) **A HOLDER OF AN MVW LICENSE MAY CONDUCT SIMULTANEOUS WINE EVENTS AT NOT MORE THAN FIVE VENUES THAT ARE:**

- (1) WITHIN WALKING DISTANCE OF EACH OTHER; AND
- (2) LOCATED IN DISTRICTS THAT ALLOW THE CONSUMPTION OF

WINE.

(D) UNDER REGULATIONS THAT THE BOARD OF LICENSE COMMISSIONERS ADOPTS, A HOLDER OF AN MVW LICENSE AT EACH WINE EVENT:

(1) MAY SELL WINE BY THE GLASS FOR ON-PREMISES CONSUMPTION OR BY THE BOTTLE FOR OFF-PREMISES CONSUMPTION;

(2) MAY ALLOW A HOLDER OF A ~~CLASS A LIGHT WINE~~ CLASS 4 LIMITED WINERY LICENSE TO CONDUCT A WINE TASTING; AND

(3) SHALL PROHIBIT A GUEST FROM TRANSPORTING WINE FROM ONE VENUE TO ANOTHER.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 473

(House Bill 1513)

AN ACT concerning

Employees' Retirement and Pension Systems – Reemployment of Retirees – Health Care Practitioners

FOR the purpose of repealing a certain reemployment limitation on certain retirees of the Employees' Retirement and Pension Systems who are reemployed on a contractual basis by the Department of Health and Mental Hygiene as health care practitioners; *providing for the termination of this Act*; and generally relating to the reemployment of retirees in the Employees' Retirement and Pension Systems.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 22–406(c)(4) and 23–407(c)(4)

Annotated Code of Maryland

(2004 Replacement Volume and 2008 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

22–406.

(c) (4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(i) an individual who has been retired for 9 years, beginning on January 1 after the date the individual retires;

(ii) an individual whose average final compensation was less than \$10,000 and who is reemployed on a temporary or contractual basis;

(iii) an individual who is serving in an elected position as an official of a participating governmental unit or as a constitutional officer for a county that is a participating governmental unit;

(iv) a retiree of the Teachers' Retirement System:

1. who retired and was reemployed by a participating employer other than the State on or before September 30, 1994; and

2. whose employment compensation does not derive, in whole or in part, from State funds;

(v) a retiree of the Teachers' Retirement System who:

1. is or has been certified to teach in the State;

2. has verification of satisfactory or better performance in the last assignment prior to retirement;

3. based on the retired teacher's qualifications, has been appointed in accordance with § 4–103 of the Education Article; and

4. receives verification of satisfactory or better performance each year the teacher is employed under paragraph (5) of this subsection;

(vi) a retiree of the Teachers' Retirement System who:

1. A. was employed as a principal within 5 years of retirement; or

B. was employed as a principal not more than 10 years before retirement and was employed in a position supervising principals in the retiree's last assignment prior to retirement;

2. has verification of satisfactory performance for each year as a principal and, if applicable, in a position supervising principals prior to retirement;

3. based on the retiree's qualifications, has been hired as a principal; and

4. receives verification of satisfactory performance each year the retiree is employed as a principal under paragraph (6) of this subsection;

(vii) a former employee of the Domestic Relations Division of Anne Arundel County Circuit Court who transfers into the State Employees' Personnel System under § 2-510 of the Courts Article;

(viii) a retiree of the Employees' Retirement System who is reemployed on a contractual basis [for not more than 4 years] by the Department of Health and Mental Hygiene as a health care practitioner, as defined in § 1-301 of the Health Occupations Article, in:

1. a State residential center as defined in § 7-101 of the Health – General Article;

2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;

3. a State facility as defined in § 10-101 of the Health – General Article; or

4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article; or

(ix) a retiree of the Employees' Retirement System and the Judges' Retirement System who is temporarily assigned to sit in a court of this State under the authority of Article IV, § 3A of the Maryland Constitution.

23-407.

(c) (4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(i) an individual whose average final compensation was less than \$10,000 and who is reemployed on a temporary or contractual basis;

(ii) an individual who is serving in an elected position as an official of a participating governmental unit or as a constitutional officer for a county that is a participating governmental unit;

(iii) an individual who has been retired for 9 years, beginning on January 1 after the date the individual retires;

(iv) a retiree of the Teachers' Pension System who:

1. is or has been certified to teach in the State;
2. has verification of satisfactory or better performance in the last assignment prior to retirement;
3. based on the retired teacher's qualifications, has been appointed in accordance with § 4-103 of the Education Article; and
4. receives verification of satisfactory or better performance each year the teacher is employed under paragraph (5) of this subsection;

(v) a retiree of the Teachers' Pension System who:

1. A. was employed as a principal within 5 years of retirement; or
B. was employed as a principal not more than 10 years before retirement and was employed in a position supervising principals in the retiree's last assignment prior to retirement;
2. has verification of satisfactory performance for each year as a principal and, if applicable, in a position supervising principals prior to retirement;
3. based on the retiree's qualifications, has been hired as a principal; and
4. receives verification of satisfactory performance each year the retiree is employed as a principal under paragraph (6) of this subsection;

(vi) a retiree of the Employees' Pension System who is reemployed on a contractual basis [for not more than 4 years] by the Department of Health and Mental Hygiene as a health care practitioner, as defined in § 1-301 of the Health Occupations Article in:

1. a State residential center as defined in § 7–101 of the Health – General Article;
 2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;
 3. a State facility as defined in § 10–101 of the Health – General Article; or
 4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article; or
- (vii) a retiree of the Employees' Pension System and the Judges' Retirement System who is temporarily assigned to sit in a court of this State under the authority of Article IV, § 3A of the Maryland Constitution.

SECTION 2. AND BE IT FURTHER ENACTED, That 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, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 7, 2009.

Chapter 474

(House Bill 1517)

AN ACT concerning

**Maryland–National Capital Park and Planning Commission – ~~Transfer~~
Disbursement of Funds to Prince George's County and Montgomery County**

MC/PG 127–09

FOR the purpose of requiring the Maryland–National Capital Park and Planning Commission, ~~on the request of the County Executive of Prince George's County and only for the period covering certain fiscal years, to transfer to Prince George's County a certain amount of money originating from certain taxes and that is located in certain funds; and generally relating to a transfer of funds to~~ disburse to Prince George's County on or before certain dates certain sums of money drawn from the balances of certain funds collected in Prince George's County under certain provisions of law; requiring the Commission to disburse to Montgomery County on or before a certain date a certain sum of money drawn from the balances of certain funds collected in Montgomery County under a certain provision of law; and generally relating to certain disbursements of

certain sums of money by certain dates from the Maryland–National Capital Park and Planning Commission to Prince George’s County and Montgomery County.

~~BY adding to~~

~~Article 28 – Maryland–National Capital Park and Planning Commission
Section 6–112
Annotated Code of Maryland
(2003 Replacement Volume and 2008 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~~

~~6–112.~~

~~NOTWITHSTANDING ANY OTHER LAW, FOR THE PERIOD COVERING FISCAL YEARS 2010 AND 2011 ONLY, ON THE REQUEST OF THE COUNTY EXECUTIVE OF PRINCE GEORGE’S COUNTY, THE COMMISSIONER SHALL TRANSFER TO PRINCE GEORGE’S COUNTY AN AMOUNT NOT TO EXCEED \$76,000,000 FROM MONEY THAT ORIGINATES FROM TAXES LEVIED AGAINST ASSESSABLE PROPERTY IN PRINCE GEORGE’S COUNTY AND THAT IS LOCATED IN ONE OR MORE OF THE FOLLOWING COMMISSION FUNDS:~~

- ~~(1) THE ADMINISTRATION FUND;~~
- ~~(2) THE PARKS FUND; AND~~
- ~~(3) THE RECREATION FUND.~~

(a) The Maryland–National Capital Park and Planning Commission is authorized and directed, subject to subsection (b) of this section, to disburse to Prince George’s County in two equal installments, the first being due on December 1, 2009, and the second being due on March 1, 2010, the sum of \$30,000,000 drawn from the balance of funds, then existing or reasonably estimated, collected in Prince George’s County under Article 28, §§ 6–106(b), (c), and (e) and 6–107 of the Annotated Code of Maryland.

(b) The amount of money disbursed under this section may not exceed \$30,000,000 in the aggregate and may not result in a projected deficit in any of the funds specified in this section.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland–National Capital Park and Planning Commission is authorized and directed, subject to subsection (b) of this section, to disburse to Prince George’s County in two equal installments, the first being due on December 1, 2010, and the second being due on March 1, 2011, the sum of \$30,000,000 drawn from the balance of funds, then existing or reasonably estimated, collected in Prince George’s County under Article 28, §§ 6–106(b), (c), and (e) and 6–107 of the Annotated Code of Maryland.

(b) The amount of money disbursed under this section may not exceed \$30,000,000 in the aggregate and may not result in a projected deficit in any of the funds specified in this section.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland–National Capital Park and Planning Commission is authorized and directed, subject to subsection (b) of this section, to disburse to Montgomery County, on or before October 1, 2009, the sum of \$5,000,000 drawn from the balance of funds, then existing or reasonably estimated, collected in Montgomery County under Article 28, § 7–106 of the Annotated Code of Maryland.

(b) The amount of money disbursed under this section may not exceed \$5,000,000 and may not result in a projected deficit in the fund specified in this section.

(c) Money disbursed under this section may only be used for the purpose of purchasing interests in real property to prevent nonagricultural uses of lands designated for agricultural preservation in Montgomery County’s functional master plan for the preservation of agricultural and rural open space.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June~~ July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 475

(House Bill 1522)

AN ACT concerning

Worcester County – Liquor Control Board – Borrowing Limit

FOR the purpose of increasing the maximum amount of money that the Worcester County Liquor Control Board may borrow; and generally relating to the Worcester County Liquor Control Board.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 15–202(b)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2008 Supplement)

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

Article 2B – Alcoholic Beverages

15–202.

(b) (1) The liquor control board may borrow money from time to time from any banking institution on its own credit.

(2) The aggregate sum advanced to or borrowed by the liquor control board may not exceed the following amounts:

- (i) Somerset County — \$50,000
- (ii) Wicomico County — \$500,000
- (iii) Worcester County — [\$5,000,000] **\$6,000,000.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 476

(House Bill 1526)

AN ACT concerning

Workforce Development – Maryland Workforce Corporation

FOR the purpose of establishing the Maryland Workforce Corporation; specifying the purpose, form, powers, and duties of the Corporation; prohibiting the Corporation from offering or providing certain training under certain circumstances; providing that a board of directors shall manage and carry out the corporate powers of the Corporation; specifying the composition, appointment, terms, powers, and duties of the board of directors; exempting the

Corporation and the board of directors from certain laws; providing that certain laws apply to the Corporation and the board of directors; providing that the Attorney General is the legal adviser to the Corporation; exempting the Corporation from State and local taxes; requiring each board member to disclose certain information to the State Ethics Commission; providing for a president of the Corporation; providing for the term, salary, and duties of the president of the Corporation; authorizing the Secretary of Labor, Licensing, and Regulation to ~~advance money for the initial expenses of the Corporation; requiring the Corporation to repay any money advanced to it under this Act~~ allocate funds to the Corporation for the expenses of the Corporation as provided for in the budget; requiring certain audits of and financial reports about the Corporation to be undertaken and submitted; providing that the debts and obligations of the Corporation are not the debts or a pledge of credit of the State or any unit of the State; requiring units of the State government and local governments to work with the Corporation; providing that the officials and employees of the Corporation are covered by the Maryland Tort Claims Act; providing for the staggering of initial terms of the members of the board of directors of the Corporation; defining certain terms; making the provisions of this Act severable; and generally relating to the Maryland Workforce Corporation.

BY adding to

Article – Labor and Employment

Section 11–1001 through 11–1014 to be under the new subtitle “Subtitle 10. Maryland Workforce Corporation”

Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government

Section 12–101(a)(2)

Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Article – Labor and Employment

SUBTITLE 10. MARYLAND WORKFORCE CORPORATION.

11–1001.

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

(B) “BOARD” MEANS THE BOARD OF DIRECTORS OF THE CORPORATION.

(C) “CORPORATION” MEANS THE MARYLAND WORKFORCE CORPORATION.

11-1002.

(A) THERE IS A MARYLAND WORKFORCE CORPORATION.

(B) THE CORPORATION IS A BODY POLITIC AND CORPORATE AND IS AN INSTRUMENTALITY OF THE STATE.

(C) THE PURPOSE OF THE CORPORATION IS TO:

(1) WORK IN COORDINATION WITH THE DEPARTMENT AND OTHER STATE AGENCIES TO ESTABLISH A PLAN AND FRAMEWORK FOR INNOVATIVE, DEMAND-DRIVEN PROGRAMS ACROSS THE STATE THAT WILL GIVE MARYLAND WORKERS THE OPPORTUNITY TO ACQUIRE AND DEVELOP THE EDUCATION AND SKILLS NEEDED TO PARTICIPATE FULLY IN THE WORKFORCE;

(2) SOLICIT, ACQUIRE, AND COORDINATE PRIVATE AND PUBLIC FUNDING TO ASSURE A RELIABLE FUNDING STREAM FOR THE PROGRAMS DEVELOPED UNDER THIS SUBTITLE;

(3) OBTAIN RESOURCES FOR THE STATEWIDE WORKFORCE PROGRAMS DEVELOPED UNDER THIS SUBTITLE FROM PRIVATE AND PUBLIC SOURCES INCLUDING:

(I) LOCAL WORKFORCE INVESTMENT BOARDS;

(II) COMMUNITY COLLEGES;

(III) ADULT LEARNING PROGRAMS;

(IV) CORRECTIONAL EDUCATION AND VOCATIONAL PROGRAMS;

(V) THE DEPARTMENT OF HUMAN RESOURCES;

(VI) THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;

(VII) THE HIGHER EDUCATION COMMISSION; AND

(VIII) THE DEPARTMENT;

~~(3)~~ **(4)** ~~CONDUCT~~ **ADMINISTER** THE PROGRAMS DEVELOPED UNDER THIS SUBTITLE IN ACCORDANCE WITH THE PLAN DEVELOPED UNDER ITEM (1) OF THIS SUBSECTION;

~~(4)~~ **(5)** PROVIDE GRANTS, FUNDING, AND OTHER ASSISTANCE TO SUPPORT THE PROGRAMS DEVELOPED UNDER THIS SUBTITLE;

(6) CONTRACT WITH TRAINING PROVIDERS TO CONDUCT EDUCATION AND SKILLS TRAINING PROGRAMS;

~~(5)~~ **(7)** ACT AS A RESEARCH AND DEVELOPMENT RESOURCE IN FINDING SOLUTIONS FOR NEW AND EMERGING WORKFORCE ISSUES; AND

~~(6)~~ **(8)** EVALUATE THE EFFECTIVENESS OF THE PROGRAMS DEVELOPED UNDER THIS SUBTITLE.

11-1003.

(A) (1) THERE IS A BOARD OF DIRECTORS OF THE CORPORATION.

(2) THE BOARD SHALL MANAGE THE CORPORATION AND EXERCISE ITS CORPORATE POWERS.

(3) THE BOARD SHALL MEET AT LEAST FOUR TIMES A YEAR.

(B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) AS EX OFFICIO MEMBERS:

(I) THE SECRETARY;

(II) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT;

(III) THE SECRETARY OF HIGHER EDUCATION;

(IV) THE SECRETARY OF HUMAN RESOURCES;

(V) THE SECRETARY OF JUVENILE SERVICES;

(VI) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND;

(VII) THE STATE SUPERINTENDENT OF SCHOOLS;

~~(v)~~ (VIII) THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF COMMUNITY COLLEGES; AND

~~(vi)~~ (IX) THE CHAIR OF THE GOVERNOR'S WORKFORCE INVESTMENT BOARD; AND

(2) ~~ELEVEN~~ FOURTEEN INDIVIDUALS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE WHO HAVE KNOWLEDGE AND EXPERIENCE IN BUSINESS AND INDUSTRY, SKILLS TRAINING, EDUCATION, INCLUDING ADULT BASIC EDUCATION, LABOR ORGANIZATIONS, AND MINORITY EMPLOYMENT.

(C) (1) ~~IN APPOINTING BOARD MEMBERS UNDER SUBSECTION (B)(2) OF THIS SECTION, THE GOVERNOR SHALL CONSIDER ALL OF THE GEOGRAPHIC REGIONS OF THE STATE~~ TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO THE BOARD SHALL REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE.

(2) A BOARD MEMBER MUST BE A RESIDENT OF THE STATE.

(3) A BOARD MEMBER:

(I) SERVES WITHOUT COMPENSATION; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(4) THE GOVERNOR MAY REMOVE A BOARD MEMBER FOR INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.

(D) THE GOVERNOR SHALL DESIGNATE A MEMBER OF THE BOARD AS ITS CHAIR.

(E) (1) THE TERM OF A BOARD MEMBER APPOINTED UNDER SUBSECTION (B)(2) OF THIS SECTION IS 4 YEARS.

(2) THE TERMS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE MEMBERS ON JULY 1, 2009.

(3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) 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.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER MAY BE REAPPOINTED.

(2) A MEMBER WHO HAS SERVED TWO CONSECUTIVE 4-YEAR TERMS MAY NOT BE REAPPOINTED UNTIL AT LEAST 1 YEAR HAS ELAPSED AFTER THE END OF THE PREVIOUS TERM.

(3) A MEMBER WHO HAS SERVED LESS THAN A FULL 4-YEAR TERM MAY BE REAPPOINTED TO TWO FULL TERMS.

~~(G) (1) NINE MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM.~~

~~(2) THE AFFIRMATIVE VOTE OF NINE MEMBERS SHALL BE NECESSARY FOR ANY ACTION TO BE TAKEN BY THE BOARD.~~

~~(H)~~ (G) EACH MEMBER OF THE BOARD APPOINTED UNDER SUBSECTION (B)(2) OF THIS SECTION SHALL DISCLOSE TO THE STATE ETHICS COMMISSION WHETHER THE MEMBER IS EMPLOYED BY OR HAS A FINANCIAL INTEREST IN AN ENTITY THAT MAY APPLY TO THE CORPORATION FOR FUNDING TO PROVIDE WORKFORCE EDUCATION AND SKILLS TRAINING.

11-1004.

(A) (1) THE BOARD SHALL APPOINT A PRESIDENT WITH EXPERIENCE AND QUALIFICATIONS RELEVANT TO THE ACTIVITIES AND PURPOSES OF THE CORPORATION.

(2) THE PRESIDENT SERVES AT THE PLEASURE OF THE BOARD.

(3) THE BOARD SHALL DETERMINE THE SALARY OF THE PRESIDENT.

(B) (1) THE PRESIDENT IS THE CHIEF ADMINISTRATIVE OFFICER OF THE CORPORATION.

(2) THE PRESIDENT SHALL MANAGE THE ADMINISTRATIVE AFFAIRS AND TECHNICAL ACTIVITIES OF THE CORPORATION IN ACCORDANCE WITH POLICIES AND PROCEDURES THAT THE BOARD ESTABLISHES.

(C) THE PRESIDENT, OR THE PRESIDENT'S DESIGNEE, SHALL:

(1) ATTEND ALL MEETINGS OF THE BOARD;

(2) ACT AS SECRETARY OF THE BOARD;

(3) KEEP MINUTES OF ALL PROCEEDINGS OF THE BOARD;

(4) APPROVE ALL SALARIES, PER DIEM PAYMENTS, AND ALLOWABLE EXPENSES OF THE CORPORATION, ITS EMPLOYEES, AND ITS CONSULTANTS;

(5) APPROVE ANY EXPENSES INCIDENTAL TO THE OPERATION OF THE CORPORATION; AND

(6) PERFORM THE OTHER DUTIES THAT THE BOARD DIRECTS IN CARRYING OUT THIS SUBTITLE.

11-1005.

(A) THE CORPORATION SHALL EMPLOY ANY ADDITIONAL PROFESSIONAL AND CLERICAL STAFF AS NECESSARY TO CARRY OUT THIS SUBTITLE.

(B) THE CORPORATION MAY RETAIN CONSULTANTS, AGENTS, AND ADVISERS AS NECESSARY.

(C) (1) THE ATTORNEY GENERAL IS THE LEGAL ADVISER TO THE CORPORATION.

(2) WITH THE APPROVAL OF THE ATTORNEY GENERAL, THE CORPORATION MAY RETAIN ANY NECESSARY LAWYERS.

11-1006.

(A) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IN EXERCISING ITS POWERS, THE CORPORATION:

(I) MAY CARRY OUT ITS CORPORATE PURPOSES WITHOUT THE CONSENT OF ANY STATE UNIT; AND

(II) IS NOT SUBJECT TO THE FOLLOWING PROVISIONS OF THE STATE FINANCE AND PROCUREMENT ARTICLE:

1. TITLE 2, SUBTITLE 2 (GIFTS AND GRANTS);
2. TITLE 3 (BUDGET AND MANAGEMENT);
3. TITLE 3A (DEPARTMENT OF INFORMATION TECHNOLOGY);
4. TITLE 4 (DEPARTMENT OF GENERAL SERVICES);
5. TITLE 6, SUBTITLE 1 (STUDIES AND ESTIMATES);
6. TITLE 7, SUBTITLE 1 (STATE OPERATING BUDGET), SUBTITLE 2 (DISBURSEMENTS AND EXPENDITURES), AND SUBTITLE 3 (UNSPENT BALANCES); AND
7. DIVISION II (GENERAL PROCUREMENT LAW).

(2) THE CORPORATION IS SUBJECT TO THE PUBLIC INFORMATION ACT AND THE OPEN MEETINGS ACT.

~~(3) THE CORPORATION IS EXEMPT FROM THE OPEN MEETINGS ACT.~~

(B) (1) THE BOARD AND THE OFFICERS AND EMPLOYEES OF THE CORPORATION ARE SUBJECT TO THE PUBLIC ETHICS LAW.

(2) THE OFFICERS AND EMPLOYEES OF THE CORPORATION ARE NOT SUBJECT TO:

(I) DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE; OR

(II) THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

(C) THE CORPORATION, ITS OFFICERS, AND ITS EMPLOYEES ARE SUBJECT TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

- (D) THE CORPORATION IS EXEMPT FROM STATE AND LOCAL TAXES.

11-1007.

(A) THE CORPORATION SHALL ESTABLISH A SYSTEM OF FINANCIAL ACCOUNTING, CONTROLS, AUDITS, AND REPORTS.

(B) THE FISCAL YEAR OF THE CORPORATION BEGINS ON JULY 1 AND ENDS ON THE FOLLOWING JUNE 30.

11-1008.

(A) THE EXERCISE BY THE CORPORATION OF THE POWERS CONFERRED BY THIS SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION.

(B) THE CORPORATION MAY:

(1) ADOPT BYLAWS;

(2) ADOPT A SEAL;

(3) MAINTAIN OFFICES AT A PLACE IN THE STATE THAT THE CORPORATION DESIGNATES;

(4) APPLY FOR AND ACCEPT LOANS, GRANTS, OR ASSISTANCE IN ANY FORM FROM FEDERAL, STATE, OR LOCAL GOVERNMENTS, COLLEGES OR UNIVERSITIES, OR FOUNDATIONS OR OTHER PRIVATE SOURCES TO SUPPORT WORKFORCE EDUCATION AND SKILLS TRAINING PROGRAMS;

(5) ~~CONDUCT~~ ADMINISTER PROGRAMS THAT FURTHER THE GOALS AND OBJECTIVES OF THE CORPORATION;

(6) PROVIDE GRANTS, FUNDING, AND OTHER ASSISTANCE TO STATE AND LOCAL AGENCIES, COLLEGES AND UNIVERSITIES, EMPLOYERS, ADMINISTRATORS OF LABOR/MANAGEMENT TRAINING AND UPGRADING FUNDS, AND NONPROFIT ORGANIZATIONS FOR ~~WORKFORCE~~ EDUCATION AND SKILLS TRAINING PROGRAMS;

(7) CONTRACT WITH TRAINING PROVIDERS TO CONDUCT EDUCATION AND SKILLS TRAINING PROGRAMS;

(8) ASSIST TRAINING PROVIDERS BY COORDINATING FUNDING FOR TRAINING PROGRAMS;

~~(7)~~ (9) MAKE, EXECUTE, AND ENTER INTO ANY CONTRACTS OR LEGAL INSTRUMENTS;

~~(8)~~ (10) SUE OR BE SUED;

(11) SEEK TAX EXEMPT STATUS FROM THE INTERNAL REVENUE SERVICE;

~~(9)~~ (12) EXERCISE A POWER USUALLY POSSESSED BY A PRIVATE CORPORATION IN PERFORMING SIMILAR FUNCTIONS UNLESS TO DO SO WOULD CONFLICT WITH THE LAWS OF THE STATE; AND

~~(10)~~ (13) DO ANYTHING NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS GRANTED BY THIS SUBTITLE.

(C) THE CORPORATION MAY NOT OFFER OR PROVIDE EDUCATIONAL OR SKILLS TRAINING UNLESS THE CORPORATION DETERMINES THAT THERE ARE NO OTHER TRAINING PROVIDERS AVAILABLE.

11-1009.

THE SECRETARY MAY ALLOCATE FUNDS TO THE CORPORATION FOR ITS EXPENSES, AS PROVIDED FOR IN THE STATE BUDGET.

~~(A) THE SECRETARY MAY LOAN FUNDS TO THE CORPORATION FOR ITS INITIAL EXPENSES AS PROVIDED IN THE STATE BUDGET.~~

~~(B) THE LOAN SHALL BE REPAID OUT OF THE FIRST MONEY AVAILABLE TO THE CORPORATION.~~

~~(C) THE REPAYMENT SHALL BE MADE AT A MUTUALLY AGREED ON RATE OF INTEREST.~~

11-1010.

(A) (1) AS SOON AS PRACTICABLE AFTER THE CLOSE OF THE FISCAL YEAR, AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT SHALL AUDIT THE FINANCIAL BOOKS, RECORDS, AND ACCOUNTS OF THE CORPORATION.

(2) THE CORPORATION SHALL SELECT AN ACCOUNTANT TO CONDUCT THE AUDIT WHO:

(I) IS LICENSED TO PRACTICE CERTIFIED PUBLIC ACCOUNTANCY IN THE STATE;

(II) IS EXPERIENCED AND QUALIFIED IN THE ACCOUNTING AND AUDITING OF PUBLIC ENTITIES; AND

(III) DOES NOT HAVE A DIRECT OR INDIRECT PERSONAL INTEREST IN THE FISCAL AFFAIRS OF THE CORPORATION.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON OR BEFORE NOVEMBER 1 AFTER EACH FISCAL YEAR, THE ACCOUNTANT SHALL REPORT THE RESULTS OF THE AUDIT, INCLUDING THE ACCOUNTANT'S OPINION, MADE WITHOUT RESERVATION, OF THE PRESENTATION OF THE FINANCIAL POSITION OF THE FUNDS OF THE CORPORATION, AND THE RESULTS OF THE FINANCIAL OPERATIONS OF THE CORPORATION.

(II) IF THE ACCOUNTANT CANNOT EXPRESS AN OPINION WITHOUT RESERVATION, THE ACCOUNTANT SHALL EXPLAIN IN DETAIL THE REASONS FOR THE QUALIFICATIONS AND DISCLAIMERS, INCLUDING RECOMMENDATIONS FOR CHANGES THAT COULD MAKE FUTURE OPINIONS WITHOUT RESERVATION POSSIBLE.

(B) THE STATE MAY AUDIT THE BOOKS, RECORDS, AND ACCOUNTS OF THE CORPORATION.

11-1011.

(A) WITHIN 90 DAYS AFTER THE START OF EACH FISCAL YEAR, THE CORPORATION SHALL REPORT ON ITS STATUS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(B) THE REPORT SHALL STATE THE COMPLETE OPERATING AND FINANCIAL STATEMENT COVERING THE CORPORATION'S OPERATIONS AND SUMMARIZE THE CORPORATION'S ACTIVITIES DURING THE PRECEDING FISCAL YEAR.

11-1012.

(A) EACH UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT AND EACH INSTITUTION OF HIGHER EDUCATION IN THE STATE MAY WORK WITH THE CORPORATION ON MATTERS RELATING TO THE UNIT.

(B) EACH COUNTY, MUNICIPAL CORPORATION, AND LOCAL WORKFORCE INVESTMENT BOARD IN THE STATE MAY WORK WITH THE CORPORATION ON MATTERS RELATING TO THE POLITICAL SUBDIVISION OR ENTITY.

11-1013.

(A) ALL DEBTS, CLAIMS, OBLIGATIONS, AND LIABILITIES OF THE CORPORATION, WHENEVER INCURRED, SHALL BE THE DEBTS, CLAIMS, OBLIGATIONS, AND LIABILITIES OF THE CORPORATION ONLY AND NOT OF THE STATE, UNITS OF STATE GOVERNMENT, OTHER STATE INSTRUMENTALITIES, OR STATE OFFICERS OR EMPLOYEES.

(B) THE DEBTS, CLAIMS, OBLIGATIONS, AND LIABILITIES OF THE CORPORATION MAY NOT BE CONSIDERED A DEBT OF THE STATE OR A PLEDGE OF THE CREDIT OF THE STATE.

11-1014.

THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO CARRY OUT ITS PURPOSES.

Article – State Government

12-101.

(a) In this subtitle, unless the context clearly requires otherwise, “State personnel” means:

(2) an employee or official of the:

(i) Maryland Transportation Authority;

(ii) Injured Workers’ Insurance Fund;

(iii) Maryland Stadium Authority;

(iv) Maryland Environmental Service;

(v) overseas programs of the University College of the University System of Maryland;

(vi) Maryland Economic Development Corporation;

(vii) Maryland Technology Development Corporation;

(viii) Maryland African American Museum Corporation;

- (ix) Maryland Automobile Insurance Fund;
- (x) Maryland Health and Higher Educational Facilities Authority; [and]
- (xi) Maryland Agricultural and Resource-Based Industry Development Corporation; AND

(XII) MARYLAND WORKFORCE CORPORATION;

SECTION 2. AND BE IT FURTHER ENACTED, That the initial terms of the members of the board of directors of the Maryland Workforce Corporation appointed under § 11-1003(b)(2) of the Labor and Employment Article, as enacted by Section 1 of this Act, expire as follows:

- (1) ~~three~~ four members in 2013;
- (2) ~~three~~ four members in 2012;
- (3) three members in 2011; and
- (4) ~~two~~ three members in 2010.

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 this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 477

(House Bill 1532)

AN ACT concerning

State Fire Marshal – Fire Sprinkler Contractor – Licensing

FOR the purpose of repealing a certain provision that allowed certain contractors to provide certain services as fire sprinkler contractors without being licensed by the State Fire Marshal; and generally relating to licensing of persons providing fire sprinkler services by the State Fire Marshal.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 9–903
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

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

Article – Public Safety

9–903.

(a) Except as provided in subsection (b) of this section, a person may not provide services as a fire sprinkler contractor in the State unless the person[:

(1)] is licensed by the State Fire Marshal[; or

(2) is a contractor of a person who is licensed by the State Fire Marshal].

(b) This subtitle does not prohibit:

(1) inspections and tests of fire sprinkler systems by insurance representatives if the representatives are acting in the performance of their assigned duties;

(2) inspections, tests, and repairs of fire sprinkler systems by full-time maintenance employees of a property owner if the employees:

(i) are knowledgeable about fire sprinkler systems; and

(ii) are acting in the performance of their assigned duties for the property owner;

(3) inspections, tests, plan review, and ensuring the maintenance of fire sprinkler systems, emergency maintenance activity on fire sprinkler systems, or restoration to active service of operating or recently operated fire sprinkler systems by members of State, county, municipal, career, or volunteer fire departments, or authorities with jurisdiction if the members are acting in their capacity as members of the fire departments or authorities;

(4) installation of limited area fire sprinkler systems or emergency temporary repairs on fire sprinkler systems performed by master plumbers if the plumbers are acting in accordance with regulations adopted by the State Fire Prevention Commission; or

(5) inspections, tests, preparation of design and specification documents, hydraulic calculations, layout, and plan review of fire sprinkler systems by Maryland professional engineers if the engineers are knowledgeable about fire sprinkler systems.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 478

(House Bill 1542)

AN ACT concerning

**Health – ~~Regulation and Permitting of Egg Sellers at Farmers’ Markets~~
Licensing of Food Establishments – Exception for Egg Producers**

FOR the purpose of ~~making an exception to the authority of the Secretary of Health and Mental Hygiene to regulate the distribution in the State of a certain food; requiring, for certain purposes, that a person selling eggs at a farmers’ market be treated by the Department of Health and Mental Hygiene or a local health department the same as if the person were selling the eggs from the farm on which the eggs were produced; defining certain terms; exempting certain persons who produce shell eggs and sell the shell eggs directly to the public from a certain food establishment licensing requirement; making this Act an emergency measure; and generally relating to the regulation and permitting exemption of egg producers selling eggs at farmers’ markets from food establishment licensing requirements.~~

BY repealing and reenacting, with amendments,
Article – Health – General
Section ~~21-211(a)~~ 21-305(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

~~BY adding to~~
~~Article – Health – General~~
~~Section 21-211.1~~

~~Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)~~

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

Article - Health - General

21-305.

(a) Except as otherwise provided in this subtitle, a person may not operate a food establishment unless the person is licensed by the Department.

(b) (1) A separate license is required for each food establishment that a person owns or operates.

(2) Except in Baltimore City, the provisions of this subsection may require a license for each location where vending machines are operated, but may not require a separate license for each individual vending machine.

(3) Except in Baltimore City, vending machine locations used exclusively for prepackaged and commercially sealed foods that are not potentially hazardous, as defined by regulation, are not required to be licensed.

(4) In Baltimore City, a license may be required for each individual vending machine.

(5) An excluded organization may operate a food establishment without a license unless the excluded organization has been issued a license under § 21-304(a)(2)(ii) of this subtitle.

(6) A LICENSE IS NOT REQUIRED FOR A PERSON WHO:

(I) PRODUCES SHELL EGGS;

(II) SELLS THE SHELL EGGS DIRECTLY TO THE PUBLIC; AND

(III) IS REGISTERED WITH OR INSPECTED BY THE SECRETARY OF AGRICULTURE UNDER § 4-310 OR § 4-311.1 OF THE AGRICULTURE ARTICLE.

[(6)] (7) Nothing in this subtitle shall preempt the right of a county to require a permit under the authority provided by a local law, ordinance, or regulation if this subtitle does not require the food establishment to obtain a State license.

~~21-211.~~

(a) ~~[By] EXCEPT AS PROVIDED IN § 21-211.1 OF THIS SUBTITLE, BY~~ the issuance, denial, or suspension of permits as provided in this section, the Secretary may regulate the distribution in this State of any class of food that may be contaminated with microorganisms.

~~21-211.1.~~

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

(2) ~~“FARMERS’ MARKET” MEANS A PUBLIC MARKET IN THE STATE WHERE PRODUCERS OF FRESH RAW AGRICULTURAL PRODUCTS SELL THE PRODUCTS DIRECTLY TO THE PUBLIC.~~

(3) ~~“RAW AGRICULTURAL PRODUCTS” INCLUDES EGGS, GRAINS, FLOWERS, FRUITS, AND VEGETABLES SUPPLIED DIRECTLY FROM THE FARM ON WHICH THEY WERE PRODUCED.~~

(B) ~~FOR PURPOSES OF REGULATION AND PERMITTING BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR A LOCAL HEALTH DEPARTMENT, A PERSON SELLING EGGS AT A FARMERS’ MARKET SHALL BE TREATED THE SAME AS IF THE PERSON WERE SELLING THE EGGS ON THE FARM AT WHICH THE EGGS WERE PRODUCED.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2009~~ 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 7, 2009.

Chapter 479

(House Bill 1553)

AN ACT concerning

Worcester County – Video Lottery Operations ~~– Horse Racing~~

FOR the purpose of ~~altering the amounts that horse racing licensees must invest annually in thoroughbred and standardbred racing facilities to be eligible for~~

~~funding from certain proceeds of video lottery terminals; requiring that a certain employee hiring preference be followed for a video lottery facility in Worcester County; repealing a requirement that the State Lottery Commission deny a video lottery employee license to an applicant who is disqualified due to a lack of certain expertise or training; altering certain responsibilities of a video lottery operation licensee; repealing the requirement that the Mayor of the Town of Ocean City participate in *providing for the appointment of certain members of a certain development council*; altering the appointment of a certain local development council; requiring, instead of authorizing, the State to pay for certain reasonable transportation costs; altering the manner in which a certain local impact grant is to be distributed under certain circumstances; and generally relating to video lottery operations and horse racing in Worcester County.~~

BY repealing and reenacting, with amendments,

Article – State Government

Section ~~9-1A-09(b)(5), 9-1A-10(a)(5), 9-1A-14(e), 9-1A-23(b),
9-1A-31(c)(3)(ii), and 9-1A-32(a)~~

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Chapter 4 of the Acts of the General Assembly of the 2007 Special Session

Section 8A

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

Article – State Government

~~9-1A-09.~~

~~(b) As a condition of eligibility for funding under § 9-1A-29 of this subtitle, a racing licensee shall:~~

~~(5) develop and submit to the State Racing Commission a multiyear plan to improve the quality and marketing of horse racing at racetrack locations owned or operated by the racing licensee in Maryland, which shall include:~~

~~(i) goals, indicators, and timelines for specific actions that will be taken by the racing licensee to improve the quality and marketing of the horse racing industry in Maryland; and~~

~~(ii) a master plan for capital improvements that reflects, at a minimum:~~

~~1. commitments that have been made to the State Racing Commission; and~~

~~2. an ongoing ANNUAL investment in capital maintenance and improvements in the horse racing facilities of at least [\$1,500,000 annually] \$1,000,000 FOR THOROUGHBRED RACING FACILITIES AND \$500,000 FOR STANDARD BRED RACING FACILITIES, which may include amounts provided as a matching fund as required under § 9-1A-29(c)(2) of this subtitle; and~~

~~9-1A-10.~~

~~(a) (5) (I) Notwithstanding any collective bargaining agreement or agreements, a licensee shall:~~

~~[(i)] 1. provide health insurance coverage for its employees; and~~

~~[(ii)] 2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, give a preference to hiring qualified employees from the communities within 10 miles of the video lottery facility.~~

~~(II) FOR A VIDEO LOTTERY FACILITY IN WORCESTER COUNTY, A PREFERENCE SHALL BE GIVEN TO HIRING QUALIFIED EMPLOYEES FROM WORCESTER COUNTY OR WICOMICO COUNTY.~~

~~9-1A-14.~~

~~(e) The Commission shall deny a video lottery employee license to an applicant who is disqualified due to:~~

~~(1) the applicant's failure to prove the applicant's good character, honesty, and integrity;~~

~~(2) [the applicant's lack of expertise or training to be a video lottery employee;~~

~~(3)] the applicant's conviction for any crime involving moral turpitude or gambling under the laws of the United States or any state;~~

~~[(4)] (3) the applicant's current prosecution for any crime involving moral turpitude or gambling under the laws of the United States or any state, but, at the request of the applicant, the Commission may defer a decision on the application during the pendency of the charge;~~

~~[(5)] (4) pursuit by the applicant of economic gain in an occupational manner or context that is in violation of the laws of the State, if the pursuit creates a~~

~~reasonable belief that participation of the applicant in video lottery operations would be inimical to the policies of this subtitle;~~

~~[(6)] (5) identification of the applicant as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in a manner that creates a reasonable belief that the association is of a nature as to be inimical to the policies of this subtitle;~~

~~[(7)] (6) commission of an act by the applicant that would constitute an offense described under item [(3)](2) of this subsection, even if the act has not been or may not be prosecuted under the criminal laws of the State;~~

~~[(8)] (7) willful defiance by the applicant or a person that is required to be qualified under this subtitle as a condition of a license of a legislative investigatory body or other official investigatory body of the United States or a jurisdiction within the United States when the body is engaged in the investigation of crimes relating to gambling, official corruption, or organized crime activity; and~~

~~[(9)] (8) any other reason established in the regulations of the Commission as a reason for denying a license.~~

~~9-1A-23.~~

~~(b) A video lottery operation licensee shall be responsible for all [marketing, advertising, and promotion] **ADVERTISING** for its video lottery operation.~~

9-1A-31.

(c) (3) (ii) If the video lottery facility is at a racetrack location at the Ocean Downs Race ~~Course~~, ***COURSE***:

1. the County Commissioners of Worcester County [and the Mayor of the Town of Ocean City] shall [jointly] appoint the local development council;

2. THE SENATOR OR THE SENATOR'S DESIGNEE SHALL SERVE AS A MEMBER OF THE LOCAL DEVELOPMENT COUNCIL; AND

3. THE DELEGATES OR THE DELEGATES' DESIGNEES SHALL SERVE AS MEMBERS OF THE LOCAL DEVELOPMENT COUNCIL.

~~9-1A-32.~~

~~(a) The State [may] **SHALL** pay for the reasonable transportation costs to:~~

~~(1) mitigate the impact on the communities in the immediate proximity to the facility; and~~

~~(2) make each video lottery facility accessible to the public.~~

Chapter 4 of the Acts of the 2007 Special Session

SECTION 8A. AND BE IT FURTHER ENACTED, That, if a video lottery operation license is awarded to Ocean Downs racetrack, the local impact grant provided under § 9-1A-27(a)(3) of the State Government Article, as enacted by Section 1 of this Act, shall be distributed in the following manner:

(1) [70%] **60%** to Worcester County;

(2) 20% to Ocean City; [and]

(3) 10% to the Town of Berlin; AND

(4) **NOTWITHSTANDING § 9-1A-31 OF THE STATE GOVERNMENT ARTICLE, 10% TO THE OCEAN PINES ASSOCIATION TO BE USED FOR A SPECIFIED PUBLIC INFRASTRUCTURE PURPOSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 480

(House Bill 1556)

AN ACT concerning

Environment - Coal Combustion By-Products - Fees

FOR the purpose of establishing in the Department of the Environment a fund for the management of certain coal combustion by-products; providing that the Fund is a special, continuing, nonlapsing fund; authorizing the Department to establish and collect a certain fee, subject to certain conditions; requiring the Department to consider certain factors in establishing and reviewing a fee; prohibiting the imposition or collection of the fee on certain coal combustion by-products used in certain manners; requiring the fee to be paid into the Fund; requiring the Department to use the Fund for certain purposes; requiring the Department annually to submit a certain report; requiring the Department to adopt certain

regulations; defining certain terms; and generally relating to coal combustion by-products.

BY adding to

Article – Environment

Section 9–281 through 9–286 to be under a new part “Part VII. State Coal Combustion By–Products Management Fund”

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

Article – Environment

9–279. RESERVED.

9–280. RESERVED.

PART VII. STATE COAL COMBUSTION BY–PRODUCTS MANAGEMENT FUND.

9–281.

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

(B) (1) “COAL COMBUSTION BY–PRODUCTS” MEANS THE RESIDUE GENERATED BY, OR RESULTING FROM, THE BURNING OF COAL.

(2) “COAL COMBUSTION BY–PRODUCTS” INCLUDES FLY ASH, BOTTOM ASH, BOILER SLAG, POZZOLAN, AND OTHER SOLID RESIDUALS REMOVED BY AIR POLLUTION CONTROL DEVICES FROM THE FLUE GAS AND COMBUSTION CHAMBERS OF COAL–BURNING FURNACES AND BOILERS, INCLUDING FLUE GAS DESULFURIZATION SLUDGE AND OTHER SOLID RESIDUALS RECOVERED FROM FLUE GAS BY WET OR DRY METHODS.

(C) “FUND” MEANS THE STATE COAL COMBUSTION BY–PRODUCTS MANAGEMENT FUND.

(D) (1) “GENERATOR” MEANS A PERSON WHOSE OPERATIONS, ACTIVITIES, PROCESSES, OR ACTIONS CREATE COAL COMBUSTION BY–PRODUCTS.

(2) "GENERATOR" DOES NOT INCLUDE A PERSON WHO ONLY GENERATES COAL COMBUSTION BY-PRODUCTS BY BURNING COAL AT A PRIVATE RESIDENCE.

9-282.

(A) THERE IS A STATE COAL COMBUSTION BY-PRODUCTS MANAGEMENT FUND.

(B) THE FUND SHALL CONSIST OF:

(1) FEES COLLECTED BY THE DEPARTMENT UNDER § 9-283 OF THIS SUBTITLE;

(2) FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY FOR DEPOSIT TO THE FUND; AND

(3) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY SOURCES, PUBLIC OR PRIVATE, FOR THE PURPOSES FOR WHICH THE FUND HAS BEEN ESTABLISHED.

(C) (1) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND ~~WHICH~~ THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) NOTWITHSTANDING ANY LAW TO THE CONTRARY, UNUSED MONEY IN THE FUND MAY NOT REVERT TO THE GENERAL FUND.

(D) THE FUND SHALL BE MAINTAINED AND ADMINISTERED BY THE DEPARTMENT IN ACCORDANCE WITH THE PROVISIONS OF THIS PART AND ANY REGULATIONS THE DEPARTMENT ADOPTS ~~IN ACCORDANCE WITH THIS PART.~~

9-283.

(A) ~~BY~~ EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, BY REGULATION, THE DEPARTMENT ~~MAY~~ SHALL ESTABLISH, ~~IMPOSE,~~ AND COLLECT A FEE TO BE PAID BY A GENERATOR OF COAL COMBUSTION BY-PRODUCTS, BASED ON A PER TON RATE OF COAL COMBUSTION BY-PRODUCTS GENERATED BY THE GENERATOR ANNUALLY.

(B) ~~BY REGULATION, THE DEPARTMENT MAY ESTABLISH AND IMPOSE A FEE IN A SINGLE AMOUNT, OR IN A RANGE OF AMOUNTS, NECESSARY TO OPERATE A REGULATORY PROGRAM TO CONTROL THE MANAGEMENT OF COAL~~

~~COMBUSTION BY PRODUCTS, BASED ON THE FACTORS IN SUBSECTION (C) OF THIS SECTION.~~

~~(C) IN ESTABLISHING A FEE OR A RANGE OF FEES UNDER THIS SECTION, THE DEPARTMENT SHALL GIVE CONSIDERATION TO~~ THE DEPARTMENT SHALL BASE THE FEES ON THE FOLLOWING FACTORS:

(1) THE TOTAL ANNUAL TONNAGE OF COAL COMBUSTION BY-PRODUCTS THAT THE GENERATOR GENERATES;

(2) THE TYPE AND VOLUME OF COAL COMBUSTION BY-PRODUCTS GENERATED BY THE GENERATOR;

~~(2)~~ (3) WHETHER THE GENERATOR USES OR DISPOSES OF, OR INTENDS TO USE OR DISPOSE OF, THE COAL COMBUSTION BY-PRODUCTS;

~~(3)~~ (4) THE DIFFERENT TYPES OF USES OR PROPOSED USES OF THE COAL COMBUSTION BY PRODUCTS AND WHETHER THE USES ARE CONSIDERED BENEFICIAL USES, AS DETERMINED BY THE DEPARTMENT TO THE EXTENT THAT THE COAL COMBUSTION BY-PRODUCTS ARE USED RATHER THAN DISPOSED OF, THE TYPES OF THE USES;

(5) WHETHER THE COAL COMBUSTION BY-PRODUCTS ARE TRANSPORTED FOR USE OR DISPOSAL OUT-OF-STATE; AND

~~(4)~~ (6) ANY OTHER OTHER FACTORS AS THE DEPARTMENT MAY DETERMINE CONSIDERS APPROPRIATE.

~~(D)~~ (C) THE DEPARTMENT MAY NOT ESTABLISH OR IMPOSE A FEE ON COAL COMBUSTION BY-PRODUCTS THAT ARE:

(1) BENEFICIALLY USED, IN ACCORDANCE WITH REGULATIONS ADOPTED BY AS THE DEPARTMENT DETERMINES; OR

(2) DISPOSED OF OUTSIDE THE STATE USED FOR COAL MINE RECLAMATION IN ACCORDANCE WITH REGULATIONS THE DEPARTMENT ADOPTS OR WITH REGULATIONS OF THE RECEIVING STATE.

~~(E) A GENERATOR SHALL PAY THE FEE AS ESTABLISHED BY REGULATIONS OF THE DEPARTMENT.~~

(D) FEES IMPOSED ON COAL COMBUSTION BY-PRODUCTS THAT ARE TRANSPORTED FOR USE OR DISPOSAL OUT-OF-STATE MAY NOT EXCEED 50% OF THE FEES ESTABLISHED FOR DISPOSAL IN-STATE.

~~(F)~~ (E) THE FEES COLLECTED BY THE DEPARTMENT UNDER THIS SECTION SHALL BE DEPOSITED INTO THE FUND AND USED IN ACCORDANCE WITH § 9-284 OF THIS SUBTITLE.

(F) THE FEES IMPOSED SHALL BE SET AT THE RATE NECESSARY TO IMPLEMENT THE PURPOSES SET FORTH IN § 9-284 OF THIS SUBTITLE.

(G) ~~IF~~ IN ANY FISCAL YEAR, IF THE FEE SCHEDULE ESTABLISHED BY THE DEPARTMENT GENERATES REVENUE THAT EXCEEDS THE AMOUNT NECESSARY TO OPERATE A REGULATORY PROGRAM TO CONTROL THE MANAGEMENT OF COAL COMBUSTION BY-PRODUCTS, THE DEPARTMENT SHALL REDUCE THE FEE SCHEDULE ACCORDINGLY FEES IN THE FOLLOWING FISCAL YEAR.

9-284.

(A) THE DEPARTMENT SHALL USE MONEY IN THE FUND:

~~(1)~~ TO SOLELY TO ADMINISTER AND MANAGE DEPARTMENT IMPLEMENT PROGRAMS RELATED TO CONTROL THE DISPOSAL, USE, BENEFICIAL USE, RECYCLING, PROCESSING, HANDLING, STORAGE, TRANSPORT, OR OTHER REQUIREMENTS RELATED TO THE MANAGEMENT OF COAL COMBUSTION BY-PRODUCTS, INCLUDING ALL COSTS INCURRED BY THE STATE TO:

~~(2)~~ (1) TO FUND ALL COSTS INCURRED BY THE STATE FOR REVIEWING, INSPECTING, AND EVALUATING REVIEW, INSPECT, AND EVALUATE MONITORING DATA, APPLICATIONS, LICENSES, PERMITS, UTILIZATION REQUESTS, PLANS, ANALYSES, AND REPORTS RELATED TO COAL COMBUSTION BY-PRODUCTS;

~~(3)~~ (2) FOR SITE PERFORM AND OVERSEE ASSESSMENTS, INVESTIGATIONS, AND RESEARCH AND REMEDIAL ACTIVITIES RELATED TO THE DISPOSAL, USE, BENEFICIAL USE, RECYCLING, PROCESSING, HANDLING, STORAGE, TRANSPORT, OR MANAGEMENT OF COAL COMBUSTION BY-PRODUCTS; AND

~~(4)~~ (3) TO DEVELOP, PROPOSE, OR DEVELOP, ADOPT, AND IMPLEMENT REGULATIONS, PROGRAMS, OR INITIATIVES TO ADDRESS RISKS TO HUMAN HEALTH AND THE ENVIRONMENT RELATED TO THE DISPOSAL, USE, BENEFICIAL USE, RECYCLING, PROCESSING, HANDLING, STORAGE, TRANSPORT, OR MANAGEMENT OF COAL COMBUSTION BY-PRODUCTS.

9-285.

BEGINNING NOVEMBER 1, 2010, THE DEPARTMENT SHALL REPORT EACH YEAR TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:

- (1) THE STATUS OF THE FUND;**
- (2) REVENUES OF AND EXPENDITURES FROM THE FUND;**
- (3) THE EFFICIENCY OF THE REGULATORY PROGRAM UNDER THIS PART;**
- (4) COMPLIANCE RATES WITHIN THE REGULATORY PROGRAM UNDER THIS PART; AND**
- (5) BASED ON THE FACTORS LISTED IN ITEMS (1) THROUGH (4) OF THIS SECTION, THE NECESSITY TO REVIEW AND ADJUST THE FEE IN ACCORDANCE WITH § 9-283(G) OF THIS SUBTITLE.**

9-286.

THE DEPARTMENT SHALL ADOPT REGULATIONS:

- ~~**(1) TO TO CARRY OUT THIS PART, INCLUDING REGULATIONS ESTABLISHING FEES UNDER § 9-283 OF THIS SUBTITLE;**~~
- ~~**(2) ESTABLISHING PROCEDURES FOR IMPOSING AND COLLECTING THE FEES; AND**~~
- ~~**(3) GENERALLY RELATING TO THE MANAGEMENT AND ADMINISTRATION OF THE FUND IN ACCORDANCE WITH THIS PART.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 481

(House Bill 1559)

AN ACT concerning

Task Force to Study the Governance and Structure of the St. Mary's County Metropolitan Commission

FOR the purpose of establishing the Task Force to Study the Governance and Structure of the St. Mary's County Metropolitan Commission; requiring the Task Force to study the governance and structure of the St. Mary's County Metropolitan Commission; specifying the membership and staffing of the Task Force; providing for the appointment of the chair of the Task Force; prohibiting members of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to report its findings and recommendations by certain dates; providing for the termination of this Act; and generally relating to the Task Force to Study the Governance and Structure of the St. Mary's County Metropolitan Commission.

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

(a) There is a Task Force to Study the Governance and Structure of the St. Mary's County Metropolitan Commission.

(b) The Task Force consists of the following members:

(1) ~~three~~ five members appointed by the St. Mary's County Board of County Commissioners;

(2) ~~three~~ four members appointed by the St. Mary's County Delegation of the General Assembly, with each member of the delegation appointing one Task Force member; and

(3) one member from the St. Mary's County Metropolitan Commission, ~~appointed jointly by the St. Mary's County Board of County Commissioners and the St. Mary's County Delegation of the General Assembly.~~ appointed internally.

(c) ~~The St. Mary's County Delegation of the General Assembly and the St. Mary's County Board of County Commissioners shall jointly designate the~~ From among its members, the Task Force shall elect a chair of the Task Force.

(d) The St. Mary's County ~~Administrator shall provide~~ Delegation shall issue a request for proposal to the University of Maryland, College Park, the University of Maryland Baltimore County, and the University of Maryland, Baltimore, and from the proposals received shall select 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 the governance and structure of the St. Mary's County Metropolitan Commission; and

(2) make recommendations regarding:

(i) the structure and governance of the St. Mary's County Metropolitan Commission; and

(ii) ~~whether to continue the St. Mary's County Metropolitan Commission~~ how best to continue the provision of water and sewer services to the citizens of St. Mary's County.

(g) On or before ~~September 1, 2009~~ July 1, 2010, the Task Force shall report its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the St. Mary's County Delegation of the General Assembly and the St. Mary's County Board of County Commissioners.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009. It shall remain effective for a period of 1 year and 3 months and, at the end of ~~May 31~~ August 31, 2010, 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 7, 2009.

Chapter 482

(House Bill 1570)

AN ACT concerning

Fisheries Management – Anchored Fishing Nets – Buoy Markers

FOR the purpose of authorizing a person to use a buoy or other floating device that shows certain information to mark certain anchored fishing nets; altering the information that is required to be marked on certain fishing gear; and generally relating to fisheries management.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4-710(e)

Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article – Natural Resources

4–710.

(e) (1) A person may not set any anchored gill net or fyke or hoop net or any line of these nets which has a length more than one third the distance across the waters of the bay, sound, river, creek, cove, or inlet where it is set, or is set so that it impedes or obstructs navigation on or blocks in any way the main channel of the bay, sound, river, creek, cove or inlet. The outer end of the submerged gear of any nets referred to in this subsection shall be marked by means of a paddle [or board], **A BOARD, OR A BUOY OR OTHER FLOATING DEVICE** which shows the name, ~~address~~ and license number of the net owner.

(2) A person may not set an anchored gill net within 1200 feet of a pound or stake net, measured at right angles to the line of stakes.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 483

(House Bill 1573)

AN ACT concerning

Business Regulation – Soda Fountain License – Repeal

FOR the purpose of repealing a provision of law requiring a person to have a soda fountain license whenever the person does business operating a soda fountain in the State; repealing a provision of law requiring an applicant for a soda fountain license to pay a certain license fee for each soda fountain; repealing a certain definition; making conforming changes; and generally relating to repealing the law requiring a person to have a license to operate a soda fountain in the State.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 17–201(a)

Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 17–201(b)(22) through (26)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing
Article – Business Regulation
Section 17–1701 through 17–1703 and the subtitle “Subtitle 17. Soda
Fountains”
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Article – Business Regulation

17–201.

(a) In this subtitle, “license” means a license issued by a clerk under this title.

(b) In this subtitle, “license” includes:

(22) [a soda fountain license issued under Subtitle 17 of this title;

(23)] a trader’s license issued under Subtitle 18 of this title;

[(24)](23) a chain store license issued under Subtitle 18 of this title;

[(25)] (24) a vending machine license issued under Subtitle 19 of this title; and

[(26)] (25) a license to do business as a trading stamp issuer issued under Subtitle 20 of this title.

[Subtitle 17. Soda Fountains.]

[17–1701.

In this subtitle, “soda fountain license” means a license issued by the clerk to do business operating a soda fountain.]

[17-1702.

A person must have a soda fountain license whenever the person does business operating a soda fountain in the State.]

[17-1703.

An applicant for a soda fountain license shall pay to the clerk a license fee of:

(1) \$10 for each soda fountain in a municipal corporation or unincorporated place with a population of less than 1,000, according to the latest federal census;

(2) \$25 for each soda fountain elsewhere in the State, except Baltimore City; or

(3) \$60 for each soda fountain in Baltimore City.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.

Chapter 484

(House Bill 100)

Budget Bill

(Fiscal Year 2010)

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2010, 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, 2009, and ending June 30, 2010, as hereinafter indicated.

PAYMENTS TO CIVIL DIVISIONS OF THE STATE

| | | |
|---|--|--|
| A11K00.01 Miscellaneous Grants | | |
| General Fund Appropriation | | 3,075,000 <u>2,575,000</u> |
| A15O00.01 Disparity Grants | | |
| General Fund Appropriation | | 121,436,013 |
| A19S00.01 Retirement Contribution – Certain Local Employees | | |
| General Fund Appropriation, <u>provided that</u> <u>\$2,474,304 is reduced contingent upon the</u> <u>enactment of HB 101 or SB 166 containing</u> <u>a provision to require local jurisdictions to</u> <u>pay the retirement contributions for</u> <u>certain local employees</u> | | 2,474,304 |

GENERAL ASSEMBLY OF MARYLAND

| | | |
|--|--|------------|
| B75A01.01 Senate | | |
| General Fund Appropriation | | 11,247,623 |
| B75A01.02 House of Delegates | | |
| General Fund Appropriation | | 21,053,606 |
| B75A01.03 General Legislative Expenses | | |
| General Fund Appropriation | | 1,018,527 |

DEPARTMENT OF LEGISLATIVE SERVICES

| | | |
|--|------------|------------|
| B75A01.04 Office of the Executive Director | | |
| General Fund Appropriation | 11,228,651 | |
| Special Fund Appropriation | 100,000 | 11,328,651 |
| B75A01.05 Office of Legislative Audits | | |
| General Fund Appropriation | | 11,975,199 |
| B75A01.06 Office of Legislative Information Systems | | |
| General Fund Appropriation | | 5,010,422 |
| B75A01.07 Office of Policy Analysis | | |
| General Fund Appropriation | | 15,153,590 |

SUMMARY

| | |
|--|-------------|
| Total General Fund Appropriation | 76,687,618 |
| Total Special Fund Appropriation | 100,000 |
| | <hr/> |
| Total Appropriation | 76,787,618 |
| | <hr/> <hr/> |

JUDICIARY

Provided that a reduction of \$6,155,223 is made for Other Post Employment Benefits (comptroller subobject 0157). This reduction shall be allocated among the divisions according to the following fund types:

| <u>Fund</u> | <u>Amount</u> |
|----------------|--------------------|
| <u>General</u> | <u>\$5,672,685</u> |
| <u>Special</u> | <u>\$396,976</u> |
| <u>Federal</u> | <u>\$85,562</u> |

Further provided that a reduction of \$3,683,552 is made for regular earnings (comptroller subobject 0101). This reduction shall be allocated among the divisions according to the following fund types:

| <u>Fund</u> | <u>Amount</u> |
|----------------|--------------------|
| <u>General</u> | <u>\$3,500,418</u> |
| <u>Special</u> | <u>\$183,134</u> |

Further provided that ~~11 positions are abolished and~~ a \$661,634 reduction is made ~~for the deletion of vacant positions~~ (comptroller subobjects 0101, 0151, 0161, and 0189). This reduction shall be allocated among the following divisions and fund types:

| <u>Fund</u> | <u>Program</u> | <u>Amount</u> |
|----------------|------------------|------------------|
| <u>General</u> | <u>C00A00.04</u> | <u>\$104,941</u> |
| | <u>C00A00.09</u> | <u>\$278,870</u> |

| | | |
|----------------|------------------|------------------|
| | <u>C00A00.10</u> | <u>\$155,290</u> |
| <u>Special</u> | <u>C00A00.09</u> | <u>\$50,145</u> |
| | <u>C00A00.10</u> | <u>\$36,730</u> |
| <u>Federal</u> | <u>C00A00.10</u> | <u>\$35,658</u> |

Further provided that the Judiciary shall develop organizational charts for each of its programs providing the allocation of regular and contractual positions in each program. A report shall be submitted to the budget committees by November 1, 2009, and annually thereafter with the submission of the Judiciary's budget request. The report shall include a list of all vacant positions, the length of the vacancy, and the job title.

Further provided that a ~~\$5,679,452~~ \$5,179,452 reduction is made for operating expenditures. This reduction shall be allocated among the following divisions and fund types:

| <u>Fund</u> | <u>Program</u> | <u>Comptroller Subobject</u> | <u>Amount</u> |
|----------------|-----------------------------|----------------------------------|-----------------------------|
| <u>General</u> | <u>C00A00.03</u> | <u>1202</u> | <u>\$210,000</u> |
| | <u>C00A00.04</u> | <u>0301</u> | <u>\$631,987</u> |
| | <u>C00A00.04</u> | <u>0302</u> | <u>\$42,036</u> |
| | <u>C00A00.04</u> | <u>0303</u> | <u>\$194,000</u> |
| | <u>C00A00.04</u> | <u>0305</u> | <u>\$233,045</u> |
| | <u>C00A00.04</u> | <u>0306</u> | <u>\$21,949</u> |
| | <u>C00A00.04</u> | <u>0322</u> | <u>\$175,167</u> |
| | <u>C00A00.04</u> | <u>0891</u> | <u>\$289,525</u> |
| | <u>C00A00.04</u> | <u>0912</u> | <u>\$236,861</u> |
| | <u>C00A00.06</u> | <u>0819</u> | <u>\$280,133</u> |
| | <u>C00A00.06</u> | <u>0828</u> | <u>\$108,511</u> |
| | <u>C00A00.06</u> | <u>0891</u> | <u>\$122,545</u> |
| | <u>C00A00.08</u> | <u>1206</u> | <u>\$380,000</u> |
| | <u>C00A00.09</u> | <u>0304</u> | <u>\$925,689</u> |
| | <u>C00A00.09</u> | <u>1015</u> | <u>\$328,004</u> |
| | <u>C00A00.11</u> | <u>1206</u> | <u>\$1,000,000</u> |
| <u>Special</u> | <u>C00A00.06</u> | <u>1207</u> | <u>\$500,000</u> |

Further provided that a reduction of

\$3,669,327 is made for employee turnover (comptroller subobject 0189). This reduction shall be allocated among the divisions according to the following fund types:

| <u>Fund</u> | <u>Amount</u> |
|------------------------------------|--------------------|
| <u>General</u> | <u>\$3,669,327</u> |
| | |
| C00A00.01 Court of Appeals | |
| General Fund Appropriation | 14,721,510 |
| | |
| C00A00.02 Court of Special Appeals | |
| General Fund Appropriation | 8,915,053 |
| | |
| C00A00.03 Circuit Court Judges | |
| General Fund Appropriation | 57,395,053 |
| Federal Fund Appropriation | 698,861 |
| | 58,093,914 |

C00A00.04 District Court
General Fund Appropriation, provided that \$500,000 of this appropriation made for the purpose of general operations may not be expended until the Judiciary submits a report to the budget committees on the status of bail debtors in the State. This report shall study defendants or promisors in each Judicial Circuit who pledged 10% to the court in the last five completed fiscal years under the Criminal Procedure Article Section 5-205 (b)(2)(i) but continue to owe bail debts for all prior fiscal years up through and including fiscal 2009, and shall include the following information:

- (1) the defendants' names, addresses, and other identifying information;
- (2) the issuance and service of any bench warrants for failure to appear;
- (3) the total of any forfeitures of bail bonds issued; and

- (4) the date of satisfaction of any forfeiture of bail bonds issued.

The report shall be submitted by November 1, 2009, and updated annually thereafter for all prior fiscal years. The budget committees shall have 45 days to review and comment on the report from its date of receipt

| | | |
|----------------------------------|------------------------|------------------------|
| | 152,570,982 | |
| | <u>151,631,256</u> | |
| Federal Fund Appropriation | 25,000 | 152,595,982 |
| | | <u>151,656,256</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.

C00A00.05 Maryland Judicial Conference

| | | |
|----------------------------------|--|--------------------|
| General Fund Appropriation | | 830,629 |
| | | <u>172,629</u> |

C00A00.06 Administrative Office of the Courts

Provided that ~~no funds for the purpose of grants to~~ the Maryland Disability Law Center (MDLC) ~~may be expended until the MDLC submits~~ shall submit a report to the budget committees on its financial posture. By November 1, 2009, the MDLC shall submit a report that includes a comprehensive summary of the following:

- (1) a detailed history of the MDLC's actual revenue sources for fiscal 2004 through 2008 and budgeted revenue sources for fiscal 2009 and 2010;
- (2) a detailed history of the MDLC's actual expenditures for fiscal 2004 through 2008 and budgeted expenditures for fiscal 2009 and 2010;

- (3) a listing of private, nonprofit, and government organizations that received financial or technical assistance from the MDLC in fiscal 2004 through 2008;
- (4) a summary of services provided by the MDLC in Maryland by jurisdiction; and
- (5) audited financial statements for fiscal 2004 through 2008.

The budget committees shall have 45 days to review and comment on the report from its date of receipt.

| | | |
|--|-----------------------|-----------------------|
| General Fund Appropriation | 25,893,339 | |
| | <u>24,156,160</u> | |
| Special Fund Appropriation | 15,500,000 | |
| Federal Fund Appropriation | 80,000 | 41,473,339 |
| | | <u>39,736,160</u> |
| <hr/> | | |
| C00A00.07 Court Related Agencies | | |
| General Fund Appropriation | 6,500,992 | |
| | <u>6,195,992</u> | |
| Federal Fund Appropriation | 60,040 | 6,561,032 |
| | | <u>6,256,032</u> |
| <hr/> | | |
| C00A00.08 State Law Library | | |
| General Fund Appropriation | 3,158,064 | |
| Special Fund Appropriation | 9,397 | 3,167,461 |
| <hr/> | | |
| C00A00.09 Judicial Information Systems | | |
| General Fund Appropriation | 29,712,447 | |
| Special Fund Appropriation | 9,194,511 | 38,906,958 |
| <hr/> | | |
| C00A00.10 Clerks of the Circuit Court | | |

Provided that a reduction of \$917,090 is made for equipment replacement (comptroller object 10). This reduction shall be

allocated according to the following fund types:

| <u>Fund</u> | <u>Amount</u> |
|----------------|------------------|
| <u>General</u> | <u>\$658,644</u> |
| <u>Special</u> | <u>\$258,446</u> |

Further provided that a reduction of \$739,857 is made for contractual services (comptroller object 08). This reduction shall be allocated according to the following fund types:

| <u>Fund</u> | <u>Amount</u> |
|----------------|------------------|
| <u>General</u> | <u>\$617,977</u> |
| <u>Special</u> | <u>\$121,880</u> |

| | | |
|----------------------------------|-----------------------|------------------------|
| General Fund Appropriation | 81,475,662 | |
| | <u>80,988,026</u> | |
| Special Fund Appropriation | 17,989,243 | |
| | <u>17,921,569</u> | |
| Federal Fund Appropriation | 2,733,540 | 102,198,445 |
| | | <u>101,643,135</u> |
| <hr/> | | |
| C00A00.11 Family Law Division | | |
| General Fund Appropriation | 19,592,613 | |
| | <u>18,382,255</u> | |
| Federal Fund Appropriation | 762,129 | 20,354,742 |
| | <u>744,440</u> | <u>19,126,695</u> |
| <hr/> | | |

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.

| | | |
|---|--|------------|
| C00A00.12 Major Information Technology Development Projects | | |
| Special Fund Appropriation | | 11,493,300 |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 395,428,445 |
| Total Special Fund Appropriation | | 54,118,777 |
| Total Federal Fund Appropriation | | 4,341,881 |
| | | <hr/> |
| Total Appropriation | | 453,889,103 |
| | | <hr/> <hr/> |

OFFICE OF THE PUBLIC DEFENDER

| | | |
|----------------------------------|------------|------------|
| C80B00.01 General Administration | | |
| General Fund Appropriation | 6,426,795 | |
| Special Fund Appropriation | 30,000 | 6,456,795 |
| | <hr/> | |
| C80B00.02 District Operations | | |
| General Fund Appropriation | 75,099,184 | |
| Special Fund Appropriation | 152,930 | 75,252,114 |
| | <hr/> | |

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 | | 6,202,168 |
| C80B00.04 Involuntary Institutionalization Services | | |
| General Fund Appropriation | | 1,301,463 |
| C80B00.05 Capital Defense Division | | |
| General Fund Appropriation | | 980,058 |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 90,009,668 |
| Total Special Fund Appropriation | | 182,930 |
| | | <hr/> |
| Total Appropriation | | 90,192,598 |
| | | <hr/> <hr/> |

OFFICE OF THE ATTORNEY GENERAL

| | | |
|--|-----------|-----------|
| C81C00.01 Legal Counsel and Advice | | |
| General Fund Appropriation | | 6,704,519 |
| C81C00.04 Securities Division | | |
| General Fund Appropriation | | 2,581,574 |
| C81C00.05 Consumer Protection Division | | |
| General Fund Appropriation, <u>provided that</u> | | |
| <u>this appropriation is reduced by \$844,496.</u> | | |
| <u>The Governor is authorized to process a</u> | | |
| <u>special fund budget amendment for</u> | | |
| <u>\$844,496 to make use of the available</u> | | |
| <u>balance in the Consumer Protection</u> | | |
| <u>Recoveries Account</u> | 844,496 | |
| Special Fund Appropriation | 3,312,317 | 4,156,813 |
| | <hr/> | |
| <p>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.</p> | | |
| C81C00.06 Antitrust Division | | |
| General Fund Appropriation | | 986,462 |
| C81C00.09 Medicaid Fraud Control Unit | | |
| General Fund Appropriation | 683,684 | |
| Federal Fund Appropriation | 2,051,047 | 2,734,731 |
| | <hr/> | |
| C81C00.10 People's Insurance Counsel Division | | |
| Special Fund Appropriation | | 501,369 |
| C81C00.12 Juvenile Justice Monitoring Program | | |
| General Fund Appropriation | | 689,411 |
| C81C00.14 Civil Litigation Division | | |
| General Fund Appropriation | 2,341,760 | |
| Special Fund Appropriation | 470,209 | 2,811,969 |
| | <hr/> | |
| C81C00.15 Criminal Appeals Division | | |
| General Fund Appropriation | | 2,587,001 |

| | |
|---|-----------|
| C81C00.16 Criminal Investigation Division | |
| General Fund Appropriation | 1,711,646 |

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 | 567,902 |

| | |
|--|---------|
| C81C00.18 Correctional Litigation Division | |
| General Fund Appropriation | 374,545 |

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 | 20,073,000 |
| Total Special Fund Appropriation | 4,283,895 |
| Total Federal Fund Appropriation | 2,051,047 |

| | |
|---------------------------|------------|
| Total Appropriation | 26,407,942 |
|---------------------------|------------|

OFFICE OF THE STATE PROSECUTOR

| | |
|----------------------------------|-----------|
| C82D00.01 General Administration | |
| General Fund Appropriation | 1,274,000 |

MARYLAND TAX COURT

| | |
|--------------------------------------|---------|
| C85E00.01 Administration and Appeals | |
| General Fund Appropriation | 647,747 |

PUBLIC SERVICE COMMISSION

| | | |
|--|-----------|-----------|
| C90G00.01 General Administration and Hearings | | |
| Special Fund Appropriation | 7,733,743 | |
| Federal Fund Appropriation | 57,479 | 7,791,222 |
| | <hr/> | |
| C90G00.02 Telecommunications Division | | |
| Special Fund Appropriation | | 526,273 |
| C90G00.03 Engineering Investigations | | |
| Special Fund Appropriation | 960,549 | |
| Federal Fund Appropriation | 313,394 | 1,273,943 |
| | <hr/> | |
| C90G00.04 Accounting Investigations | | |
| Special Fund Appropriation | | 629,314 |
| C90G00.05 Common Carrier Investigations | | |
| Special Fund Appropriation | | 1,441,393 |
| C90G00.06 Washington Metropolitan Area Transit Commission | | |
| Special Fund Appropriation | | 343,280 |
| C90G00.07 Rate Research and Economics | | |
| Special Fund Appropriation | | 644,743 |
| C90G00.08 Hearing Examiner Division | | |
| Special Fund Appropriation | | 810,718 |
| C90G00.09 Staff Attorney | | |
| Special Fund Appropriation | | 854,977 |
| C90G00.10 Integrated Resource Planning Division | | |
| Special Fund Appropriation | | 545,761 |

SUMMARY

| | | |
|--|--|-------------|
| Total Special Fund Appropriation | | 14,490,751 |
| Total Federal Fund Appropriation | | 370,873 |
| | | <hr/> |
| Total Appropriation | | 14,861,624 |
| | | <hr/> <hr/> |

OFFICE OF THE PEOPLE’S COUNSEL

| | |
|----------------------------------|-----------|
| C91H00.01 General Administration | |
| Special Fund Appropriation | 2,791,181 |

=====

SUBSEQUENT INJURY FUND

| | |
|----------------------------------|-----------|
| C94I00.01 General Administration | |
| Special Fund Appropriation | 1,962,489 |

=====

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.

UNINSURED EMPLOYERS’ FUND

| | |
|----------------------------------|-----------|
| C96J00.01 General Administration | |
| Special Fund Appropriation | 1,110,426 |

=====

WORKERS’ COMPENSATION COMMISSION

| | |
|----------------------------------|------------|
| C98F00.01 General Administration | |
| Special Fund Appropriation | 13,913,965 |

=====

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 | 781,114 |

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 2010 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 |
| D05E01.05 Wetlands Administration | |
| General Fund Appropriation | 195,694 |
| D05E01.10 Miscellaneous Grants to Private Non-Profit Groups | |
| General Fund Appropriation | 5,872,057 |
| To provide annual grants to private groups and sponsors which have statewide implications and merit State support. | |
| Council of State Governments, <i>provided that \$139,839 of this appropriation made for the purpose of providing a grant to the Council of State Governments may not be expended until the Council of State Governments certifies to the budget committees that the State of Maryland has been transferred from the Southern Region to the Eastern Region. The budget committees shall have 45 days to review and comment from the receipt of such notification</i> | |
| | 139,839 |
| Historic Annapolis Foundation | 507,000 |
| Maryland Zoo in Baltimore | 5,225,218 |
| D05E01.15 Payments of Judgments Against the State | |
| General Fund Appropriation | 213,125 |

SUMMARY

| | |
|--|-----------|
| Total General Fund Appropriation | 7,811,990 |
|--|-----------|



BOARD OF PUBLIC WORKS – CAPITAL APPROPRIATION

D06E02.01 Public Works Capital Appropriation

Federal Fund Appropriation, provided that this appropriation will be allocated for the following project:

Salisbury Armory – Renovation and Addition 9,800,000

D06E02.02 Public School Capital Appropriation

Special Fund Appropriation, ~~provided that this appropriation shall be reduced by \$2,400,000 contingent upon the enactment of legislation removing the requirement to make a payment to the Public School Construction Fund in Fiscal Year 2010~~

~~2,400,000~~
0

SUMMARY

Total Special Fund Appropriation 0
Total Federal Fund Appropriation 9,800,000

Total Appropriation 9,800,000

EXECUTIVE DEPARTMENT – GOVERNOR

D10A01.01 General Executive Direction and Control

General Fund Appropriation 10,015,374

OFFICE OF THE DEAF AND HARD OF HEARING

D11A04.01 Executive Direction

General Fund Appropriation ~~308,053~~
297,148

DEPARTMENT OF DISABILITIES

D12A02.01 General Administration

General Fund Appropriation 2,953,783

| | | |
|----------------------------------|-----------|-----------|
| Special Fund Appropriation | 200,392 | |
| Federal Fund Appropriation | 2,214,392 | 5,368,567 |

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.

MARYLAND ENERGY ADMINISTRATION

D13A13.01 General Administration

| | | |
|----------------------------------|------------|------------|
| Special Fund Appropriation | 71,934,518 | |
| Federal Fund Appropriation | 1,171,152 | 73,105,670 |

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

| | | |
|----------------------------------|--|-----------|
| Special Fund Appropriation | | 6,750,000 |
|----------------------------------|--|-----------|

D13A13.03 State Agency Loan Program – Capital Appropriation

| | | |
|----------------------------------|--|-----------|
| Special Fund Appropriation | | 3,250,000 |
|----------------------------------|--|-----------|

SUMMARY

| | | |
|--|------------|--|
| Total Special Fund Appropriation | 81,934,518 | |
| Total Federal Fund Appropriation | 1,171,152 | |

| | | |
|---------------------------|--|------------|
| Total Appropriation | | 83,105,670 |
|---------------------------|--|------------|

BOARDS, COMMISSIONS, AND OFFICES

D15A05.01 Survey Commissions

| | | |
|----------------------------------|--|---------|
| General Fund Appropriation | | 118,000 |
|----------------------------------|--|---------|

D15A05.03 Office of Minority Affairs

| | | | |
|---|-----------------------|----------------------|------------------------|
| General Fund Appropriation | | 1,293,706 | |
| | | <u>1,262,351</u> | |
| | | | |
| D15A05.05 Governor's Office of Community Initiatives | | | |
| General Fund Appropriation | 1,830,365 | | |
| Special Fund Appropriation | 9,000 | | |
| Federal Fund Appropriation | 5,200,643 | | 7,040,008 |
| | | | <hr/> |
| | | | |
| 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 | 589,595 | | |
| Special Fund Appropriation | 299,234 | | 888,829 |
| | | | <hr/> |
| | | | |
| D15A05.07 Health Care Alternative Dispute Resolution Office | | | |
| General Fund Appropriation | 379,968 | | |
| Special Fund Appropriation | 43,423 | | 423,391 |
| | | | <hr/> |
| | | | |
| D15A05.16 Governor's Office of Crime Control and Prevention | | | |
| General Fund Appropriation | 90,636,000 | | |
| | <u>90,603,136</u> | | |
| Special Fund Appropriation | 2,281,209 | | |
| Federal Fund Appropriation | 8,664,604 | | 101,581,813 |
| | | | <u>101,548,949</u> |
| | | | <hr/> |
| | | | |
| D15A05.17 Volunteer Maryland | | | |
| General Fund Appropriation | 82,201 | | |
| Special Fund Appropriation | 306,649 | | |
| Federal Fund Appropriation | 49,159 | | 438,009 |
| | | | <hr/> |

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.

| | | |
|--|--|---------|
| D15A05.20 State Commission on Criminal Sentencing Policy | | |
| General Fund Appropriation | | 338,648 |

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 | 360,506 | |
| Special Fund Appropriation | 60,000 | 420,506 |

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 | | 84,094 |

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 | | 95,648,864 |
| Total Special Fund Appropriation | | 2,999,515 |
| Total Federal Fund Appropriation | | 13,914,406 |
| | | <hr/> |
| Total Appropriation | | 112,562,785 |
| | | <hr/> <hr/> |

SECRETARY OF STATE

| | | |
|--|----------------------|----------------------|
| D16A06.01 Office of the Secretary of State | | |
| General Fund Appropriation | 2,205,615 | |
| | <u>2,192,115</u> | |
| Special Fund Appropriation | 567,619 | 2,773,234 |
| | | <u>2,759,734</u> |

HISTORIC ST. MARY'S CITY COMMISSION

| | | |
|----------------------------------|-----------|-----------|
| D17B01.51 Administration | | |
| General Fund Appropriation | 2,024,739 | |
| Special Fund Appropriation | 686,288 | 2,711,027 |

GOVERNOR'S OFFICE FOR CHILDREN

| | | |
|--|-----------|-----------|
| D18A18.01 Governor's Office for Children | | |
| General Fund Appropriation | 1,838,686 | |
| Federal Fund Appropriation | 1,042,088 | 2,880,774 |

BOARD OF PUBLIC WORKS – INTERAGENCY COMMITTEE
FOR SCHOOL CONSTRUCTION

| | | |
|--|--|------------|
| D25E03.01 General Administration | | |
| General Fund Appropriation | | 1,523,439 |
| D25E03.02 Aging Schools Program | | |
| General Fund Appropriation, provided that this appropriation shall be reduced by \$11,666,661 contingent upon the enactment of legislation to reduce the required appropriation for the Aging Schools program | | 17,721,267 |

SUMMARY

| | | |
|--|--|-------------------|
| Total General Fund Appropriation | | <u>19,244,706</u> |
|--|--|-------------------|

DEPARTMENT OF AGING

| | | |
|----------------------------------|------------|--|
| D26A07.01 General Administration | | |
| General Fund Appropriation | 22,880,471 | |

| | | |
|----------------------------------|------------|------------|
| Special Fund Appropriation | 356,731 | |
| Federal Fund Appropriation | 26,404,824 | 49,642,026 |

D26A07.02 Senior Centers Operating Fund

| | | |
|----------------------------------|--|---------|
| General Fund Appropriation | | 500,000 |
|----------------------------------|--|---------|

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 23,380,471 |
| Total Special Fund Appropriation | | 356,731 |
| Total Federal Fund Appropriation | | 26,404,824 |

| | | |
|---------------------------|--|------------|
| Total Appropriation | | 50,142,026 |
|---------------------------|--|------------|

COMMISSION ON HUMAN RELATIONS

D27L00.01 General Administration

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 2,697,030 | |
| Federal Fund Appropriation | 763,608 | 3,460,638 |

MARYLAND STADIUM AUTHORITY

D28A03.02 Maryland Stadium Facilities Fund

| | | |
|----------------------------------|--|------------|
| Special Fund Appropriation | | 19,600,000 |
|----------------------------------|--|------------|

D28A03.55 Baltimore Convention Center

| | | |
|----------------------------------|--|-----------|
| General Fund Appropriation | | 9,194,844 |
|----------------------------------|--|-----------|

D28A03.58 Ocean City Convention Center

| | | |
|----------------------------------|--|-----------|
| General Fund Appropriation | | 2,848,130 |
|----------------------------------|--|-----------|

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 | | 14,805,274 |
| Total Special Fund Appropriation | | 19,600,000 |

| | |
|---------------------------|------------|
| Total Appropriation | 34,405,274 |
|---------------------------|------------|

STATE BOARD OF ELECTIONS

| | |
|----------------------------------|-----------|
| D38I01.01 General Administration | |
| General Fund Appropriation | 4,316,894 |

| | | |
|----------------------------------|----------------------|-----------------------|
| D38I01.02 Help America Vote Act | | |
| General Fund Appropriation | 5,150,786 | |
| | <u>4,818,836</u> | |
| Special Fund Appropriation | 952,122 | |
| Federal Fund Appropriation | 8,800,000 | 14,902,908 |
| | <u>8,625,950</u> | <u>14,396,908</u> |

| | |
|--|-----------|
| D38I01.03 Major Information Technology | |
| Development Projects | |
| Special Fund Appropriation | 2,887,538 |

SUMMARY

| | |
|--|-----------|
| Total General Fund Appropriation | 9,135,730 |
| Total Special Fund Appropriation | 3,839,660 |
| Total Federal Fund Appropriation | 8,625,950 |

| | |
|---------------------------|------------|
| Total Appropriation | 21,601,340 |
|---------------------------|------------|

MARYLAND STATE BOARD OF CONTRACT APPEALS

| | |
|---------------------------------------|---------|
| D39S00.01 Contract Appeals Resolution | |
| General Fund Appropriation | 613,938 |

DEPARTMENT OF PLANNING

D40W01.01 Administration

 General Fund Appropriation, provided that \$1,000,000 of this appropriation made for the purpose of general operating expenses may not be expended unless the Maryland Department of Planning submits the Maryland Land Preservation and Recreation Plan to the budget committees

by July 1, 2009. The budget committees shall have 45 days to review and comment

3,439,853

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

964,229

D40W01.03 Planning Data Services

General Fund Appropriation
Special Fund Appropriation

1,341,387
392,785

1,734,172

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.

D40W01.04 Planning Services

General Fund Appropriation
Federal Fund Appropriation

2,293,890
220,000

2,513,890

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
Special Fund Appropriation
Federal Fund Appropriation

1,203,993
3,132,572
200,941

4,537,506

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 | 2,647,983 | |
| Special Fund Appropriation | 471,523 | |
| Federal Fund Appropriation | 147,959 | 3,267,465 |

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 | 908,637 | |
| Special Fund Appropriation | 74,271 | |
| Federal Fund Appropriation | 311,405 | 1,294,313 |

D40W01.10 Preservation Services

| | | |
|----------------------------------|---------|-----------|
| General Fund Appropriation | 543,158 | |
| Special Fund Appropriation | 308,289 | |
| Federal Fund Appropriation | 212,858 | 1,064,305 |

D40W01.11 Historic Preservation - Capital Appropriation

| | | |
|----------------------------------|--|---------|
| Special Fund Appropriation | | 150,000 |
|----------------------------------|--|---------|

D40W01.12 Heritage Structure Rehabilitation Tax Credit

| | | |
|--|--|-----------------------|
| General Fund Appropriation, provided that this appropriation shall be reduced by \$14,700,000 contingent upon enactment of legislation reauthorizing the program as a non-budgeted tax credit | | 14,700,000 |
| | | <u>4,700,000</u> |
| | | <u>10,000,000</u> |
| | | <u>7,000,000</u> |

D40W01.13 Office of Smart Growth

General Fund Appropriation 199,869

SUMMARY

Total General Fund Appropriation 20,542,999
 Total Special Fund Appropriation 4,529,440
 Total Federal Fund Appropriation 1,093,163

Total Appropriation 26,165,602

MILITARY DEPARTMENT

MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE

D50H01.01 Administrative Headquarters

General Fund Appropriation 2,750,637
 Special Fund Appropriation 52,276
 Federal Fund Appropriation 109,969 2,912,882

D50H01.02 Air Operations and Maintenance

General Fund Appropriation 766,467
 Federal Fund Appropriation 4,771,819 5,538,286

D50H01.03 Army Operations and Maintenance

General Fund Appropriation 5,522,914
 Special Fund Appropriation 121,991
 Federal Fund Appropriation 6,250,494 11,895,399

D50H01.05 State Operations

General Fund Appropriation ~~3,431,150~~
 3,415,050
 Federal Fund Appropriation ~~2,401,949~~ 5,833,099
 2,377,801 5,792,851

D50H01.06 Maryland Emergency Management Agency

General Fund Appropriation 3,035,781
 Special Fund Appropriation 12,625,000
 Federal Fund Appropriation ~~58,985,146~~ 74,645,927
 58,919,739 74,580,520

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 15,490,849 |
| Total Special Fund Appropriation | | 12,799,267 |
| Total Federal Fund Appropriation | | 72,429,822 |
| | | <hr/> |
| Total Appropriation | | 100,719,938 |
| | | <hr/> <hr/> |

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

| | | | |
|----------------------------------|------------|-------------|--|
| D53T00.01 General Administration | | | |
| Special Fund Appropriation | 12,367,317 | | |
| Federal Fund Appropriation | 100,000 | 12,467,317 | |
| | <hr/> | <hr/> <hr/> | |

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 VETERANS AFFAIRS

| | | | |
|--|-----------|-----------|--|
| D55P00.01 Service Program | | | |
| General Fund Appropriation | | 1,121,154 | |
| D55P00.02 Cemetery Program | | | |
| General Fund Appropriation | 1,917,238 | | |
| Special Fund Appropriation | 711,306 | | |
| Federal Fund Appropriation | 670,036 | 3,298,580 | |
| | <hr/> | | |
| D55P00.03 Memorials and Monuments Program | | | |
| General Fund Appropriation | | 401,097 | |
| D55P00.04 Cemetery Program – Capital Appropriation | | | |
| General Fund Appropriation | 60,000 | | |
| Federal Fund Appropriation | 676,000 | 736,000 | |
| | <hr/> | | |
| D55P00.05 Veterans Home Program | | | |
| General Fund Appropriation | 4,212,175 | | |

| | | |
|----------------------------------|-----------|------------|
| Special Fund Appropriation | 139,300 | |
| Federal Fund Appropriation | 9,157,672 | 13,509,147 |
| | <hr/> | |
| D55P00.08 Executive Direction | | |
| General Fund Appropriation | | 704,525 |
| D55P00.11 Outreach and Advocacy | | |
| General Fund Appropriation | | 212,304 |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 8,628,493 |
| Total Special Fund Appropriation | | 850,606 |
| Total Federal Fund Appropriation | | 10,503,708 |
| | | <hr/> |
| Total Appropriation | | 19,982,807 |
| | | <hr/> <hr/> |

STATE ARCHIVES

| | | |
|----------------------------------|-----------|-----------|
| D60A10.01 Archives | | |
| General Fund Appropriation | 2,455,857 | |
| Special Fund Appropriation | 6,733,133 | 9,188,990 |
| | <hr/> | |
| D60A10.02 Artistic Property | | |
| General Fund Appropriation | 291,557 | |
| Special Fund Appropriation | 137,650 | 429,207 |
| | <hr/> | |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 2,747,414 |
| Total Special Fund Appropriation | | 6,870,783 |
| | | <hr/> |
| Total Appropriation | | 9,618,197 |
| | | <hr/> <hr/> |

MARYLAND HEALTH INSURANCE PLAN

HEALTH INSURANCE SAFETY NET PROGRAMS

D79Z02.01 Maryland Health Insurance Program
 Special Fund Appropriation, provided that up

| | |
|--|-------------|
| to \$9,000,000 of this appropriation may be transferred to M00Q01.03 as part of an approved budget amendment that increases the federal fund appropriation for MHIP benefits | 111,166,975 |
|--|-------------|

| | |
|---|------------|
| D79Z02.02 Senior Prescription Drug Assistance Program Special Fund Appropriation | 18,347,986 |
|---|------------|

SUMMARY

| | |
|--|-------------|
| Total Special Fund Appropriation | 129,514,961 |
|--|-------------|

MARYLAND INSURANCE ADMINISTRATION

INSURANCE ADMINISTRATION AND REGULATION

| | |
|---|---|
| D80Z01.01 Administration and Operations Special Fund Appropriation, provided that <u>\$100,000 of this appropriation made for the purpose of general operations of the Maryland Insurance Administration's Examination and Auditing Section may not be expended until the Maryland Insurance Administration in coordination with the Bureau of Revenue Estimates submits a report to the budget committees on an agreed upon practice for forecasting and tracking the premium tax. The report shall be submitted by October 1, 2009, and the budget committees shall have 45 days to review and comment</u> | 27,364,093 26,813,027 <u>27,364,093</u> |
|---|---|

| | |
|---|---------|
| D80Z01.05 Rate Stabilization Fund Special Fund Appropriation | 200,000 |
|---|---------|

SUMMARY

| | |
|--|------------|
| Total Special Fund Appropriation | 27,564,093 |
|--|------------|

CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

| | | |
|----------------------------------|---------|---------|
| D90U00.01 General Administration | | |
| General Fund Appropriation | 139,951 | |
| Special Fund Appropriation | 450,632 | 590,583 |

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 | 3,055,495 | |
| | 2,880,595 | |
| | 2,979,595 | |
| Special Fund Appropriation | 497,217 | 3,552,712 |
| | | 3,377,812 |
| | | 3,476,812 |

| | | |
|--|-----------|-----------|
| E00A01.02 Financial and Support Services | | |
| General Fund Appropriation | 1,840,321 | |
| Special Fund Appropriation | 298,606 | 2,138,927 |

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 | | 4,819,916 |
| Total Special Fund Appropriation | | 795,823 |

| | | |
|---------------------------|--|-----------|
| Total Appropriation | | 5,615,739 |
|---------------------------|--|-----------|

GENERAL ACCOUNTING DIVISION

| | | |
|--|-----------|-----------|
| E00A02.01 Accounting Control and Reporting | | |
| General Fund Appropriation | 5,254,801 | |
| Special Fund Appropriation | 66,192 | 5,320,993 |

BUREAU OF REVENUE ESTIMATES

| | | |
|----------------------------------|--|---------|
| E00A03.01 Estimating of Revenues | | |
| General Fund Appropriation | | 711,394 |

REVENUE ADMINISTRATION DIVISION

| | | |
|--|------------|------------|
| E00A04.01 Revenue Administration | | |
| General Fund Appropriation, provided that this appropriation shall be reduced by \$338,000 contingent upon enactment of legislation requiring tax practitioners who prepare a certain volume of returns, to prepare and submit the returns to the Comptroller electronically | | |
| | 28,057,852 | |
| Special Fund Appropriation | 2,268,556 | 30,326,408 |

| | | |
|--|--|------------|
| E00A04.02 Major Information Technology Development Projects | | |
| Special Fund Appropriation | | 15,215,529 |

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 28,057,852 |
| Total Special Fund Appropriation | | 17,484,085 |

| | | |
|---------------------------|--|------------|
| Total Appropriation | | 45,541,937 |
|---------------------------|--|------------|

COMPLIANCE DIVISION

E00A05.01 Compliance Administration

| | | |
|---|-----------------------|-----------------------|
| General Fund Appropriation | 20,881,514 | |
| | <u>20,813,139</u> | |
| Special Fund Appropriation, provided that this appropriation, made for the purpose of newspaper publications for unclaimed property, shall be reduced by \$482,000 contingent upon the enactment of HB 106, which repeals 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 | 7,933,910 | 28,815,424 |
| | <u>7,912,160</u> | <u>28,725,299</u> |

FIELD ENFORCEMENT DIVISION

| | | |
|--|----------------------|----------------------|
| E00A06.01 Field Enforcement Administration | | |
| General Fund Appropriation | 2,181,562 | |
| Special Fund Appropriation | 2,566,755 | 4,748,317 |
| | <u>2,466,755</u> | <u>4,648,317</u> |

MOTOR FUEL, ALCOHOL AND TOBACCO TAX DIVISION

| | | |
|--|----------------------|----------------------|
| E00A07.01 Motor Fuel, Alcohol and Tobacco Tax Administration | | |
| General Fund Appropriation | 1,298,336 | |
| | <u>1,290,336</u> | |
| Special Fund Appropriation | 1,727,074 | 3,025,410 |
| | | <u>3,017,410</u> |

CENTRAL PAYROLL BUREAU

| | | |
|----------------------------------|--|-----------|
| E00A09.01 Payroll Management | | |
| General Fund Appropriation | | 2,495,881 |

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 | 12,109,306 | |
| Special Fund Appropriation | 1,798,172 | 13,907,478 |
| | <hr/> | |

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 | | 12,109,306 |
| Total Special Fund Appropriation | | 1,798,172 |
| | | <hr/> |
| Total Appropriation | | 13,907,478 |
| | | <hr/> <hr/> |

STATE TREASURER'S OFFICE

TREASURY MANAGEMENT

E20B01.01 Treasury Management

| | | |
|----------------------------------|-----------|-------------|
| General Fund Appropriation | 4,980,313 | |
| Special Fund Appropriation | 698,224 | 5,678,537 |
| | <hr/> | <hr/> <hr/> |

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 | 50,000 | |
| Special Fund Appropriation | 1,441,000 | 1,491,000 |
| | 1,491,000 | 1,491,000 |

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

E50C00.01 Office of the Director

| | |
|----------------------------------|-----------|
| General Fund Appropriation | 2,629,087 |
|----------------------------------|-----------|

E50C00.02 Real Property Valuation

| | |
|--|------------|
| General Fund Appropriation, provided that this appropriation shall be reduced by \$29,927,887 contingent upon the enactment of legislation that distributes 90% of the cost of the Real Property Valuation Program to the counties and Baltimore City. Authorization is hereby granted to process a Special Fund budget amendment of \$29,927,887 to replace the aforementioned General Fund amount | 33,253,208 |
|--|------------|

E50C00.04 Office of Information Technology

General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$2,048,173 contingent upon the enactment of legislation that distributes 75% of the cost of the Office of Information Technology Program to the counties and Baltimore City. Authorization is hereby granted to process a Special Fund budget~~

~~amendment of \$2,048,173 to replace the
aforementioned General Fund amount~~ 2,730,897

E50C00.05 Business Property Valuation

~~General Fund Appropriation, provided that
this appropriation shall be reduced by
\$3,072,311 contingent upon the enactment
of legislation that distributes 90% of the
cost of the Business Property Valuation
Program to the counties and Baltimore
City. Authorization is hereby granted to
process a Special Fund budget
amendment of \$3,072,311 to replace the
aforementioned General Fund amount~~ 3,413,679

E50C00.06 Tax Credit Payments

General Fund Appropriation 61,040,950

E50C00.08 Property Tax Credit Programs

General Fund Appropriation 1,828,082
Special Fund Appropriation 989,764 2,817,846

E50C00.10 Charter Unit

General Fund Appropriation ~~43,099~~
30,660
Special Fund Appropriation ~~4,718,145~~ 4,761,244
4,684,075 4,714,735

SUMMARY

Total General Fund Appropriation 104,926,563
Total Special Fund Appropriation 5,673,839

Total Appropriation 110,600,402

STATE LOTTERY AGENCY

E75D00.01 Administration and Operations

Special Fund Appropriation 59,083,741

| | |
|--|---------|
| E80E00.01 Property Tax Assessment Appeals Boards | |
| General Fund Appropriation | 979,249 |

=====

DEPARTMENT OF BUDGET AND MANAGEMENT

OFFICE OF THE SECRETARY

| | |
|----------------------------------|-----------|
| F10A01.01 Executive Direction | |
| General Fund Appropriation | 1,303,856 |

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 | 1,976,607 |

| | |
|-----------------------------------|------------|
| F10A01.03 Central Collection Unit | |
| Special Fund Appropriation | 12,125,328 |

| | |
|---|-----------|
| F10A01.04 Division of Procurement Policy and Administration | |
| General Fund Appropriation | 2,177,625 |

SUMMARY

| | |
|--|------------|
| Total General Fund Appropriation | 5,458,088 |
| Total Special Fund Appropriation | 12,125,328 |

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| | |
|---------------------------|------------|
| Total Appropriation | 17,583,416 |
|---------------------------|------------|

=====

OFFICE OF PERSONNEL SERVICES AND BENEFITS

| | |
|----------------------------------|-----------|
| F10A02.01 Executive Direction | |
| General Fund Appropriation | 1,584,063 |

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.

F10A02.02 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 853,581

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 1,269,570

F10A02.07 Division of Recruitment and Examination

General Fund Appropriation 2,346,179

F10A02.08 Statewide Expenses

General Fund Appropriation, provided that funds appropriated herein for employee death benefits and health insurance may be transferred to programs of other state agencies, including the Judiciary, the General Assembly, and the Department of Legislative Services.

Further provided that \$12,000,000 of this appropriation made for the purpose of

employee health insurance may not be expended until the Department of Budget and Management submits a report to the budget committees and the Department of Legislative Services that details the causes and implications of fiscal 2009 Preferred Provider Organization cost changes, and the committees shall have 45 days to review and comment on the report from its date of receipt

12,250,000

SUMMARY

Total General Fund Appropriation

18,303,393

OFFICE OF BUDGET ANALYSIS

F10A05.01 Budget Analysis and Formulation
 General Fund Appropriation

2,561,845

OFFICE OF CAPITAL BUDGETING

F10A06.01 Capital Budget Analysis and Formulation
 General Fund Appropriation

1,137,063

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 this appropriation shall be reduced by \$1,643,715 contingent upon the enactment of legislation that distributes 75% of the cost of the State Department of Assessments and Taxation's Major Information Technology~~

~~Development Project Program to the counties and Baltimore City. Authorization is hereby granted to process a Special Fund budget amendment of \$1,643,715 to replace the aforementioned General Fund amount.~~

*Further provided that this appropriation shall be reduced by ~~\$2,887,538~~ **\$2,000,000** contingent upon the enactment of HB 101 or SB 166 authorizing the use of the Fair Campaign Financing Fund to support the purchase of a new Optical Scan Voting System. Authorization is hereby granted to process a Special Fund budget amendment of ~~\$2,887,538~~ **\$2,000,000** to replace the aforementioned General Fund amount. Further provided that any funds transferred from the Fair Campaign Financing Fund to the Major Information Technology Development Project Fund 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*

~~19,550,705~~

14,738,243

Special Fund Appropriation, provided that funds appropriated herein for Major Information Technology Development projects may be transferred to programs of the respective financial agencies

5,671,000

~~25,221,705~~

20,409,243

OFFICE OF INFORMATION TECHNOLOGY

F50B04.01 State Chief of Information Technology
 General Fund Appropriation

843,331

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 3,048,760

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 ~~6,674,267~~
6,274,267

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 311,706

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 1,580,600

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.

F50B04.06 Major Information Technology
 Development Projects
 Special Fund Appropriation 200,000

F50B04.07 Web Systems

| | |
|--|------------|
| General Fund Appropriation | 1,948,746 |
| F50B04.09 Telecommunications Access of Maryland Special Fund Appropriation | 10,222,831 |

SUMMARY

| | |
|--|------------|
| Total General Fund Appropriation | 13,695,704 |
| Total Special Fund Appropriation | 10,734,537 |
| <hr/> | |
| Total Appropriation | 24,430,241 |
| <hr/> <hr/> | |

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

STATE RETIREMENT AGENCY

G20J01.01 State Retirement Agency

| | |
|--|--|
| Special Fund Appropriation, provided that PIN #063204 and #075110 are deleted. Further provided that \$352,740 made for the purpose of salaries and fringe benefits may not be expended for any purpose other than to fund investment analyst positions created through the reclassification of existing vacancies. Any unexpended funds may not be reprogrammed or transferred by budget amendment or otherwise but shall only be cancelled. The State Retirement Agency shall provide a report on the results of its efforts to reclassify existing vacancies and fill investment analyst positions. The report shall be submitted to the budget committees by December 1, 2009, and the budget committees shall have 45 days to review and comment | 26,301,972 <u>25,787,851</u> |
|--|--|

G20J01.02 Major Information Technology
Development Projects

Special Fund Appropriation, provided that
\$950,000 of this appropriation made for
the purpose of the second phase of the
Maryland Pension Administration System

project may not be expended until the State Retirement Agency:

(1) completes the initial scoping of the project that will determine the parameters for this phase's Request for Proposals; and

(2) provides a definitive list of the desired project deliverables, including cost estimates and project time requirements, to the budget committees and to the Department of Information Technology. The committees shall have 45 days from receipt of the report to review and comment

4,605,499

SUMMARY

Total Special Fund Appropriation 30,393,350

TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

G50L00.01 Maryland Supplemental Retirement Plan Board and Staff Special Fund Appropriation

1,514,292

DEPARTMENT OF GENERAL SERVICES

OFFICE OF THE SECRETARY

H00A01.01 Executive Direction General Fund Appropriation

1,710,538

H00A01.02 Administration General Fund Appropriation

3,188,644

SUMMARY

Total General Fund Appropriation 4,899,182

OFFICE OF FACILITIES SECURITY

| | | |
|----------------------------------|-----------|-------------|
| H00B01.01 Facilities Security | | |
| General Fund Appropriation | 8,005,169 | |
| Special Fund Appropriation | 70,729 | |
| Federal Fund Appropriation | 231,229 | 8,307,127 |
| | <hr/> | <hr/> <hr/> |

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 | 30,537,422 | |
| Special Fund Appropriation | 1,647,816 | |
| Federal Fund Appropriation | 773,103 | 32,958,341 |
| | <hr/> | |

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 | 1,861,029 |

SUMMARY

| | |
|--|------------|
| Total General Fund Appropriation | 32,398,451 |
| Total Special Fund Appropriation | 1,647,816 |
| Total Federal Fund Appropriation | 773,103 |
| <hr/> | |
| Total Appropriation | 34,819,370 |
| <hr/> <hr/> | |

OFFICE OF PROCUREMENT AND LOGISTICS

| | |
|-------------------------------------|-------------|
| H00D01.01 Procurement and Logistics | |
| General Fund Appropriation | 3,242,791 |
| Special Fund Appropriation | 484,777 |
| | <hr/> |
| | <hr/> <hr/> |

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 | 1,344,997 |
| | <hr/> <hr/> |

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, 2009 | 10,689,401 | |
| Special Fund Appropriation | 409,972 | 11,099,373 |
| | <hr/> | <hr/> <hr/> |

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 2010, no commitment of funds in excess of \$250,000 may be made nor 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.

Provided that the Maryland Department of Transportation (MDOT) shall not expend funds on any job or position of employment approved in this budget in excess of 9,079.5 positions and 168.59 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 2010. 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 ~~150~~ ~~250~~ **200** imposed by the General Assembly. The establishment of new jobs or positions of employment not authorized

in the fiscal 2010 budget shall be subject to Section 7-236 of the State Finance and Procurement Article and the Rule of ~~150~~ ~~250~~ 200.

Further provided that 55 regular positions are abolished in the Maryland Department of Transportation (MDOT) budget and that \$4,000,000 in special funds is reduced effective July 1, 2009. It is the intent of the General Assembly that these positions be reduced from the pool of vacant positions, and that the number of positions in this budget shall be reduced by 55 regular positions and that MDOT may allocate these reductions among the various personnel classifications and the modes as appropriate. In addition, MDOT shall submit a report to the budget committees by June 15, 2009, which details which positions were abolished by the Administration, the amount of savings, if each position was vacant, and the impact of the reductions on the operations. The budget committees shall have 45 days to review and comment on the report from the time of submission.

Further provided that the Maryland Department of Transportation shall submit a revised financial forecast to the budget committees no more than 3 days after the Board of Revenue Estimates releases its March 2010 revenue estimate. The revised financial forecast shall include information on the last actual full fiscal year and the subsequent 6 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.

Further provided that the Maryland Department of Transportation (MDOT) shall submit a report to the budget committees by September 1, 2009, that outlines which projects, by mode, were reduced as a result of the special fund reduction to the capital budget in fiscal 2009 and 2010 as identified by MDOT in its March 2009 financial forecast. The report shall also detail how any federal funds from the special fund capital reductions were reallocated in fiscal 2009 or 2010.

THE SECRETARY'S OFFICE

J00A01.01 Executive Direction

Special Fund Appropriation

~~26,492,448~~

26,396,074

J00A01.02 Operating Grants-In-Aid

Special Fund Appropriation, provided that no more than \$4,063,488 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 \$4,063,488 may occur unless the department provides notification to the budget committees to justify the need for additional expenditures due to either item (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

4,063,488

Federal Fund Appropriation

8,585,927

12,649,415

J00A01.03 Facilities and Capital Equipment

Special Fund Appropriation, ***provided that \$1,182,500 of this appropriation made for the purpose of a capital grant to the Maryland Transportation Authority (MDTA) may not be expended for that purpose but instead may only be transferred by budget amendment to the Department of Public Safety and Correctional Services to program Q00A01.05 Capital Appropriation to be used only for the remediation of the rifle firing range and the possible construction, if deemed necessary, of up to 10 additional pistol lanes at the Public Safety Education and Training Center in Sykesville. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall be cancelled.***

Further provided that upon completion of this transfer, it is the intent of the General Assembly that MDTA shall

have use of a pistol firing range at least three times per year. These needs may either be met at the Public Safety Education and Training Center in Sykesville or at the Liberty Range in Baltimore County when the Department of State Police can accommodate MDTA

| | | |
|--|------------|-------------------------------------|
| | | 36,196,590 |
| J00A01.04 Washington Metropolitan Area Transit – Operating Special Fund Appropriation | | 215,150,000 |
| J00A01.05 Washington Metropolitan Area Transit – Capital Special Fund Appropriation | 55,641,000 | |
| Federal Fund Appropriation | 16,400,000 | 72,041,000 |
| | | |
| J00A01.07 Office of Transportation Technology Services Special Fund Appropriation | | 37,826,138 37,752,138 |

SUMMARY

| | | |
|--|--|-------------|
| Total Special Fund Appropriation | | 375,199,290 |
| Total Federal Fund Appropriation | | 24,985,927 |
| | | |
| Total Appropriation | | 400,185,217 |
| | | |

DEBT SERVICE REQUIREMENTS

Provided that 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 \$1,830,010,000 as of June 30, 2010. Provided, however, that the debt service will 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.

Further provided that 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 \$661,810,000 as of June 30, 2010. 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, 2010, and the total amount by which the fiscal 2010 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.

Further provided that 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 2009 through 2020. 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.

J00A04.01 Debt Service Requirements
Special Fund Appropriation

159,698,275

STATE HIGHWAY ADMINISTRATION

~~It is the intent of the General Assembly that the State Highway Administration budget funds for snow removal in fiscal 2011 and beyond using a rolling 5 year actual average.~~

It is the intent of the General Assembly that the State Highway Administration increase its budget for snow removal to more accurately

reflect actual expenditures. Therefore, funds budgeted for snow removal shall be increased by \$5,000,000 in each fiscal year of the fiscal 2010 to 2015 financial forecast. In addition, each subsequent financial forecast shall increase the budgeted level of snow removal by \$5,000,000 in each fiscal year until the budgeted level accurately reflects the rolling 5-year average of actual snow removal expenditures.

| | | |
|---|------------------------|------------------------|
| J00B01.01 State System Construction and Equipment | | |
| Special Fund Appropriation | 344,973,794 | |
| Federal Fund Appropriation | 378,603,000 | 723,576,794 |
| | <hr/> | |
| J00B01.02 State System Maintenance | | |
| Special Fund Appropriation | 201,649,961 | |
| | 201,434,961 | |
| | <u>201,214,961</u> | |
| Federal Fund Appropriation | 6,908,444 | 208,558,405 |
| | | 208,343,405 |
| | | <u>208,123,405</u> |
| | <hr/> | |
| J00B01.03 County and Municipality Capital Funds | | |
| Special Fund Appropriation | 4,875,000 | |
| Federal Fund Appropriation | 44,000,000 | 48,875,000 |
| | <hr/> | |
| J00B01.04 Highway Safety Operating Program | | |
| Special Fund Appropriation | 6,606,395 | |
| Federal Fund Appropriation | 8,184,023 | 14,790,418 |
| | <hr/> | |
| 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.

Further provided that the appropriation made for the purpose of distributing the local share of Highway User Revenues (HUR) shall be reduced by \$101,920,000 contingent upon the enactment of HB 101 or SB 166 to reduce the local share of HUR.

Further provided that this appropriation shall be reduced by an additional \$60,000,000 contingent upon the enactment of HB 101 or SB 166 containing a provision to reduce the county and Baltimore City share of Highway User Revenues by an additional \$60,000,000

~~480,014,100~~
470,400,001

| | | |
|---|-----------|------------|
| J00B01.08 Major Information Technology Development Projects | | |
| Special Fund Appropriation | 6,065,206 | |
| Federal Fund Appropriation | 4,400,000 | 10,465,206 |
| | <hr/> | |

SUMMARY

| | | |
|--|--|---------------|
| Total Special Fund Appropriation | | 1,034,135,357 |
| Total Federal Fund Appropriation | | 442,095,467 |
| | | <hr/> |
| Total Appropriation | | 1,476,230,824 |
| | | <hr/> <hr/> |

MARYLAND PORT ADMINISTRATION

Provided that the Maryland Port Administration (MPA) may not enter into a public-private partnership of Seagirt Marine Terminal without providing the General Assembly ample time to review the proposed agreement. Therefore, the General Assembly requires a report from

MPA:

- (1) not less than 30 days before issuing a request for qualifications related to a public-private partnership arrangement, subject to Section 2-1246 of the State Government Article. The report shall include a summary of the proposed document to be used for solicitation of the public-private partnership arrangement; and

- (2) not less than ~~30~~ 15 days before entering into any public-private partnership arrangement, subject to Section 2-1246 of the State Government Article, MPA shall provide a description of the proposed public-private partnership and a financing plan, including:
 - (A) the length of the proposed lease;
 - (B) the scope of payments to MPA from the proposed public-private partnership arrangement;
 - (C) a cost-benefit analysis of the proposed public-private partnership arrangement;
 - (D) evidence of the financial stability of the private partner;
 - (E) requirements pertaining to the ongoing operation and maintenance of the facility and contract oversight;
 - (F) requirements pertaining to capital investment in the facility and timeline for

- completion of that investment;
- (G) a description of performance measures utilized in the contract, as well as actions that may be taken if performance goals are not met;
- (H) information on the ownership and nationality of the private partner;
- (I) the estimated dollar amount of any bonds, including private activity bonds, to be used to finance the public-private partnership and the estimated impact of the issuance of the bonds on the bonding capacity of the Maryland Department of Transportation or other issuing entity;
- (J) a description, including the estimated value, of any land, buildings, or other structures or assets that are to be transferred to or exchanged with a private entity as part of the public-private partnership;
- (K) the impact, if any, on federal funds; and
- (L) the impact on the current employees at Seagirt Marine Terminal, including both State employees and union labor.

These reports shall be submitted to the Senate Budget and Taxation Committee, the Senate Finance Committee, the House

Ways and Means Committee, the House Appropriations Committee, and to the Department of Legislative Services. ~~Upon submission, the committees shall have 30 days to review and comment on each report.~~

J00D00.01 Port Operations

Special Fund Appropriation, provided that \$75,000 of this appropriation made for the purpose of the Preakness event may only be expended for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall be cancelled

~~112,591,281~~
109,765,009

J00D00.02 Port Facilities and Capital Equipment

Special Fund Appropriation
Federal Fund Appropriation

113,791,920
761,000

114,552,920

SUMMARY

Total Special Fund Appropriation
Total Federal Fund Appropriation

223,556,929
761,000

Total Appropriation

224,317,929

MOTOR VEHICLE ADMINISTRATION

It is the intent of the General Assembly that the Motor Vehicle Administration (MVA) allow for an applicant for a driver's license or identification card to identify up to 3 emergency contacts and that MVA add the additional fields for this information during upgrades to its existing driver's license system.

J00E00.01 Motor Vehicle Operations

Special Fund Appropriation, provided that it is the intent of the General Assembly that the Motor Vehicle Administration shall reflect all costs for the Vehicle Emissions

Inspection Program in the fiscal 2011 allowance.

Further provided that \$250,000 of this appropriation made for the purpose of general operating expenses may not be expended until the Motor Vehicle Administration (MVA) submits a report by September 1, 2009 to the budget committees indicating what is required and the associated cost to implement procedures whereby a person may have instant access, through MVA's web page, to the person's complete driving record available to the courts, as well as any records of probation before judgments that have been ordered by a court against the person. The budget committees shall have 45 days to review and comment from the date of receipt of the report

| | | |
|----------------------------------|------------------------|------------------------|
| | 157,748,296 | |
| | <u>157,600,201</u> | |
| Federal Fund Appropriation | 176,500 | 157,924,796 |
| | | <u>157,776,701</u> |

| | |
|--|------------|
| J00E00.03 Facilities and Capital Equipment Special Fund Appropriation | 29,810,663 |
| J00E00.08 Major Information Technology Development Projects Special Fund Appropriation | 1,716,000 |

SUMMARY

| | |
|--|-------------|
| Total Special Fund Appropriation | 189,126,864 |
| Total Federal Fund Appropriation | 176,500 |
| | <hr/> |
| Total Appropriation | 189,303,364 |
| | <hr/> <hr/> |

MARYLAND TRANSIT ADMINISTRATION

| | |
|--|------------|
| J00H01.01 Transit Administration Special Fund Appropriation | 46,632,488 |
| J00H01.02 Bus Operations | |

| | | |
|--|-------------|---------------|
| Special Fund Appropriation | 246,177,171 | |
| Federal Fund Appropriation | 30,278,599 | 276,455,770 |
| <hr/> | | |
| J00H01.04 Rail Operations | | |
| Special Fund Appropriation | 175,125,716 | |
| Federal Fund Appropriation | 15,346,351 | 190,472,067 |
| <hr/> | | |
| J00H01.05 Facilities and Capital Equipment | | |
| Special Fund Appropriation | 207,420,432 | |
| Federal Fund Appropriation | 213,479,000 | 420,899,432 |
| <hr/> | | |
| J00H01.06 Statewide Programs Operations | | |
| Special Fund Appropriation | 72,239,576 | |
| Federal Fund Appropriation | 10,469,281 | 82,708,857 |
| <hr/> | | |
| J00H01.08 Major Information Technology Development Projects | | |
| Special Fund Appropriation | | 5,969,000 |
| <hr/> | | |
| SUMMARY | | |
| Total Special Fund Appropriation | | 753,564,383 |
| Total Federal Fund Appropriation | | 269,573,231 |
| <hr/> | | |
| Total Appropriation | | 1,023,137,614 |
| <hr/> <hr/> | | |

MARYLAND AVIATION ADMINISTRATION

J00I00.02 Airport Operations
Special Fund Appropriation, ~~provided that \$5,000,000 of this appropriation made for the purpose of payments to the Maryland Transportation Authority Police for law enforcement services at Baltimore/Washington International Thurgood Marshall Airport may not be expended until the Maryland Transportation Authority provides a grant of \$1,182,500 to the Police and Correctional Training Commissions to fund construction of a firing range at the~~

~~Public Safety Education and Training Center in Sykesville. Funds restricted for this purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall be cancelled if the Maryland Transportation Authority does not provide this grant~~

| | | |
|----------------------------------|------------------------|------------------------|
| | 183,588,673 | |
| | <u>183,413,673</u> | |
| Federal Fund Appropriation | 656,191 | 184,244,864 |
| | | <u>184,069,864</u> |

| | | |
|--|------------|------------|
| J00I00.03 Airport Facilities and Capital Equipment | | |
| Special Fund Appropriation | 26,344,230 | |
| Federal Fund Appropriation | 1,082,000 | 27,426,230 |

| | | |
|---|--|---------|
| J00I00.08 Major Information Technology Development Projects | | |
| Special Fund Appropriation | | 537,000 |

SUMMARY

| | | |
|--|--|--------------------|
| Total Special Fund Appropriation | | 210,294,903 |
| Total Federal Fund Appropriation | | 1,738,191 |
| | | <hr/> |
| Total Appropriation | | <u>212,033,094</u> |

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE SECRETARY

| | | |
|--|-----------|-----------|
| K00A01.01 Secretariat | | |
| General Fund Appropriation, provided that this appropriation shall be reduced by \$150,000 contingent upon the enactment of legislation to allow Waterway Improvement funds to be used to cover administrative costs | 603,916 | |
| Special Fund Appropriation | 1,058,224 | |
| Federal Fund Appropriation | 108,388 | 1,770,528 |

K00A01.02 Office of the Attorney General

| | | |
|---|--------------------|----------------------|
| General Fund Appropriation | 704,919 | |
| Special Fund Appropriation | 614,999 | 1,319,918 |
| | <hr/> | |
| K00A01.03 Finance and Administrative Service | | |
| General Fund Appropriation, provided that this appropriation shall be reduced by \$600,000 contingent upon the enactment of legislation to allow Waterway Improvement funds to be used to cover administrative costs | 2,091,578 | |
| Special Fund Appropriation | 2,102,487 | |
| Federal Fund Appropriation | 150,329 | 4,344,394 |
| | <hr/> | |
| K00A01.04 Human Resource Service | | |
| General Fund Appropriation | 444,075 | |
| Special Fund Appropriation | 489,942 | |
| Federal Fund Appropriation | 42,170 | 976,187 |
| | <hr/> | |
| K00A01.05 Information Technology Service | | |
| General Fund Appropriation | 2,309,921 | |
| Special Fund Appropriation | 2,094,356 | |
| Federal Fund Appropriation | 124,300 | 4,528,577 |
| | <hr/> | |
| K00A01.06 Office of Communications and Marketing | | |
| General Fund Appropriation | 556,229 | |
| | <u>506,229</u> | |
| | <u>556,229</u> | |
| Special Fund Appropriation | 473,851 | 1,030,080 |
| | | <u>980,080</u> |
| | | <u>1,030,080</u> |
| | <hr/> | |
| 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 | | |
| Federal Fund Appropriation | | 2,250,000 |

SUMMARY

| | | |
|--|------------|-------------|
| Total General Fund Appropriation | 6,710,638 | |
| Total Special Fund Appropriation | 6,833,859 | |
| Total Federal Fund Appropriation | 2,675,187 | |
| | | <hr/> |
| Total Appropriation | 16,219,684 | <hr/> <hr/> |

FOREST SERVICE

K00A02.09 Forest Service

General Fund Appropriation, provided that this appropriation shall be reduced by \$1,881,676 contingent upon the enactment of legislation to eliminate the payment in lieu of taxes for park earnings to localities. Authorization is hereby provided to process a Special Fund budget amendment of \$1,881,676 to use these special funds to replace the aforementioned General Fund amount

| | | |
|----------------------------------|-----------|-------------|
| | 5,777,371 | |
| Special Fund Appropriation | 3,944,253 | |
| Federal Fund Appropriation | 1,415,047 | 11,136,671 |
| | <hr/> | <hr/> <hr/> |

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

| | | |
|----------------------------------|-----------|-------------|
| General Fund Appropriation | 1,183,783 | |
| Special Fund Appropriation | 6,351,859 | |
| Federal Fund Appropriation | 3,176,796 | 10,712,438 |
| | <hr/> | <hr/> <hr/> |

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, provided that this appropriation shall be reduced by \$1,812,475 contingent upon the enactment of legislation to eliminate the payment in lieu of taxes for park earnings to localities

36,171,052

Federal Fund Appropriation

520,887

36,691,939

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, provided that this appropriation shall be reduced by \$69,201 contingent upon the enactment of legislation to eliminate the payment in lieu of taxes for park earnings to localities

1,496,422

SUMMARY

Total Special Fund Appropriation

37,667,474

Total Federal Fund Appropriation

520,887

Total Appropriation

38,188,361

LAND ACQUISITION AND PLANNING

K00A05.05 Land Acquisition and Planning

General Fund Appropriation

846,289

Special Fund Appropriation

3,707,496

4,553,785

K00A05.10 Outdoor Recreation Land Loan

| | |
|----------------------------------|------------|
| Special Fund Appropriation | 38,045,265 |
|----------------------------------|------------|

Provided that of the Special Fund Allowance, \$31,896,189 represents that share of Program Open Space Revenues available for State projects and \$6,149,076 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; and for any of the following State and Local Projects.

Further provided that, contingent upon the enactment of legislation, \$1,217,000 of this appropriation for State land acquisition may be transferred to other

programs within the department for administrative expenses.

| | | | |
|--|--------------|------------|------------|
| Allowance, Local Projects | \$6,149,076 | | |
| Land Acquisitions | \$12,552,419 | | |
| Department of Natural Resources Capital Improvements: | | | |
| Harriet Tubman Underground Railroad State Park – Visitor Center and Site Improvements .. | \$4,409,107 | | |
| Critical Maintenance Program..... | \$1,250,000 | | |
| Dam Rehabilitation Program | \$500,000 | | |
| Subtotal | \$6,159,107 | | |
| Heritage Conservation Fund | \$1,372,411 | | |
| Rural Legacy | \$11,812,252 | | |
| Allowance, State Projects | \$31,896,189 | | |
| Federal Fund Appropriation | | 10,984,000 | 49,029,265 |

Notwithstanding the appropriations above, the Special Fund Appropriation for the Outdoor Recreation Land Loan shall be reduced by ~~\$33,955,854~~ **\$17,971,359** contingent on the enactment of HB 101 or SB 166 crediting ~~\$33,955,854~~ **\$17,971,359** of the transfer tax revenues to the General Fund and further contingent on the 2009 Maryland Consolidated Capital Bond Loan providing general obligation bond authorizations in an amount sufficient to fully replace the diverted transfer tax revenues. The reduction shall be distributed in the following manner:

| | |
|---|----------------------|
| Program Open Space – State Acquisition | 9,835,410 |
| Rural Legacy | 11,812,252 |
| Program Open Space – Local Share | 6,149,076 |
| Program Open Space – Capital Improvements | 6,159,107 |

| | |
|--------------|---|
| <u>Total</u> | 33,955,854 <u>17,971,359</u> |
|--------------|---|

SUMMARY

| | |
|--|------------|
| Total General Fund Appropriation | 846,289 |
| Total Special Fund Appropriation | 41,752,761 |
| Total Federal Fund Appropriation | 10,984,000 |

| | |
|---------------------------|------------|
| Total Appropriation | 53,583,050 |
|---------------------------|------------|

LICENSING AND REGISTRATION SERVICE

| | |
|----------------------------------|-----------|
| K00A06.01 General Direction | |
| Special Fund Appropriation | 4,306,604 |

NATURAL RESOURCES POLICE

| | |
|----------------------------------|-----------|
| K00A07.01 General Direction | |
| General Fund Appropriation | 3,964,709 |
| Special Fund Appropriation | 2,728,247 |
| Federal Fund Appropriation | 2,237,587 |
| | 8,930,543 |

| | |
|----------------------------------|------------|
| K00A07.04 Field Operations | |
| General Fund Appropriation | 20,103,374 |
| Special Fund Appropriation | 4,475,170 |
| Federal Fund Appropriation | 2,606,776 |
| | 27,185,320 |

SUMMARY

| | |
|--|------------|
| Total General Fund Appropriation | 24,068,083 |
| Total Special Fund Appropriation | 7,203,417 |
| Total Federal Fund Appropriation | 4,844,363 |

| | |
|---------------------------|------------|
| Total Appropriation | 36,115,863 |
|---------------------------|------------|

ENGINEERING AND CONSTRUCTION

| | |
|----------------------------------|---------|
| K00A09.01 General Direction | |
| General Fund Appropriation | 613,195 |

| | | |
|----------------------------------|-----------|-----------|
| Special Fund Appropriation | 3,762,790 | 4,375,985 |
| | <hr/> | |

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 | | 613,195 |
| Total Special Fund Appropriation | | 4,762,790 |
| | | <hr/> |
| Total Appropriation | | 5,375,985 |
| | | <hr/> <hr/> |

CRITICAL AREA COMMISSION

| | | |
|------------------------------------|--|-------------|
| K00A10.01 Critical Area Commission | | |
| General Fund Appropriation | | 2,480,068 |
| | | <hr/> <hr/> |

BOATING SERVICES

| | | |
|---|----------------------|----------------------|
| K00A11.01 Boating Services | | |
| General Fund Appropriation, provided that this appropriation shall be reduced by \$1,794,000 contingent upon the enactment of legislation to reduce the General Fund contribution to the Waterway Improvement Fund | 1,794,000 | |
| | <u>0</u> | |
| Special Fund Appropriation | 6,410,105 | |
| Federal Fund Appropriation | 488,888 | 8,692,993 |
| | | <u>6,898,993</u> |
| | | <hr/> |

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 | |
| Federal Fund Appropriation | 1,000,000 | 6,000,000 |
| | <hr/> | |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 0 |
| Total Special Fund Appropriation | | 11,410,105 |
| Total Federal Fund Appropriation | | 1,488,888 |
| | | <hr/> |
| Total Appropriation | | 12,898,993 |
| | | <hr/> <hr/> |

RESOURCE ASSESSMENT SERVICE

| | | |
|---|-----------|-----------|
| K00A12.05 Power Plant Assessment Program | | |
| Special Fund Appropriation | | 7,050,184 |
| K00A12.06 Monitoring and Ecosystem Assessment | | |
| General Fund Appropriation | 3,608,285 | |
| Special Fund Appropriation | 1,793,457 | |
| Federal Fund Appropriation | 1,352,718 | 6,754,460 |
| | <hr/> | |

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 | 1,564,830 | |
| Special Fund Appropriation | 268,678 | |
| Federal Fund Appropriation | 264,240 | 2,097,748 |
| | <hr/> | |

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 | 5,173,115 | |
| Total Special Fund Appropriation | 9,112,319 | |
| Total Federal Fund Appropriation | 1,616,958 | |
| | | <hr/> |
| Total Appropriation | 15,902,392 | <hr/> <hr/> |

MARYLAND ENVIRONMENTAL TRUST

| | | |
|----------------------------------|---------|-------------|
| K00A13.01 General Direction | | |
| General Fund Appropriation | 531,346 | |
| Special Fund Appropriation | 662,059 | 1,193,405 |
| | <hr/> | <hr/> <hr/> |

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 | 3,424,244 | |
| Special Fund Appropriation, provided that this appropriation shall be reduced by \$6,487,556 contingent upon the enactment of legislation to allocate Chesapeake Bay 2010 Trust Fund revenue to the General Fund, <u>provided that no more than \$1,900,000 of this appropriation funded with Chesapeake and Atlantic Coastal Bays 2010 Trust Fund revenue shall be spent on the Cover Crop Program.</u> | | |

Further provided that no portion of this appropriation made for the purpose of nonpoint source nutrient and sediment reduction funded with Chesapeake and Atlantic Coastal Bays 2010 Trust Fund revenue shall be spent until the Department of Natural Resources has submitted a report to the budget committees providing the name, location, description, and nutrient and sediment reduction targets for all projects to be funded in fiscal 2010. The budget committees shall have 45 days to review and comment from the date of receipt of the report

| | | |
|----------------------------------|-----------------------|-----------------------|
| | 32,305,173 | |
| | <u>10,818,617</u> | |
| Federal Fund Appropriation | 6,627,195 | 42,356,612 |
| | | <u>20,870,056</u> |

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 | 5,382,884 | |
| Special Fund Appropriation | 10,294,725 | |
| Federal Fund Appropriation | 5,131,865 | 20,809,474 |

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.

K00A17.06 Inland Fisheries Management

| | | |
|----------------------------------|--|--------|
| Special Fund Appropriation | | 44,837 |
|----------------------------------|--|--------|

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 5,382,884 |
| Total Special Fund Appropriation | | 10,339,562 |
| Total Federal Fund Appropriation | | 5,131,865 |
| | | <hr/> |
| Total Appropriation | | 20,854,311 |
| | | <hr/> <hr/> |

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

| | | | |
|-----------------------------------|-----------|-------|-----------|
| L00A11.01 Executive Direction | | | |
| General Fund Appropriation | | | 2,824,029 |
| L00A11.02 Administrative Services | | | |
| General Fund Appropriation | | | 1,007,561 |
| L00A11.03 Central Services | | | |
| General Fund Appropriation | 1,173,085 | | |
| Federal Fund Appropriation | 318,689 | | 1,491,774 |
| | | <hr/> | |

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 | 174,134 | | |
| Special Fund Appropriation | 2,450 | | 176,584 |
| | | <hr/> | |

| | | | |
|--|--|--|-----------|
| L00A11.05 Maryland Agricultural Land Preservation Foundation | | | |
| Special Fund Appropriation | | | 2,033,220 |

L00A11.11 Capital Appropriation
Special Fund Appropriation, provided that this appropriation shall be reduced by \$12,999,780 contingent on the enactment of HB 101 or SB 166 crediting \$12,999,780 of the transfer tax revenues to the General Fund and further contingent on the 2009

| | | |
|---|------------|------------|
| <u>Maryland Consolidated Capital Bond</u> | | |
| <u>Loan providing general obligation bond</u> | | |
| <u>authorization in an amount sufficient to</u> | | |
| <u>fully replace the diverted transfer tax</u> | | |
| <u>revenues</u> | 23,585,000 | |
| Federal Fund Appropriation | 2,000,000 | 25,585,000 |
| | <hr/> | |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 5,178,809 |
| Total Special Fund Appropriation | | 25,620,670 |
| Total Federal Fund Appropriation | | 2,318,689 |
| | | <hr/> |
| Total Appropriation | | 33,118,168 |
| | | <hr/> <hr/> |

OFFICE OF MARKETING, ANIMAL INDUSTRIES, AND CONSUMER SERVICES

| | | |
|---|-----------|-----------|
| L00A12.01 Office of the Assistant Secretary | | |
| General Fund Appropriation | | 186,479 |
| L00A12.02 Weights and Measures | | |
| General Fund Appropriation | 516,727 | |
| Special Fund Appropriation | 1,348,856 | 1,865,583 |
| | <hr/> | |
| L00A12.03 Food Quality Assurance | | |
| General Fund Appropriation | 37,121 | |
| Special Fund Appropriation | 1,517,284 | |
| Federal Fund Appropriation | 147,432 | 1,701,837 |
| | <hr/> | |
| L00A12.04 Maryland Agricultural Statistics Services | | |
| General Fund Appropriation | 78,400 | |
| Federal Fund Appropriation | 10,500 | 88,900 |
| | <hr/> | |

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 | 2,620,335 | |
| Special Fund Appropriation | 702,809 | |
| Federal Fund Appropriation | 600,682 | 3,923,826 |

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 | | 515,239 |
|----------------------------------|--|---------|

L00A12.08 Maryland Horse Industry Board

| | | |
|----------------------------------|--------|---------|
| General Fund Appropriation | 62,390 | |
| Special Fund Appropriation | 85,592 | 147,982 |

L00A12.09 Aquaculture Development and Seafood Marketing

| | | |
|----------------------------------|---------|---------|
| General Fund Appropriation | 418,245 | |
| Special Fund Appropriation | 4,000 | 422,245 |

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 | 750,159 | |
| Special Fund Appropriation | 1,844,493 | |
| Federal Fund Appropriation | 1,382,072 | 3,976,724 |

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.

program.

| | | |
|---|---------|--|
| L00A12.11 Maryland Agricultural Fair Board Special Fund Appropriation | | 1,460,000 |
| L00A12.13 Tobacco Transition Program Special Fund Appropriation | | 5,335,000 |
| L00A12.18 Rural Maryland Council General Fund Appropriation | 97,471 | |
| Special Fund Appropriation | 212,008 | 309,479 |
| <hr/> | | |
| L00A12.19 Maryland Agricultural Education and Rural Development Assistance Fund General Fund Appropriation | 130,000 | |
| Special Fund Appropriation | 130,000 | 260,000 |
| <hr/> | | |
| L00A12.20 Maryland Agricultural and Resource-Based Industry Development Corporation General Fund Appropriation, provided that this appropriation shall be reduced by \$1,250,000 contingent upon the enactment of legislation reducing the mandated amount of funds for the Maryland Agricultural and Resource-Based Industry Development Corporation | | 4,000,000 <u>2,750,000</u> |
| L00A12.21 MARBIDCO Installment Purchase Agreements Program - Capital Appropriation Special Fund Appropriation | | 4,000,000 |
| L00A12.22 MARBIDCO Next Generation Farmland Acquisition Program - Capital Appropriation Special Fund Appropriation | | 400,000 |

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 7,647,327 |
| Total Special Fund Appropriation | | 17,555,281 |
| Total Federal Fund Appropriation | | 2,140,686 |

| | | |
|---------------------------|--|------------|
| Total Appropriation | | 27,343,294 |
|---------------------------|--|------------|

OFFICE OF PLANT INDUSTRIES AND PEST MANAGEMENT

| | | |
|---|--|---------|
| L00A14.01 Office of the Assistant Secretary | | |
| General Fund Appropriation | | 182,857 |

| | | |
|----------------------------------|-----------|-----------|
| L00A14.02 Forest Pest Management | | |
| General Fund Appropriation | 1,794,423 | |
| Special Fund Appropriation | 291,717 | |
| Federal Fund Appropriation | 109,340 | 2,195,480 |

| | | |
|----------------------------------|-----------|-----------|
| L00A14.03 Mosquito Control | | |
| General Fund Appropriation | 1,697,804 | |
| Special Fund Appropriation | 1,232,354 | 2,930,158 |

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.

| | | |
|----------------------------------|---------|-----------|
| L00A14.04 Pesticide Regulation | | |
| Special Fund Appropriation | 691,290 | |
| Federal Fund Appropriation | 401,176 | 1,092,466 |

| | | |
|--|-----------|-----------|
| L00A14.05 Plant Protection and Weed Management | | |
| General Fund Appropriation | 1,294,071 | |
| Special Fund Appropriation | 227,646 | |
| Federal Fund Appropriation | 1,176,966 | 2,698,683 |

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 | 656,499 | |
| Special Fund Appropriation | 282,292 | 938,791 |
| | <hr/> | |

L00A14.09 State Chemist

| | | |
|----------------------------------|-----------|-----------|
| Special Fund Appropriation | 2,161,833 | |
| Federal Fund Appropriation | 154,019 | 2,315,852 |
| | <hr/> | |

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 | | 5,625,654 |
| Total Special Fund Appropriation | | 4,887,132 |
| Total Federal Fund Appropriation | | 1,841,501 |
| | | <hr/> |
| Total Appropriation | | 12,354,287 |
| | | <hr/> <hr/> |

OFFICE OF RESOURCE CONSERVATION

L00A15.01 Office of the Assistant Secretary

| | | |
|----------------------------------|--|---------|
| General Fund Appropriation | | 272,716 |
|----------------------------------|--|---------|

L00A15.02 Program Planning and Development

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 2,734,941 | |
| Federal Fund Appropriation | 223,000 | 2,957,941 |
| | <hr/> | |

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 5 new positions contingent upon the enactment of legislation reducing the mandated amount of funds for the Resource Conservation Operations..... | 8,422,640 | |
| Special Fund Appropriation | 285,606 | |
| Federal Fund Appropriation | 198,163 | 8,906,409 |
| | <hr/> | |

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 | 876,996 | |
| Special Fund Appropriation | 6,305,458 | 7,182,454 |
| | <u>5,791,049</u> | <u>6,668,045</u> |
| | <hr/> | |

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 \$10,000,000.

SUMMARY

| | |
|--|-------------|
| Total General Fund Appropriation | 12,307,293 |
| Total Special Fund Appropriation | 6,076,655 |
| Total Federal Fund Appropriation | 421,163 |
| | <hr/> |
| Total Appropriation | 18,805,111 |
| | <hr/> <hr/> |

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

OFFICE OF THE SECRETARY

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 6,697,406 | |
| Federal Fund Appropriation | 1,698,201 | 8,395,607 |
| | <hr/> | |

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 | 17,970,113 | |
| | <u>17,901,128</u> | |
| Special Fund Appropriation | 410,000 | |
| Federal Fund Appropriation | 11,593,447 | 29,973,560 |
| | <hr/> | <u>29,904,575</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 | | 24,598,534 |
| Total Special Fund Appropriation | | 410,000 |
| Total Federal Fund Appropriation | | 13,291,648 |
| | | <hr/> |
| Total Appropriation | | 38,300,182 |
| | | <hr/> <hr/> |

REGULATORY SERVICES

M00B01.03 Office of Health Care Quality

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 10,777,682 | |
| Special Fund Appropriation | 899,948 | |
| Federal Fund Appropriation | 5,973,060 | 17,650,690 |
| | <hr/> | |

M00B01.04 Health Professionals Boards and Commission

| | | |
|----------------------------------|---------|--|
| General Fund Appropriation | 341,132 | |
|----------------------------------|---------|--|

| | | |
|----------------------------------|------------|------------|
| Special Fund Appropriation | 11,421,813 | 11,762,945 |
| | <hr/> | |

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 | | 6,967,973 |
| M00B01.06 Maryland Board of Physicians Special Fund Appropriation | | 8,959,555 |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 11,118,814 |
| Total Special Fund Appropriation | | 28,249,289 |
| Total Federal Fund Appropriation | | 5,973,060 |
| | | <hr/> |
| Total Appropriation | | 45,341,163 |
| | | <hr/> <hr/> |

DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES

| | | |
|---|--|-------------|
| M00F01.01 Executive Direction General Fund Appropriation | | 1,398,909 |
| | | <hr/> <hr/> |

COMMUNITY HEALTH ADMINISTRATION

| | | |
|---|-----------|------------|
| M00F02.03 Community Health Services General Fund Appropriation | 8,811,948 | |
| Special Fund Appropriation | 10,000 | |
| Federal Fund Appropriation | 9,602,453 | 18,424,401 |
| | <hr/> | |

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 | 57,359,207 | |
| Federal Fund Appropriation | 4,493,000 | 61,852,207 |

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 66,171,155 |
| Total Special Fund Appropriation | | 10,000 |
| Total Federal Fund Appropriation | | 14,095,453 |

| | | |
|---------------------------|--|------------|
| Total Appropriation | | 80,276,608 |
|---------------------------|--|------------|

FAMILY HEALTH ADMINISTRATION

M00F03.02 Family Health Services and Primary Care

| | | |
|----------------------------------|-----------------------|------------------------|
| General Fund Appropriation | 20,468,077 | |
| | <u>20,365,717</u> | |
| Special Fund Appropriation | 12,106,192 | |
| Federal Fund Appropriation | 112,091,971 | 144,666,240 |

| | | |
|--|--|--------------------|
| | | <u>144,563,880</u> |
|--|--|--------------------|

M00F03.06 Prevention and Disease Control

General Fund Appropriation, provided that this appropriation shall be reduced by \$14,800,000 contingent on enactment of legislation reducing funding for existing programs supported by the Cigarette Restitution Fund by \$14,800,000. Authorization is hereby provided to process a Special Fund budget amendment of up to \$14,800,000 to support the Breast and Cervical Cancer Diagnosis and Treatment Program.

Further provided that \$665,000 of this appropriation made for the Office of Minority Health and Health Disparities to reduce infant mortality may not be expended for that purpose but instead may only be used to fund ongoing grants in the Babies Born Healthy Initiative.

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. Also, the Office of Minority Health and Health Disparities shall work in collaboration with the Babies Born Healthy Initiative to reduce the rate of infant mortality in the State and make the best use of the State's funding. The Department of Health and Mental Hygiene shall report to the budget committees by November 1, 2009, to provide a status report on both infant mortality programs, the allocation of grant funding, and the collaborative efforts of the Office of Minority Health and Health Disparities and the Babies Born Healthy Initiative

27,544,683

Special Fund Appropriation, provided that this appropriation shall be reduced by \$5,400,000 contingent on enactment of legislation reducing funding from the Cigarette Restitution Fund to Academic Health Centers.

Further provided that this appropriation shall be reduced by \$13,828,224 and 5 positions contingent on enactment of legislation reducing funding from the Cigarette Restitution Fund to tobacco programs

48,363,629

Federal Fund Appropriation

11,091,149

86,999,461

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
 Total Special Fund Appropriation
 Total Federal Fund Appropriation

47,910,400
 60,469,821
 123,183,120

| | | |
|---------------------------|--|-------------|
| Total Appropriation | | 231,563,341 |
|---------------------------|--|-------------|

AIDS ADMINISTRATION

M00F04.01 AIDS Administration

| | | |
|--|---|--|
| General Fund Appropriation, <u>provided that \$867,035 of this appropriation made for the purpose of funding the Maryland AIDS Insurance Assistance Program shall be reduced contingent upon the enactment of HB 101 or SB 166</u> | 4,154,738 3,287,703 4,154,738 | |
| Special Fund Appropriation | 15,712,803 | |
| Federal Fund Appropriation | 50,937,920 | 70,805,461 69,938,426 70,805,461 |

OFFICE OF THE CHIEF MEDICAL EXAMINER

M00F05.01 Post Mortem Examining Services

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 9,466,658 | |
| Federal Fund Appropriation | 197,851 | 9,664,509 |

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

| | | |
|----------------------------------|--|------------|
| Federal Fund Appropriation | | 18,609,203 |
|----------------------------------|--|------------|

WESTERN MARYLAND CENTER

M00I03.01 Services and Institutional Operations

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 21,782,911 | |
| Special Fund Appropriation | 788,625 | 22,571,536 |

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 | 19,366,885 | |
| Special Fund Appropriation | 4,324,607 | 23,691,492 |

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.

LABORATORIES ADMINISTRATION

| | | |
|----------------------------------|------------|------------|
| M00J02.01 Laboratory Services | | |
| General Fund Appropriation | 20,265,118 | |
| Special Fund Appropriation | 465,394 | |
| Federal Fund Appropriation | 3,117,187 | 23,847,699 |

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 | | 1,925,284 |

ALCOHOL AND DRUG ABUSE ADMINISTRATION

M00K02.01 Alcohol and Drug Abuse

Administration

General Fund Appropriation, provided that \$3,343,418 of this appropriation made for the purpose of providing treatment grants to local jurisdictions, may not be expended for that purpose but instead may be transferred by budget amendment to the Medical Care Programs Administration, program M00Q01.03 Medical Care Provider Reimbursements, to be used only for adding Medicaid substance abuse service coverage to the Primary Adult Care program and enhancing Medicaid reimbursement rates for substance abuse services effective January 1, 2010. In reducing local treatment grant awards, the Department of Health and Mental Hygiene shall allocate the reduction based on local enrollment in the Medicaid and Primary Adult Care 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

95,890,118
~~93,890,118~~
94,890,118

Special Fund Appropriation
 Federal Fund Appropriation

17,918,455
 31,942,751

~~145,751,324~~
~~143,751,324~~
144,751,324

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

It is the intent of the General Assembly that community mental health and substance abuse services currently provided at the Walter P. Carter Community Mental Health Center in Baltimore City be preserved either at that facility or at

another site in Baltimore City after the proposed closure of State-operated psychiatric bed capacity at the Carter Center on October 1, 2009.

Further provided that \$10,000,000 in general funds appropriated for the purpose of providing inpatient care at the State-run psychiatric facilities may not be expended until the Department of Health and Mental Hygiene submits a report to the budget committees concerning the proposed closure of State-operated psychiatric bed capacity at the Carter Center on October 1, 2009. Specifically, the report shall detail:

- (1) the placement of State employees at the Carter Center on September 30, 2009, into other State regular positions including what retraining and other placement assistance has been offered, what transportation assistance has been offered to those employees offered jobs at Perkins hospital, and what hiring freeze exemptions have been granted for positions for which these employees are eligible;
- (2) the status of the proposed move of the University of Maryland outpatient mental health clinic and the Program of Assertive Community Treatment from the Carter Center to 701 Pratt Street including whether mental health services have been expanded and the renaming of the facility;
- (3) the status of the proposed relocation of the outpatient methadone program and outpatient alcohol and drug treatment clinic currently located at the Carter Center and funded by the Baltimore Substance Abuse

System;

- (4) the status of the 20 crisis beds currently funded at the Carter Center by Baltimore Mental Health Systems;
- (5) agreements with other community hospitals and private psychiatric hospitals to serve civil admissions in Baltimore City;
- (6) how forensic admissions from Baltimore City that are currently served by the Carter Center will be served; and
- (7) plans for the Carter Center after fiscal 2010.

The department shall submit the report by December 15, 2009, 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, it is the intent of the General Assembly that any additional revenue generated from the movement of the University of Maryland outpatient mental health clinic and the Program of Assertive Community Treatment from the Carter Center to 701 Pratt Street shall be used to expand community mental health services. The University of Maryland School of Medicine is requested to report to the budget committees by January 15, 2010, on any additional revenues generated and/or forecasted from this move and the expansion and/or anticipated expansion of community mental health services.

M00L01.01 Program Direction

| | | |
|----------------------------------|----------------------|----------------------|
| General Fund Appropriation | 6,295,910 | |
| | <u>6,195,910</u> | |
| Federal Fund Appropriation | 2,078,732 | 8,374,642 |
| | | <u>8,274,642</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.

M00L01.02 Community Services

It is the intent of the General Assembly that the Maryland Veterans Behavioral Health Program shall be funded at a level sufficient to fulfill the statutory requirements of, and demand for, that program. If the fiscal 2010 appropriation is insufficient to meet that demand, the Mental Hygiene Administration may use funding from its total fiscal 2010 appropriation, up to \$2,800,000, to meet projected demand.

| | | |
|----------------------------------|--------------------------|---------------------------|
| General Fund Appropriation | 89,296,591 | |
| | 87,396,591 | |
| | 87,196,591 | |
| | <u>87,296,591</u> | |
| Special Fund Appropriation | 158,605 | 122,047,558 |
| Federal Fund Appropriation | 32,592,362 | 120,147,558 |
| | | 119,947,558 |
| | | <u>120,047,558</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, provided that this appropriation shall be reduced by \$1,000,000 contingent on enactment of the Maryland False Claims Act of 2009 | 286,751,867 <u>285,001,867</u> | |
| Federal Fund Appropriation, provided that this appropriation shall be reduced by \$1,000,000 contingent on enactment of the Maryland False Claims Act of 2009 | 251,460,358 | 538,212,225 <u>536,462,225</u> |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 378,494,368 |
| Total Special Fund Appropriation | | 158,605 |
| Total Federal Fund Appropriation | | 286,131,452 |
| | | <hr/> |
| Total Appropriation | | 664,784,425 |
| | | <hr/> <hr/> |

WALTER P. CARTER COMMUNITY MENTAL HEALTH CENTER

| | | |
|---|-----------|-------------|
| M00L03.01 Services and Institutional Operations | | |
| General Fund Appropriation, provided that eighty-nine positions will be transferred from the Walter P. Carter Hospital Center to the Clifton T. Perkins Hospital Center on October 1, 2009; eleven positions will remain at the Walter P. Carter Hospital Center to maintain the facility and provide services in accordance with tenant agreements; all remaining positions will be abolished, effective October 1, 2009 | 8,148,189 | |
| Special Fund Appropriation | 1,056,525 | 9,204,714 |
| | | <hr/> <hr/> |

THOMAS B. FINAN HOSPITAL CENTER

| | | |
|---|------------|-------------|
| M00L04.01 Services and Institutional Operations | | |
| General Fund Appropriation | 17,291,260 | |
| Special Fund Appropriation | 913,432 | 18,204,692 |
| | | <hr/> <hr/> |

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 | 11,292,344 | |
| Special Fund Appropriation | 2,284,127 | |
| Federal Fund Appropriation | 65,815 | 13,642,286 |
| | <hr/> | <hr/> <hr/> |

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.

CROWNSVILLE HOSPITAL CENTER

| | | |
|---|-----------|-------------|
| M00L06.01 Services and Institutional Operations | | |
| General Fund Appropriation | 1,027,730 | |
| Special Fund Appropriation | 479,361 | 1,507,091 |
| | <hr/> | <hr/> <hr/> |

EASTERN SHORE HOSPITAL CENTER

| | | |
|---|------------|-------------|
| M00L07.01 Services and Institutional Operations | | |
| General Fund Appropriation | 19,136,350 | |
| Special Fund Appropriation | 6,805 | 19,143,155 |
| | <hr/> | <hr/> <hr/> |

SPRINGFIELD HOSPITAL CENTER

| | | |
|---|------------|-------------|
| M00L08.01 Services and Institutional Operations | | |
| General Fund Appropriation | 73,366,493 | |
| Special Fund Appropriation | 1,095,141 | 74,461,634 |
| | <hr/> | <hr/> <hr/> |

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 | 78,613,946 | |
| Special Fund Appropriation | 1,711,325 | |
| Federal Fund Appropriation | 44,755 | 80,370,026 |
| | <hr/> | <hr/> <hr/> |

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 | 51,851,083 | |
| Special Fund Appropriation | 113,150 | 51,964,233 |
| | <hr/> | <hr/> <hr/> |

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 | 12,653,034 | |
| Special Fund Appropriation | 117,193 | |
| Federal Fund Appropriation | 58,350 | 12,828,577 |
| | <hr/> | <hr/> <hr/> |

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 | 9,043,503 | |
| Special Fund Appropriation | 254,923 | 9,298,426 |
| | <hr/> | <hr/> <hr/> |

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 | 17,202 | |
| Special Fund Appropriation | 448,790 | 465,992 |
| | <hr/> | <hr/> <hr/> |

DEVELOPMENTAL DISABILITIES ADMINISTRATION

| | | |
|----------------------------------|-----------|-----------|
| M00M01.01 Program Direction | | |
| General Fund Appropriation | 4,684,542 | |
| Federal Fund Appropriation | 1,600,381 | 6,284,923 |
| | <hr/> | |

| | | |
|---|-------------|--|
| M00M01.02 Community Services | | |
| General Fund Appropriation, provided that this appropriation shall be reduced by \$1,000,000 contingent on enactment of the Maryland False Claims Act of 2009..... | 440,810,534 | |
| Special Fund Appropriation, <u>provided that \$1,500,000 of this appropriation made for the purpose of community placements shall not be expended until the Department of Health and Mental Hygiene submits a report on the actual number and type of services requested in the highest level of need category on the Waiting List, as well as the plan to keep the Waiting List regularly updated. The</u> | | |

| | | |
|--|-------------|-------------|
| <u>report shall be submitted by July 1, 2009, and the budget committees shall have 45 days from receipt of the report to review and comment</u> | 4,031,897 | |
| Federal Fund Appropriation, provided that this appropriation shall be reduced by \$1,000,000 contingent on enactment of the Maryland False Claims Act of 2009..... | 316,131,264 | 760,973,695 |
| | | |

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 | | 445,495,076 |
| Total Special Fund Appropriation | | 4,031,897 |
| Total Federal Fund Appropriation | | 317,731,645 |
| | | |
| Total Appropriation | | 767,258,618 |
| | | |

ROSEWOOD CENTER

| | | |
|---|-----------|-----------|
| M00M02.01 Services and Institutional Operations | | |
| General Fund Appropriation | 2,636,272 | |
| Special Fund Appropriation | 680,796 | 3,317,068 |
| | | |

HOLLY CENTER

| | | |
|---|------------|------------|
| M00M05.01 Services and Institutional Operations | | |
| General Fund Appropriation | 19,044,533 | |
| Special Fund Appropriation | 124,248 | 19,168,781 |
| | | |

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 | | 8,687,083 |
| | | <hr/> <hr/> |

POTOMAC CENTER

| | | |
|---|-----------|-------------|
| M00M07.01 Services and Institutional Operations | | |
| General Fund Appropriation | 9,961,177 | |
| Special Fund Appropriation | 5,000 | 9,966,177 |
| | <hr/> | <hr/> <hr/> |

JOSEPH D. BRANDENBURG CENTER

| | | |
|---|--|-------------|
| M00M09.01 Services and Institutional Operations | | |
| General Fund Appropriation | | 8,577,977 |
| | | <hr/> <hr/> |

MEDICAL CARE PROGRAMS ADMINISTRATION

| | | |
|--|-----------|-----------|
| M00Q01.01 Deputy Secretary for Health Care Financing | | |
| General Fund Appropriation | 1,061,900 | |
| Special Fund Appropriation | 50,000 | |
| Federal Fund Appropriation | 1,193,179 | 2,305,079 |
| | <hr/> | |

M00Q01.02 Office of Systems, Operations and Pharmacy

General Fund Appropriation, provided that \$160,290 of this appropriation made for the purpose of the Medicaid Information Technology Architecture initiative may only be transferred by budget amendment to the Major Information Technology Development Project Fund (program F50A01.01) and may only be expended as provided under State Finance and Procurement Article Sections 3A-308 and 3A-309. 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

7,064,783

| | | |
|----------------------------------|------------|------------|
| Special Fund Appropriation | 18,057 | |
| Federal Fund Appropriation | 15,409,882 | 22,492,722 |
| | <hr/> | |

M00Q01.03 Medical Care Provider Reimbursements

Provided that all general and special fund appropriations 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. Further provided that all federal fund appropriations 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 except by approved budget amendment to other programs that fund Medicaid services.

~~*Further provided that the Secretary of the Department of Health and Mental Hygiene (DHMH) shall request the Maryland Insurance Administration conduct a market conduct study of any HealthChoice managed care organization (MCO) with a medical loss ratio that is at least 5% or more below the average medical loss ratio for all HealthChoice MCOs in calendar 2007 and 2008, as reported under Section 15-605 of the Insurance Article. This market conduct study shall examine calendar 2007 and 2008 to review consistency with acceptable business practices, claims processing, and any other information deemed appropriate by the Secretary of DHMH in consultation with the Maryland Insurance Commissioner for third party payments by companies holding risk in other health insurance markets.*~~

~~*Further provided that the Secretary of the Department of Health and Mental*~~

Hygiene (DHMH) shall request the Maryland Insurance Administration undertake a market conduct study and a financial examination of all HealthChoice managed care organizations in accordance with Sections 2-205, 2-206, 2-207, and 2-208 of the Insurance Article to assess compliance with the provisions of Section 15-605 of the Insurance Article. The studies and examinations shall include but are not limited to a review of payment practices, actuarial reimbursement rates, compliance with medical loss ratios for each jurisdiction of operation, and any other information deemed appropriate by the Secretary of DHMH in consultation with the Maryland Insurance Commissioner. The market conduct studies and financial examinations shall be submitted to the budget committees by December 1, 2010. An interim report shall be submitted to the budget committees by December 1, 2009.

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 on enactment of the Maryland False Claims Act of 2009 and shall be reduced by \$1,000,000 contingent on enactment of the Health Program Integrity and Recovery Act of 2009.

Further provided that the appropriation for the Primary Adult Care Program shall be reduced by \$9,100,000 contingent on enactment of legislation that authorizes the use of Special Funds ~~provided by a nonprofit health service plan from the~~ Community Health Resources Commission Fund for this purpose.

Further provided that the appropriation relating to inpatient hospital costs shall be reduced by \$4,500,000 contingent on enactment of legislation authorizing the use of Special Funds currently dedicated to the Maryland Health Insurance Plan for this purpose, and shall be reduced by \$9,000,000 contingent on enactment of legislation allowing the use of hospital

assessment funding for this purpose in fiscal year 2010.

Further provided that this appropriation shall be reduced by \$4,428,224 contingent on enactment of legislation reducing funding for existing programs supported by the Cigarette Restitution Fund by \$4,428,224. Authorization is hereby provided to process a Special Fund budget amendment of up to \$4,428,224 to support the Medical Assistance Program.

Further provided that \$100,000 of this appropriation made for the purpose of provider reimbursements may not be expended until the Department of Health and Mental Hygiene and the Department of Human Resources submit a report to the budget committees on the determined scope of work for updating the Medicaid Management Information System and the medical care programs' eligibility systems. In addition, the report shall include the rationale for updating the eligibility systems to the determined level. The report shall be submitted by December 1, 2009, and the budget committees shall have 45 days to review and comment.

Further provided that \$425,000 of this appropriation made for the purpose of funding the managed care organizations' quality incentive pool, may not be expended for that purpose but instead may only be used for the purpose of providing a grant, not to exceed \$425,000, to the Maryland Medbank Program under Section 15-124.2 of the Health – General Article. 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 this appropriation shall be reduced by \$53,500,000

contingent on enactment of HB 101 or SB 166 containing a provision authorizing the use of Special Funds from the Health Care Coverage Fund for this purpose in fiscal 2010.

Further provided that \$5,000,000 of this appropriation made for the purpose of provider reimbursements, may not be expended for that purpose but instead may be transferred by budget amendment to the Family Health Administration (M00F03.02) to be used only to provide an operating grant to the Board of Directors of Bon Secours Hospital, Baltimore, Inc. 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 before any operating grant is made to the Board of Directors of Bon Secours Hospital, Baltimore Inc., the Board of Directors shall provide a report to the Department of Health and Mental Hygiene and the budget committees detailing a long-term, comprehensive and sustainable solution to the hospital's financial issues. This report shall include a plan for implementing by fiscal 2011 a sustainable primary-care centric approach that in addition to urgent care services will include expanded primary care access; improved mental health services; additional substance abuse assessment and treatment services; and other critical community services. The budget committees shall have 45 days from the receipt of the report for review and comment.

It is the intent of the General Assembly that this is a one-time operating

| | |
|--------------------|--------------------------|
| <u>grant</u> | 2,004,705,818 |
| | <u>2,001,080,818</u> |

Special Fund Appropriation, provided that \$800,000 of this appropriation derived from swf305 Cigarette Restitution Funds made for the purpose of funding provider reimbursements, may not be expended for that purpose but instead may be transferred by budget amendment to the Family Health Administration (M00F03.06) to be used to fund the minority outreach and technical assistance program within the Tobacco Use Prevention and Cessation Program. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall be cancelled.

Further provided that \$235,000 of this appropriation derived from swf310 Rate Stabilization Fund made for the purpose of funding provider reimbursements, may not be expended for that purpose but instead may be transferred by budget amendment to the Maryland Insurance Administration (D80Z01.05) to be used only to provide subsidies for medical professional liability insurance policy issued to policyholders who are family practitioners with staff privileges at Garrett County Memorial Hospital and who also provide obstetrical services at Garrett County Memorial Hospital. The subsidy shall equal 70% of the difference between the policyholder's premium for calendar 2010 and the premium that otherwise would be payable in calendar 2010 if the policyholder was not providing obstetrical services. Funds not expended for this purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall be cancelled.

Further provided that the Department of Health and Mental Hygiene and the Maryland Insurance Administration in coordination with the Garrett County Memorial Hospital and the medical malpractice insurance companies shall submit a report to the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee regarding options to prevent the necessity for future medical malpractice subsidies for the liability insurance policy issued to policyholders who are family practitioners with staff privileges at Garrett County Memorial Hospital. The report shall be submitted by October 1, 2009

327,786,420

Federal Fund Appropriation, provided that this appropriation shall be reduced by \$9,000,000 contingent on enactment of the Maryland False Claims Act of 2009. Further provided that this appropriation shall be reduced by \$1,000,000 contingent on enactment of the Health Program Integrity and Recovery Act of 2009

~~3,000,717,240~~

~~5,333,209,478~~

3,000,092,240

5,328,959,478

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.

M00Q01.04 Office of Health Services

General Fund Appropriation
 Special Fund Appropriation
 Federal Fund Appropriation

10,572,986

77,615

8,472,631

19,123,232

M00Q01.05 Office of Finance

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 1,532,043 | |
| Special Fund Appropriation | 33,877 | |
| Federal Fund Appropriation | 1,637,162 | 3,203,082 |

M00Q01.06 Kidney Disease Treatment Services

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 10,438,053 | |
| Special Fund Appropriation | 372,717 | 10,810,770 |

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 | 61,790,315 | |
| Special Fund Appropriation | 6,503,225 | |
| Federal Fund Appropriation | 124,711,702 | 193,005,242 |
| | | |

M00Q01.09 Office of Eligibility Services

| | | |
|----------------------------------|-----------|------------|
| General Fund Appropriation | 4,411,501 | |
| Special Fund Appropriation | 209,866 | |
| Federal Fund Appropriation | 5,563,566 | 10,184,933 |
| | | |

M00Q01.10 Health Care Coverage Fund

Provided that all appropriations for program M00Q01.10 are to be used only for the purposes herein appropriated and for specialty mental health services, and there shall be no budgetary transfer to any other program or purpose other than M00Q01.03 and the Mental Hygiene Administration. Funds not expended for these purposes shall revert to the General Fund or be cancelled.

| | | |
|----------------------------------|------------|-------------|
| Special Fund Appropriation | 95,564,434 | |
| Federal Fund Appropriation | 95,564,437 | 191,128,871 |
| | | |

SUMMARY

| | | |
|--|--|---------------|
| Total General Fund Appropriation | | 2,097,952,399 |
| Total Special Fund Appropriation | | 430,616,211 |
| Total Federal Fund Appropriation | | 3,252,644,799 |
| | | |
| Total Appropriation | | 5,781,213,409 |
| | | |

HEALTH REGULATORY COMMISSIONS

M00R01.01 Maryland Health Care Commission

| | | |
|----------------------------------|--|-----------------------|
| Special Fund Appropriation | | 41,256,391 |
| | | <u>28,256,391</u> |

| | | |
|--|----------------------------------|-------------|
| M00R01.02 Health Services Cost Review Commission | Special Fund Appropriation | 124,955,074 |
| M00R01.03 Maryland Community Health Resources Commission | Special Fund Appropriation | 3,019,406 |

SUMMARY

| | |
|--|-------------|
| Total Special Fund Appropriation | 156,230,871 |
|--|-------------|

DEPARTMENT OF HUMAN RESOURCES

~~Provided that no funds in this budget may be expended for the purpose of implementing or operating a system of local departments of social services that would result in a consolidation or regionalization of the departments or of the administrative functions performed within a jurisdiction until the Department of Human Resources submits a report to the budget committees on:~~

- ~~(1) the impact on clients of local departments of social services;~~
- ~~(2) the fiscal impact;~~
- ~~(3) the impact on personnel; and~~
- ~~(4) the reason for the change in administration.~~

~~The budget committees shall have 45 days for review and comment from receipt of the report.~~

OFFICE OF THE SECRETARY

| | | | |
|-----------------------------------|----------------------------------|----------------------|-----------------------|
| N00A01.01 Office of the Secretary | General Fund Appropriation | 6,251,757 | 5,802,757 |
| | Federal Fund Appropriation | 6,115,014 | 12,366,771 |

11,917,771

| | | |
|---|-----------|-----------|
| N00A01.02 Citizen’s Review Board for Children | | |
| General Fund Appropriation | 1,138,254 | |
| Federal Fund Appropriation | 602,458 | 1,740,712 |

| | | |
|---|--|---------|
| N00A01.03 Maryland Commission for Women | | |
| General Fund Appropriation | | 285,418 |

N00A01.04 Maryland Legal Services Program

Provided that \$17,621,318 of this appropriation made for the purpose of the Legal Services Program may only be expended for that 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 or be cancelled.

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 12,088,328 | |
| Federal Fund Appropriation | 5,532,990 | 17,621,318 |

| | | |
|---------------------------------------|------------|------------|
| N00A01.05 Office of Grants Management | | |
| General Fund Appropriation | 13,108,497 | |
| Federal Fund Appropriation | 12,170,933 | 25,279,430 |

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 | | 32,423,254 |
| Total Federal Fund Appropriation | | 24,421,395 |

| | | |
|---------------------------|--|-------------------|
| Total Appropriation | | <u>56,844,649</u> |
|---------------------------|--|-------------------|

SOCIAL SERVICES ADMINISTRATION

N00B00.04 General Administration – State

| | | |
|----------------------------------|------------|-------------|
| General Fund Appropriation | 13,403,911 | |
| Special Fund Appropriation | 1,000,000 | |
| Federal Fund Appropriation | 17,565,830 | 31,969,741 |
| | <hr/> | <hr/> <hr/> |

OPERATIONS OFFICE

N00E01.01 Division of Budget, Finance, and
Personnel

| | | |
|----------------------------------|-----------|------------|
| General Fund Appropriation | 9,288,471 | |
| Federal Fund Appropriation | 6,784,417 | 16,072,888 |
| | <hr/> | |

N00E01.02 Division of Administrative Services

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 4,259,978 | |
| Federal Fund Appropriation | 4,542,033 | 8,802,011 |
| | <hr/> | |

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 13,548,449 |
| Total Federal Fund Appropriation | | 11,326,450 |
| | | <hr/> |

| | | |
|---------------------------|--|-------------|
| Total Appropriation | | 24,874,899 |
| | | <hr/> <hr/> |

OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

N00F00.02 Major Information Technology
Development Projects

| | | |
|----------------------------------|--|-----------|
| Federal Fund Appropriation | | 3,632,565 |
|----------------------------------|--|-----------|

N00F00.04 General Administration

| | | |
|----------------------------------|-----------------------|-----------------------|
| General Fund Appropriation | 35,309,695 | |
| | <u>31,795,882</u> | |
| Federal Fund Appropriation | 36,621,916 | 71,931,611 |
| | <u>34,984,779</u> | <u>66,780,661</u> |
| | <hr/> | |

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 31,795,882 |
|--|--|------------|

| | |
|--|------------|
| Total Federal Fund Appropriation | 38,617,344 |
|--|------------|

| | |
|---------------------------|------------|
| Total Appropriation | 70,413,226 |
|---------------------------|------------|

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.

Further provided that this appropriation shall be reduced by \$5,546,994 contingent upon the enactment of legislation freezing Inter-Agency Rates Committee rates for institutional residential placements at final FY09 levels

249,639,637

Special Fund Appropriation

73,967

Federal Fund Appropriation, provided that this appropriation shall be reduced by

| | | |
|--|-------------|-------------|
| \$2,857,542 contingent upon the enactment of legislation freezing Inter-Agency Rates Committee rates for institutional residential placements at final FY09 levels | 117,396,536 | 367,110,140 |
|--|-------------|-------------|

N00G00.02 Local Family Investment Program

| | | |
|----------------------------------|------------|-------------|
| General Fund Appropriation | 52,746,873 | |
| Special Fund Appropriation | 2,200,354 | |
| Federal Fund Appropriation | 90,910,304 | 145,857,531 |

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 cancelled.

| | | |
|----------------------------------|-------------|-------------|
| General Fund Appropriation | 90,992,139 | |
| Special Fund Appropriation | 1,326,366 | |
| Federal Fund Appropriation | 123,722,277 | 216,040,782 |

N00G00.04 Adult Services

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 10,508,143 | |
| Special Fund Appropriation | 1,376,272 | |
| Federal Fund Appropriation | 31,624,295 | 43,508,710 |

N00G00.05 General Administration

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 24,348,957 | |
| Special Fund Appropriation | 2,646,271 | |
| Federal Fund Appropriation | 17,784,440 | 44,779,668 |

N00G00.06 Local Child Support Enforcement Administration

| | | |
|----------------------------------|------------|--|
| General Fund Appropriation | 15,498,402 | |
|----------------------------------|------------|--|

| | | |
|----------------------------------|-------------|-------------|
| Special Fund Appropriation | 487,861 | |
| Federal Fund Appropriation | 30,441,702 | 46,427,965 |
| <hr/> | | |
| N00G00.08 Assistance Payments | | |
| General Fund Appropriation | 35,500,943 | |
| Special Fund Appropriation | 13,410,847 | |
| Federal Fund Appropriation | 554,095,819 | 603,007,609 |
| <hr/> | | |
| N00G00.10 Work Opportunities | | |
| Federal Fund Appropriation | | 37,517,846 |

SUMMARY

| | | |
|--|--|---------------|
| Total General Fund Appropriation | | 479,235,094 |
| Total Special Fund Appropriation | | 21,521,938 |
| Total Federal Fund Appropriation | | 1,003,493,219 |
| <hr/> | | |
| Total Appropriation | | 1,504,250,251 |
| <hr/> <hr/> | | |

CHILD SUPPORT ENFORCEMENT ADMINISTRATION

| | | |
|---------------------------------------|------------|------------|
| N00H00.08 Support Enforcement – State | | |
| General Fund Appropriation | 4,204,427 | |
| Special Fund Appropriation | 10,436,292 | |
| Federal Fund Appropriation | 28,147,713 | 42,788,432 |
| <hr/> | | |

FAMILY INVESTMENT ADMINISTRATION

| | | |
|---|------------|------------|
| N00I00.04 Director’s Office | | |
| General Fund Appropriation | 6,735,179 | |
| Federal Fund Appropriation | 13,320,780 | 20,055,959 |
| <hr/> | | |
| N00I00.05 Maryland Office for New Americans | | |
| General Fund Appropriation | 52,445 | |
| Federal Fund Appropriation | 8,134,880 | 8,187,325 |
| <hr/> | | |

N00I00.06 Office of Home Energy Programs
 General Fund Appropriation, provided that
 this appropriation shall be reduced by
 \$35,556,999 contingent upon the

enactment of legislation authorizing an increase of the Department of Human Resources' share of Regional Greenhouse Gas Initiative auction funds. Authorization is hereby provided to process a Special Fund budget amendment ~~not to exceed \$35,556,999 to use the~~ to increase the use of Regional Greenhouse Gas Initiative auction funds to replace the aforementioned General Fund amount.

Further provided that these funds may not be expended until all special and federal funds available for the Office of Home Energy Programs have been exhausted. Funds not expended for the Office of Home Energy Programs may not be transferred by budget amendment or otherwise to any other purpose, and shall revert to the General Fund

| | | |
|----------------------------------|------------|-------------|
| General Fund | 35,556,999 | |
| Special Fund Appropriation | 55,043,000 | |
| Federal Fund Appropriation | 42,061,988 | 132,661,987 |
| | <hr/> | |

SUMMARY

| | | |
|--|------------|-------------|
| Total General Fund Appropriation | 42,344,623 | |
| Total Special Fund Appropriation | 55,043,000 | |
| Total Federal Fund Appropriation | 63,517,648 | |
| | <hr/> | |
| Total Appropriation | | 160,905,271 |
| | | <hr/> <hr/> |

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

OFFICE OF THE SECRETARY

| | | |
|----------------------------------|-----------|-----------|
| P00A01.01 Executive Direction | | |
| General Fund Appropriation | 508,954 | |
| Special Fund Appropriation | 345,874 | |
| Federal Fund Appropriation | 868,635 | 1,723,463 |
| | <hr/> | |
| P00A01.05 Legal Services | | |
| General Fund Appropriation | 1,184,306 | |

| | | |
|--|-----------|-----------|
| Special Fund Appropriation | 1,077,274 | |
| Federal Fund Appropriation | 846,813 | 3,108,393 |
| <hr/> | | |
| P00A01.08 Office of Fair Practices | | |
| General Fund Appropriation | 35,432 | |
| Special Fund Appropriation | 64,049 | |
| Federal Fund Appropriation | 228,699 | 328,180 |
| <hr/> | | |
| P00A01.09 Governor's Workforce Investment Board | | |
| General Fund Appropriation | | 108,953 |
| <p>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.</p> | | |
| P00A01.11 Board of Appeals | | |
| Federal Fund Appropriation | | 983,601 |
| P00A01.12 Lower Appeals | | |
| Special Fund Appropriation | 44,362 | |
| Federal Fund Appropriation | 4,264,689 | 4,309,051 |
| <hr/> | | |

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 1,837,645 |
| Total Special Fund Appropriation | | 1,531,559 |
| Total Federal Fund Appropriation | | 7,192,437 |
| <hr/> | | |
| Total Appropriation | | 10,561,641 |
| <hr/> <hr/> | | |

DIVISION OF ADMINISTRATION

| | | |
|--|-----------|-----------|
| P00B01.03 Office of Budget and Fiscal Services | | |
| General Fund Appropriation | 336,846 | |
| Special Fund Appropriation | 824,914 | |
| Federal Fund Appropriation | 2,840,322 | 4,002,082 |
| <hr/> | | |

P00B01.04 Office of General Services

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 194,903 | |
| Special Fund Appropriation | 2,074,003 | |
| Federal Fund Appropriation | 3,439,050 | 5,707,956 |

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 Human Resources

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 142,972 | |
| Special Fund Appropriation | 332,243 | |
| Federal Fund Appropriation | 1,412,780 | 1,887,995 |

SUMMARY

| | | |
|--|--|-----------|
| Total General Fund Appropriation | | 674,721 |
| Total Special Fund Appropriation | | 3,231,160 |
| Total Federal Fund Appropriation | | 7,692,152 |

| | | |
|---------------------------|--|------------|
| Total Appropriation | | 11,598,033 |
|---------------------------|--|------------|

DIVISION OF FINANCIAL REGULATION

P00C01.02 Financial Regulation

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 683,420 | |
| Special Fund Appropriation | 8,745,737 | 9,429,157 |

DIVISION OF LABOR AND INDUSTRY

P00D01.01 General Administration

| | | |
|----------------------------------|---------|---------|
| General Fund Appropriation | 64,571 | |
| Special Fund Appropriation | 440,423 | |
| Federal Fund Appropriation | 216,899 | 721,893 |

| | | |
|---|-----------|-----------|
| P00D01.02 Employment Standards Services | | |
| General Fund Appropriation | | 416,401 |
| P00D01.03 Railroad Safety and Health | | |
| Special Fund Appropriation | | 492,442 |
| P00D01.05 Safety Inspection | | |
| Special Fund Appropriation | | 4,654,409 |
| P00D01.06 Apprenticeship and Training | | |
| General Fund Appropriation | | 396,094 |
| P00D01.07 Prevailing Wage | | |
| General Fund Appropriation | | 753,436 |
| P00D01.08 Occupational Safety and Health Administration | | |
| Special Fund Appropriation | 4,428,595 | |
| Federal Fund Appropriation | 3,783,763 | 8,212,358 |

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 1,630,502 |
| Total Special Fund Appropriation | | 10,015,869 |
| Total Federal Fund Appropriation | | 4,000,662 |
| | | <hr/> |
| Total Appropriation | | 15,647,033 |

DIVISION OF RACING

| | | |
|--------------------------------------|--------------------|----------------------|
| P00E01.02 Maryland Racing Commission | | |
| General Fund Appropriation | 530,947 | |
| | 517,947 | |
| Special Fund Appropriation | 1,110,000 | 1,640,947 |
| | | <u>1,627,947</u> |
| | | <hr/> |
| P00E01.03 Racetrack Operation | | |
| General Fund Appropriation | 1,677,161 | |
| Special Fund Appropriation | 579,836 | 2,256,997 |

P00E01.04 Share of Racing Revenue to Local Subdivisions

| | | |
|----------------------------------|--|-----------|
| Special Fund Appropriation | | 1,205,600 |
|----------------------------------|--|-----------|

SUMMARY

| | | |
|--|--|-----------|
| Total General Fund Appropriation | | 2,195,108 |
| Total Special Fund Appropriation | | 2,895,436 |

| | | |
|---------------------------|--|-----------|
| Total Appropriation | | 5,090,544 |
|---------------------------|--|-----------|

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

| | | |
|--|-----------|-----------|
| P00F01.01 Occupational and Professional Licensing | | |
| General Fund Appropriation | 5,063,504 | |
| Special Fund Appropriation | 4,797,501 | 9,861,005 |

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

| | | |
|----------------------------------|------------|------------|
| P00G01.01 Workforce Development | | |
| General Fund Appropriation | 1,305,110 | |
| Federal Fund Appropriation | 37,574,293 | 38,879,403 |

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 Office of Employment Training | | |
| Special Fund Appropriation | 1,350,000 | |
| Federal Fund Appropriation | 14,115,841 | 15,465,841 |

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 | | 1,305,110 |
| Total Special Fund Appropriation | | 1,350,000 |
| Total Federal Fund Appropriation | | 51,690,134 |
| | | <hr/> |
| Total Appropriation | | 54,345,244 |
| | | <hr/> <hr/> |

DIVISION OF UNEMPLOYMENT INSURANCE

| | | |
|---|-----------------------|-----------------------|
| P00H01.01 Office of Unemployment Insurance | | |
| Special Fund Appropriation | 874,920 | |
| Federal Fund Appropriation | 64,110,152 | 64,985,072 |
| | <u>63,583,954</u> | <u>64,458,874</u> |
| | <hr/> | |
| P00H01.02 Major Information Technology Development Projects | | |
| Federal Fund Appropriation | | 569,434 |

SUMMARY

| | | |
|--|--|-------------|
| Total Special Fund Appropriation | | 874,920 |
| Total Federal Fund Appropriation | | 64,153,388 |
| | | <hr/> |
| Total Appropriation | | 65,028,308 |
| | | <hr/> <hr/> |

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Provided that the Department of Public Safety and Correctional Services (DPSCS) shall regularly conduct a new post-by-post security staffing analysis for each of its custodial agencies in order to identify the actual number of regular positions needed to safely and securely

staff the State's correctional institutions. DPSCS shall provide a written report to the budget committees no later than December 1, 2009, with bi-annual submissions thereafter, summarizing the results of the analysis and explaining the need for any staffing changes resulting from the staffing analysis or changes in policy that require the use of additional positions. The budget committees shall have 45 days to review and comment following receipt of the report.

Further provided that the Department of Public Safety and Correctional Services (DPSCS), in collaboration with the Department of Budget and Management, shall submit a plan on how to fully fund DPSCS operations in fiscal 2010 and 2011, so as to avoid the need for future deficiency appropriations. The plan should specifically address underfunding for inmate food purchases, fuel and utility expenses, overtime expenditures, and adequate staffing. The report shall be submitted to the budget committees by October 1, 2009, and the budget committees shall have 45 days to review and comment following receipt of the plan.

OFFICE OF THE SECRETARY

| | | |
|--|-----------------------|-----------------------|
| Q00A01.01 General Administration | | |
| General Fund Appropriation | 21,899,072 | |
| | <u>21,884,072</u> | |
| Special Fund Appropriation | 588,706 | 22,487,778 |
| | | <u>22,472,778</u> |
| <hr/> | | |
| Q00A01.02 Information Technology and Communications Division | | |
| General Fund Appropriation | 30,593,949 | |
| Special Fund Appropriation | 4,200,000 | |
| Federal Fund Appropriation | 432,869 | 35,226,818 |
| | | <hr/> |

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 | 2,557,353 |
| Q00A01.04 9-1-1 Emergency Number Systems | |
| Special Fund Appropriation | 62,265,516 61,665,516 |

Q00A01.05 Capital Appropriation
 Federal Fund Appropriation, provided that no funds may be expended on this project until:

- (1) the federal per diem rate paid to the State for housing federal detainees in State facilities has been renegotiated to a rate that ensures operating costs for the Maryland Correctional Adjustment Center will be fully covered through federal funds;
- (2) the budget committees have received a federal award letter evidencing written confirmation that the federal funds have been approved and appropriated by the Office of Federal Detainee Trustee for this project;
- (3) the Part I Program Plan has been approved by the Department of Budget and Management, and the budget committees have been notified in writing of the approval; and
- (4) the budget committees have received a letter certifying that the Department of Public Safety and Correctional Services has met, and will continue to meet as necessary,

with members of the communities surrounding the Jessup Correctional Complex to address community concerns.

Further provided that it is the intent of the General Assembly that the Jessup Community Correctional Facility be operated as a minimum security facility and that no inmates with a security classification above minimum security shall be housed at that facility.

The budget committees shall have 45 days from the receipt of each of these reports to review and comment

10,000,000

Q00A01.06 Division of Capital Construction and Facilities Maintenance
General Fund Appropriation

2,021,527

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
Special Fund Appropriation

2,143,137

2,587,755

4,730,892

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

3,403,482

SUMMARY

Total General Fund Appropriation

62,603,520

| | | |
|--|--|-------------|
| Total Special Fund Appropriation | | 69,041,977 |
| Total Federal Fund Appropriation | | 10,432,869 |
| | | <hr/> |
| Total Appropriation | | 142,078,366 |
| | | <hr/> <hr/> |

DIVISION OF CORRECTION – HEADQUARTERS

Q00B01.01 General Administration

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 11,004,902 | |
| Special Fund Appropriation | 25,000 | |
| Federal Fund Appropriation | 172,776 | 11,202,678 |
| | <hr/> | |

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.

Provided that funds for correctional education services within this budget may not be expended by the division but may only be transferred via budget amendment to the Department of Labor, Licensing, and Regulation (DLLR) for the purposes of correctional education only. Funds not expended for these purposes shall revert to the General Fund or be cancelled.

Further provided that it is the intent of the General Assembly that all funding for correctional education purposes be appropriated within one agency, either entirely within the Department of Public Safety and Correctional Services and then accounted for as reimbursable funds within DLLR, or entirely within DLLR. The General Assembly is concerned that the practice of partially budgeting correctional education funds in more than one agency obscures the true level of spending for this purpose; therefore, all funds shall be budgeted within one agency beginning in the fiscal 2011 allowance.

Q00B01.02 Classification, Education and Religious Services

General Fund Appropriation, ~~provided that \$6,000,000 of this appropriation shall be reduced contingent upon the enactment of legislation to change the calculation of the formula for payments to local jurisdictions for Division of Correction inmates housed in local jail and detention facilities,~~ provided that this appropriation shall be reduced by ~~\$10,700,000~~ ~~\$5,000,000~~ **\$24,016,000** contingent on the enactment of HB 101 or SB 166 that contains provisions to modify the local jail reimbursement program and absolve the State of ~~all~~ prior year owed liabilities through June 30, 2009.

Further provided that this appropriation shall be reduced by \$1,694,431 contingent on the enactment of HB 101 or SB 166 that contains a provision to modify the local jail back-up reimbursement program

| | | |
|----------------------------------|------------|------------|
| | 31,306,642 | |
| Special Fund Appropriation | 603,174 | 31,909,816 |

Q00B01.03 Canine Operations

| | | |
|----------------------------------|--|-----------|
| General Fund Appropriation | | 1,823,735 |
|----------------------------------|--|-----------|

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 44,135,279 |
| Total Special Fund Appropriation | | 628,174 |
| Total Federal Fund Appropriation | | 172,776 |

| | | |
|---------------------------|--|------------|
| Total Appropriation | | 44,936,229 |
|---------------------------|--|------------|

JESSUP REGION

Q00B02.02 Jessup Correctional Institution

General Fund Appropriation, provided that \$2,000,000 of this appropriation shall be reduced contingent upon the enactment of

legislation to change the overtime calculation to be consistent with that of the federal Fair Labor Standards Act and provided that negotiations with AFSCME-IBT regarding any change in length of shift from eight to twelve hours are successful. The department is authorized to realign this reduction by approved budget amendment

| | | |
|----------------------------------|------------|------------|
| | 59,826,432 | |
| Special Fund Appropriation | 1,288,356 | 61,114,788 |

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 | 38,517,300 | |
| Special Fund Appropriation | 892,931 | 39,410,231 |

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 | 98,343,732 | |
| Total Special Fund Appropriation | 2,181,287 | |
| | | <hr style="width: 100%; margin-left: auto; margin-right: 0;"/> |
| Total Appropriation | | 100,525,019 |
| | | <hr style="width: 100%; margin-left: auto; margin-right: 0;"/> |

BALTIMORE REGION

Q00B03.01 Metropolitan Transition Center
 General Fund Appropriation, provided that \$1,000,000 of this appropriation shall be reduced contingent upon the enactment of

legislation to change the overtime calculation to be consistent with that of the federal Fair Labor Standards Act and provided that negotiations with AFSCME-IBT regarding any change in length of shift from eight to twelve hours are successful. The department is authorized to realign this reduction by approved budget amendment

| | | |
|----------------------------------|------------|------------|
| | 51,720,637 | |
| Special Fund Appropriation | 2,076,025 | 53,796,662 |

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 | 9,215,176 | |
| Special Fund Appropriation | 348,107 | |
| Federal Fund Appropriation | 13,407,748 | 22,971,031 |

Q00B03.04 Maryland Reception, Diagnostic, and Classification Center

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 42,762,867 | |
| Special Fund Appropriation | 315,306 | 43,078,173 |

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 | 4,657,763 | |
| Special Fund Appropriation | 517,318 | 5,175,081 |

Q00B03.07 Baltimore City Correctional Center

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 12,004,650 | |
| Special Fund Appropriation | 427,661 | 12,432,311 |

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 | 120,361,093 | |
| Total Special Fund Appropriation | 3,684,417 | |
| Total Federal Fund Appropriation | 13,407,748 | |
| | | <hr/> |
| Total Appropriation | 137,453,258 | <hr/> <hr/> |

HAGERSTOWN REGION

Q00B04.01 Maryland Correctional Institution – Hagerstown

General Fund Appropriation, provided that \$1,000,000 of this appropriation shall be reduced contingent upon the enactment of legislation to change the overtime calculation to be consistent with that of the federal Fair Labor Standards Act and provided that negotiations with AFSCME–IBT regarding any change in length of shift from eight to twelve hours are successful. The department is authorized to realign this reduction by approved budget amendment

| | | |
|----------------------------------|------------|------------|
| Special Fund Appropriation | 59,535,658 | |
| | 1,992,947 | 61,528,605 |
| | | <hr/> |

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

63,102,026

| | | |
|----------------------------------|-----------|------------|
| Special Fund Appropriation | 2,696,527 | 65,798,553 |
| | <hr/> | |

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 | 43,243,127 | |
| Special Fund Appropriation | 1,250,422 | 44,493,549 |
| | <hr/> | |

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 | | 165,880,811 |
| Total Special Fund Appropriation | | 5,939,896 |
| | | <hr/> |
| Total Appropriation | | 171,820,707 |
| | | <hr/> <hr/> |

WOMEN'S FACILITIES

Q00B05.01 Maryland Correctional Institution for Women

| | | |
|----------------------------------|------------|-------------|
| General Fund Appropriation | 35,264,252 | |
| Special Fund Appropriation | 1,217,581 | 36,481,833 |
| | <hr/> | <hr/> <hr/> |

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.

Q00B06.01 General Administration

| | | |
|----------------------------------|--|-----------|
| General Fund Appropriation | | 7,402,701 |
|----------------------------------|--|-----------|

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 | 19,539,969 | |
| Special Fund Appropriation | 686,458 | 20,226,427 |

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 | 16,529,120 | |
| Special Fund Appropriation | 517,130 | 17,046,250 |

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 | 4,175,805 | |
| Special Fund Appropriation | 433,280 | 4,609,085 |

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 | 4,404,284 | |
| Special Fund Appropriation | 404,871 | 4,809,155 |

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 Laundry Facility

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 13,638,362 | |
| Special Fund Appropriation | 526,648 | 14,165,010 |

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.

Q00B06.12 Toulson Boot Camp

| | | |
|--|------------|------------|
| <u>General Fund Appropriation, provided that this appropriation shall be reduced by \$650,000 \$500,000, as a result of ceasing the operation of the Herman L. Toulson Boot Camp as an adult correctional boot camp as of July 1, 2009. The facility shall instead be converted to a standard operating minimum security facility. The facility shall be named the Herman L. Toulson Correctional Facility and inmates housed at the facility shall continue to participate in work release and educational programming</u> | 11,884,597 | |
| Special Fund Appropriation | 396,950 | 12,281,547 |

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 | 77,574,838 | |
| Total Special Fund Appropriation | 2,965,337 | |
| | | |
| Total Appropriation | 80,540,175 | |

EASTERN SHORE REGION

Q00B07.01 Eastern Correctional Institution

General Fund Appropriation, provided that \$1,170,000 of this appropriation shall be reduced contingent upon the enactment of legislation to change the overtime calculation to be consistent with that of the federal Fair Labor Standards Act and provided that negotiations with AFSCME-IBT regarding any change in length of shift from eight to twelve hours are successful. The department is authorized to realign this reduction by approved budget amendment

| | | |
|----------------------------------|------------|------------|
| | 90,205,347 | |
| Special Fund Appropriation | 3,180,727 | |
| Federal Fund Appropriation | 850,000 | 94,236,074 |
| | | |

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.

WESTERN MARYLAND REGION

Q00B08.01 Western Correctional Institution

General Fund Appropriation, provided that \$1,000,000 of this appropriation shall be reduced contingent upon the enactment of legislation to change the overtime calculation to be consistent with that of the federal Fair Labor Standards Act and provided that negotiations with AFSCME-IBT regarding any change in

length of shift from eight to twelve hours are successful. The department is authorized to realign this reduction by approved budget amendment

| | | |
|----------------------------------|------------|------------|
| | 49,092,352 | |
| Special Fund Appropriation | 1,445,359 | 50,537,711 |

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 | 39,958,557 | |
| Special Fund Appropriation | 662,612 | 40,621,169 |

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 89,050,909 |
| Total Special Fund Appropriation | | 2,107,971 |

| | | |
|---------------------------|--|------------|
| Total Appropriation | | 91,158,880 |
|---------------------------|--|------------|

MARYLAND CORRECTIONAL ENTERPRISES

| | | |
|---|--|------------|
| Q00B09.01 Maryland Correctional Enterprises | | |
| Special Fund Appropriation | | 59,556,504 |

MARYLAND PAROLE COMMISSION

| | | |
|---|--|-----------|
| Q00C01.01 General Administration and Hearings | | |
| General Fund Appropriation | | 5,333,398 |

DIVISION OF PAROLE AND PROBATION

| | | |
|----------------------------------|--|-----------|
| Q00C02.01 General Administration | | |
| General Fund Appropriation | | 4,633,432 |

| | | |
|---|--|--|
| Q00C02.02 Field Operations | | |
| General Fund Appropriation, provided that | | |

this appropriation shall be reduced by \$1,400,000 contingent upon the enactment of legislation increasing the fee for participants in the Drinking Driver Monitor Program.

Further provided that \$351,414 of this appropriation made for the purpose of purchasing motor vehicles may only be expended for that 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

| | | |
|----------------------------------|------------|------------|
| Special Fund Appropriation | 84,316,686 | |
| | 6,135,000 | 90,451,686 |
| | | |

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 | 9,188,815 | |
| Special Fund Appropriation | 249,225 | 9,438,040 |
| | | |

SUMMARY

| | | |
|--|-------------|--|
| Total General Fund Appropriation | 98,138,933 | |
| Total Special Fund Appropriation | 6,384,225 | |
| | | |
| Total Appropriation | 104,523,158 | |
| | | |

PATUXENT INSTITUTION

Q00D00.01 Services and Institutional Operations

General Fund Appropriation, provided that \$430,000 of this appropriation shall be reduced contingent upon the enactment of legislation to change the overtime calculation to be consistent with that of

the federal Fair Labor Standards Act and provided that negotiations with AFSCME-IBT regarding any change in the length of shift from eight to twelve hours are successful. The department is authorized to realign this reduction by approved budget amendment

| | | |
|----------------------------------|------------|-------------|
| | 47,285,932 | |
| Special Fund Appropriation | 685,923 | 47,971,855 |
| | <hr/> | <hr/> <hr/> |

INMATE GRIEVANCE OFFICE

| | | |
|----------------------------------|--|--------------------|
| Q00E00.01 General Administration | | |
| Special Fund Appropriation | | 614,867 |
| | | <u>612,567</u> |
| | | <hr/> <hr/> |

POLICE AND CORRECTIONAL TRAINING COMMISSIONS

| | | |
|----------------------------------|-----------|-------------|
| Q00G00.01 General Administration | | |
| General Fund Appropriation | 7,812,581 | |
| Special Fund Appropriation | 312,000 | 8,124,581 |
| | <hr/> | <hr/> <hr/> |

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 | 4,597,895 | |
| | <u>4,539,188</u> | |
| Federal Fund Appropriation | 2,500,000 | 7,097,895 |
| | | <u>7,039,188</u> |
| | <hr/> | <hr/> <hr/> |

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

| | | |
|---|--|--|
| Q00N00.01 General Administration | | |
| General Fund Appropriation, <u>provided that this appropriation made for the purpose of operating expenses for the Maryland</u> | | |

Commission on Correctional Standards
may only be expended for that 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

531,982

DIVISION OF PRETRIAL DETENTION AND SERVICES

Q00P00.01 General Administration
General Fund Appropriation 9,531,811

Q00P00.02 Pretrial Release Services
General Fund Appropriation 5,564,877

Q00P00.03 Baltimore City Detention Center
General Fund Appropriation, provided that
\$1,400,000 of this appropriation shall be
reduced contingent upon the enactment of
legislation to change the overtime
calculation to be consistent with that of
the federal Fair Labor Standards Act and
provided that negotiations with
AFSCME-IBT regarding any change in
the length of shift from eight to twelve
hours are successful. The department is
authorized to realign this appropriation by
approved budget amendment 91,971,973
Special Fund Appropriation 2,045,084
Federal Fund Appropriation 9,909 94,026,966

Q00P00.04 Central Booking and Intake Facility
General Fund Appropriation 50,642,732
Special Fund Appropriation 119,147 50,761,879

SUMMARY

Total General Fund Appropriation 157,711,393
Total Special Fund Appropriation 2,164,231
Total Federal Fund Appropriation 9,909

Total Appropriation 159,885,533

STATE DEPARTMENT OF EDUCATION

HEADQUARTERS

R00A01.01 Office of the State Superintendent

General Fund Appropriation, provided that it is the intent of the General Assembly that the Maryland State Department of Education (MSDE) practice of entering into contracts with local education agencies allowing local personnel to provide services to the State while remaining on local payroll be used in special, short-term projects, where local talent is a necessity. ~~These contracts shall not last longer than 3 years and shall not include supervisory or managerial positions.~~

~~*Further provided that the total number of these contracts shall be reduced to no more than 43 in fiscal 2010. It is the intent of the General Assembly that all loaned educator contracts currently funded with federal funds shall be converted into federally funded regular positions. This may either be accomplished by reclassifying vacant positions or creating positions through the Board of Public Works (BPW). Further provided that the General Fund Appropriation for MSDE contracts is reduced by \$370,000. Further provided that since these personnel are currently providing services to the State any regular positions created through BPW for the purpose of converting these functions into a regular position, and filled by an individual currently in a reimbursable contract with a local school system, shall not count against the Rule of 250.*~~

Further provided that the General Fund Appropriation made for MSDE contracts is reduced by \$150,000.

Further provided that MSDE shall provide a report on the number of these contracts and any conversion of these personnel to regular positions to the General Assembly by December 15, 2009. MSDE shall also provide reports to the budget committees in the special circumstances prior to entering into any new loaned educator contract to provide short-term assistance to the State. The budget committees shall have 45 days to review and comment from the date of receipt of any report

| | | |
|----------------------------------|-----------|------------|
| | 6,518,540 | |
| Special Fund Appropriation | 627,655 | |
| Federal Fund Appropriation | 4,296,486 | 11,442,681 |

R00A01.02 Division of Business Services

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 2,071,594 | |
| Special Fund Appropriation | 152,570 | |
| Federal Fund Appropriation | 7,269,106 | 9,493,270 |

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.

R00A01.03 Division for Leadership Development

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 2,489,703 | |
| Federal Fund Appropriation | 537,335 | 3,027,038 |

R00A01.04 Division of Accountability and Assessment

General Fund Appropriation, provided that \$500,000 of this appropriation, made for the purpose of funding the Accountability and Assessment Program may not be expended until the Maryland State Department of Education (MSDE) submits a report to the budget committees outlining anticipated financial need for the program. The report shall include copies of executed contracts between the

State and testing vendors justifying cash flow expenditure needs for fiscal 2009, 2010, and 2011. The report shall be submitted by January 1, 2010. The budget committees shall have 45 days to review and comment from the date of receipt of the report. Further provided that it is the intent of the General Assembly that MSDE provide this report on January 1 annually thereafter

| | | |
|----------------------------------|------------|------------|
| | 34,449,863 | |
| Special Fund Appropriation | 467,972 | |
| Federal Fund Appropriation | 6,878,379 | 41,796,214 |

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 | 372,499 | |
| Federal Fund Appropriation | 2,673,253 | 3,045,752 |

R00A01.06 Major Information Technology Development Projects

| | | |
|----------------------------------|--|-----------|
| Federal Fund Appropriation | | 4,158,774 |
|----------------------------------|--|-----------|

R00A01.10 Division of Early Childhood Development

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 14,647,329 | |
| Federal Fund Appropriation | 20,267,059 | 34,914,388 |

R00A01.11 Division of Instruction

| | | |
|----------------------------------|-----------|------------|
| General Fund Appropriation | 4,822,887 | |
| Special Fund Appropriation | 1,074,528 | |
| Federal Fund Appropriation | 5,227,673 | 11,125,088 |

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 | 2,968,481 2,738,981 | |
| Special Fund Appropriation | 30,000 | |
| Federal Fund Appropriation | 3,731,473 | 6,729,954 6,500,454 |

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 | 826,767 | |
| Special Fund Appropriation | 621,129 | |
| Federal Fund Appropriation | 9,050,921 | 10,498,817 |

R00A01.14 Division of Career Technology and Adult Learning

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 1,834,184 | |
| Special Fund Appropriation | 643,170 | |
| Federal Fund Appropriation | 3,822,837 | 6,300,191 |

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.

R00A01.15 Division of Correctional Education

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 23,793,398 | |
| Special Fund Appropriation | 970,758 | |
| Federal Fund Appropriation | 1,495,253 | 26,259,409 |

R00A01.17 Division of Library Development and Services

| | | |
|--|------------|------------|
| General Fund Appropriation | 1,099,834 | |
| Federal Fund Appropriation | 2,081,551 | 3,181,385 |
| | <hr/> | |
| R00A01.18 Division of Certification and Accreditation | | |
| General Fund Appropriation | 2,887,724 | |
| Special Fund Appropriation | 223,221 | |
| Federal Fund Appropriation | 278,586 | 3,389,531 |
| | <hr/> | |
| 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 | 1,485,383 | |
| Special Fund Appropriation | 189,531 | |
| Federal Fund Appropriation | 7,755,431 | 9,430,345 |
| | <hr/> | |
| R00A01.21 Division of Rehabilitation Services – Client Services | | |
| General Fund Appropriation | 10,317,305 | |
| Federal Fund Appropriation | 24,096,569 | 34,413,874 |
| | <hr/> | |
| R00A01.22 Division of Rehabilitation Services – Workforce and Technology Center | | |
| General Fund Appropriation | 1,598,205 | |
| Federal Fund Appropriation | 7,449,930 | 9,048,135 |
| | <hr/> | |
| R00A01.23 Division of Rehabilitation Services – Disability Determination Services | | |
| Federal Fund Appropriation | | 31,902,770 |
| R00A01.24 Division of Rehabilitation Services – Blindness and Vision Services | | |
| General Fund Appropriation | 728,376 | |
| Special Fund Appropriation | 3,586,826 | |
| Federal Fund Appropriation | 4,032,395 | 8,347,597 |
| | <hr/> | |

SUMMARY

| | |
|--|-------------|
| Total General Fund Appropriation | 123,500,500 |
| Total Special Fund Appropriation | 8,587,360 |
| Total Federal Fund Appropriation | 147,005,781 |
| <hr/> | |
| Total Appropriation | 279,093,641 |
| <hr/> <hr/> | |

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 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 this appropriation shall be reduced by \$43,334,796 contingent upon the enactment of legislation to reduce the required appropriation for the supplemental grants to local jurisdictions. Further provided that ~~\$6,667,277~~ **\$30,838,493** of this appropriation made for the purpose of funding the State Share of the Foundation program shall be reduced contingent upon the enactment of HB 101 or SB 166.

Further provided that, **contingent on the failure of HB 960**, disbursement of \$36,000,000 of this appropriation to be disbursed to the Prince George's County Board of Education is contingent on the Board of Education terminating, cancelling, or not proceeding with any contract to purchase or lease a new administration building and paying no damages due to terminating, cancelling, or not proceeding with any contract

| | | |
|----------------------------------|--------------------------|--------------------------|
| | 2,782,732,517 | |
| | 2,776,065,240 | |
| | 2,782,732,517 | |
| Special Fund Appropriation | 90,000,000 | 2,872,732,517 |

2,866,065,240
2,872,732,517

| | | | |
|--|--|-------------|------------|
| R00A02.02 Compensatory Education | | | |
| General Fund Appropriation | | 940,680,531 | |
| R00A02.03 Aid for Local Employee Fringe Benefits | | | |
| General Fund Appropriation | | 774,330,507 | |
| R00A02.04 Children at Risk | | | |
| General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of making a grant to the SEED School of Maryland may not be expended until the Maryland State Department of Education and the SEED School of Maryland jointly agree to a memorandum of understanding (MOU) which outlines a policy whereby the school reverts general funds in recognition of unfilled student slots for which the State has paid. This policy shall recognize that \$25,000 shall be reverted to the General Fund if the school is appropriated funds for a student who does not complete either semester, if that student is not replaced from the waiting list, or that \$12,500 shall be reverted to the General Fund if the school is appropriated funds for a student who does not complete one semester provided that the student is not replaced with another student from the waiting list. A copy of the executed MOU shall be submitted to the budget committees by July 1, 2009, and the budget committees shall have 45 days to review and comment from the date of receipt | | 4,000,000 | |
| Special Fund Appropriation | | 1,412,487 | |
| Federal Fund Appropriation | | 14,309,226 | 19,721,713 |

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 6,000,000

R00A02.07 Students With Disabilities
 General Fund Appropriation, provided that this appropriation shall be reduced by ~~\$48,330,077~~ \$16,110,024 contingent upon the enactment of legislation to reduce the required appropriation for the Non-Public Placements program 407,710,353

To provide funds as follows:
 Formula 268,441,043
 Non-Public Placement
 Program 128,880,206
 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 195,788,485

R00A02.09 Gifted and Talented
 Federal Fund Appropriation 1,555,852

R00A02.10 Environmental Education

General Fund Appropriation, provided that it is the intent of the General Assembly that the NorthBay Environmental Education Program be transferred to the Funding for Educational Organizations budget in fiscal 2011

~~775,000~~
~~612,000~~
625,000

R00A02.12 Educationally Deprived Children

Federal Fund Appropriation

197,709,587

R00A02.13 Innovative Programs

General Fund Appropriation
 Federal Fund Appropriation

2,766,206
 21,548,813

24,315,019

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.

R00A02.14 Adult Continuing Education

General Fund Appropriation
 Federal Fund Appropriation

6,933,622
 6,814,797

13,748,419

R00A02.15 Language Assistance

Federal Fund Appropriation

8,458,785

R00A02.18 Career and Technology Education

Federal Fund Appropriation

16,574,615

R00A02.24 Limited English Proficient

General Fund Appropriation

148,635,531

R00A02.25 Guaranteed Tax Base

General Fund Appropriation

63,828,679

R00A02.27 Food Services Program

General Fund Appropriation
 Federal Fund Appropriation

7,156,664
 198,916,689

206,073,353

R00A02.31 Public Libraries

General Fund Appropriation, provided that this appropriation shall be reduced by ~~\$3,615,315~~ \$2,410,213 contingent upon the enactment of legislation to reduce the required appropriation for the support of county public libraries. Further provided that \$553,243 of this appropriation made for the purpose of funding the local library formula aid shall be reduced contingent upon the enactment of HB 101 or SB 166 .

| | | |
|----------------------------------|-----------------------|-----------------------|
| | 36,182,856 | |
| | <u>35,629,613</u> | |
| | <u>36,182,856</u> | |
| Federal Fund Appropriation | 1,488,627 | 37,671,483 |
| | | <u>37,118,240</u> |
| | | <u>37,671,483</u> |

R00A02.32 State Library Network

General Fund Appropriation, provided that this appropriation shall be reduced by \$1,695,959 contingent upon the enactment of legislation to reduce the required appropriation for regional resource centers

17,304,590

R00A02.39 Transportation

General Fund Appropriation

242,336,939

R00A02.52 Science and Mathematics Education Initiative

General Fund Appropriation

~~2,321,115~~

1,321,115

Federal Fund Appropriation

1,709,701

~~4,030,816~~

3,030,816

R00A02.53 School Technology

Federal Fund Appropriation

3,234,017

R00A02.54 School Quality, Accountability and Recognition of Excellence

General Fund Appropriation

~~4,912,345~~

0

R00A02.55 Teacher Development

General Fund Appropriation, provided that

this appropriation shall be reduced by \$5,325,000 contingent upon the enactment of legislation to reduce the required appropriation for the Quality Teachers Incentive program.....

| | | |
|----------------------------------|------------|------------|
| | 10,973,000 | |
| Special Fund Appropriation | 520,000 | |
| Federal Fund Appropriation | 39,000,000 | 50,493,000 |

| | | |
|--|--|------------|
| R00A02.57 Transitional Education Funding Program | | |
| General Fund Appropriation | | 10,575,000 |

| | | |
|---|--|----------------------|
| R00A02.58 Head Start | | |
| General Fund Appropriation, provided that these funds shall be reduced by \$3,000,000 contingent upon the availability of federal funds for Head Start summer programs, provided that \$1,800,000 of this appropriation may not be expended until the Maryland State Department of Education submits a report to the budget committees indicating whether or not federal funds received from the American Recovery and Reinvestment Act of 2009 for the Head Start program may be used for summer programs, and before and after school programs for Head Start enrolled children. It is the intent of the General Assembly that the department revert \$1,800,000 in general funds if the federal stimulus funds may be used for these purposes | | 3,000,000 |
| | | <u>0</u> |
| | | 3,000,000 |
| | | <u>1,800,000</u> |

| | | |
|--------------------------------------|-----------------------|------------------------|
| R00A02.59 Child Care Subsidy Program | | |
| General Fund Appropriation | 36,204,000 | |
| | 34,304,000 | |
| Federal Fund Appropriation | 67,897,499 | 104,101,499 |
| | | <u>102,201,499</u> |

SUMMARY

| | |
|--|---------------|
| Total General Fund Appropriation | 5,500,197,110 |
| Total Special Fund Appropriation | 91,932,487 |
| Total Federal Fund Appropriation | 775,006,693 |
| | <hr/> |
| Total Appropriation | 6,367,136,290 |
| | <hr/> <hr/> |

FUNDING FOR EDUCATIONAL ORGANIZATIONS

| | |
|---|----------------------|
| R00A03.01 Maryland School for the Blind | |
| General Fund Appropriation | 17,847,830 |
| R00A03.02 Blind Industries and Services of Maryland | |
| General Fund Appropriation | 601,350 |
| R00A03.03 Funding for Educational Organizations | |
| General Fund Appropriation | 4,784,940 |
| | 3,784,940 |
| | <u>4,784,940</u> |
| Alice Ferguson Foundation | 72,988 |
| Alliance of Southern Prince George's Communities, Inc. | 29,195 |
| American Visionary Art Museum | 13,829 |
| Arts Excel-Baltimore Symphony Orchestra | 58,390 |
| B&O Railroad Museum | 55,317 |
| Baltimore Museum of Industry | 73,756 |
| Best Buddies International (MD Program) | 145,976 |
| Chesapeake Bay Foundation | 383,379 |
| Chesapeake Bay Maritime Museum | 18,439 |
| Citizenship Law-Related Education | 26,890 |
| College Bound | 33,037 |
| The Dyslexia Tutoring Program, Inc. | 33,037 |
| Echo Hill Outdoor School | 49,171 |
| Imagination Stage | 218,964 |
| Jewish Museum of Maryland | 11,524 |
| Junior Achievement of Central Maryland | 36,878 |
| Living Classrooms Foundation | 279,660 |

| | |
|---|---------|
| Maryland Academy of Sciences | 802,868 |
| Maryland Historical Society | 109,866 |
| Maryland Humanities Council | 38,415 |
| Maryland Leadership Workshops | 39,951 |
| Maryland Mathematics, Engineering and Science Achievement | 69,915 |
| Maryland Zoo in Baltimore – Education Component | 746,784 |
| National Aquarium in Baltimore | 436,391 |
| National Great Blacks in Wax Museum | 36,878 |
| National Museum of Ceramic Art and Glass | 18,439 |
| Olney Theatre | 128,306 |
| Outward Bound | 116,781 |
| Port Discovery | 102,183 |
| Salisbury Zoological Park | 16,134 |
| Sotterley Foundation | 11,524 |
| South Baltimore Learning Center | 36,878 |
| State Mentoring Resource Center | 69,915 |
| Sultana Projects | 18,439 |
| Super Kids Camp | 359,562 |
| The Village Learning Place, Inc. | 39,951 |
| Walters Art Museum | 14,598 |
| Ward Museum | 30,732 |

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

2,440,000

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.

SUMMARY

| | |
|--|-------------|
| Total General Fund Appropriation | 23,234,120 |
| Total Special Fund Appropriation | 2,440,000 |
| | <hr/> |
| Total Appropriation | 25,674,120 |
| | <hr/> <hr/> |

CHILDREN'S CABINET INTERAGENCY FUND

| | |
|---|-----------------------|
| R00A04.01 Children's Cabinet Interagency Fund | |
| General Fund Appropriation | 32,556,475 |
| | <u>29,056,475</u> |

| | | |
|----------------------------------|-----------|--|
| Federal Fund Appropriation | 7,323,989 | 30,880,464 <u>36,380,464</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.

MORGAN STATE UNIVERSITY

R13M00.00 Morgan State University

Current Unrestricted Appropriation, provided that the appropriation herein for Morgan State University shall be reduced by ~~\$970,839~~ ~~\$655,622~~ **\$674,716** in current unrestricted funds. This reduction shall not reduce the number of students projected to be enrolled.

Further provided that \$1,500,000 of this appropriation, made for the purpose of improving student retention and graduation rates, may not be expended until:

- (1) the public historically black institutions (HBIs) and the Maryland Higher Education Commission submit a report that outlines the programs and services that are needed and have shown success in promoting academic achievement to ensure that undergraduate students at HBIs who are less prepared for college graduate. The programs and services shall be comprehensive and use criteria for academic achievement that are shared by all HBIs, which shall include graduation rates as the primary criterion. The report shall be submitted to the budget committees by September 1, 2009;

and

- (2) Morgan State University submits a report that outlines how the funds will be used to implement the new program and the measures that will be used to evaluate performance, including graduation rate. The report shall include how all funds for the new program will be spent. The report shall be submitted to the budget committees by October 1, 2009.

| | | |
|--|-------------|-------------|
| <u>The budget committees shall have 45 days to review and comment on each report</u> | 159,844,849 | |
| Current Restricted Appropriation | 39,000,926 | 198,845,775 |
| | <hr/> | <hr/> <hr/> |

ST. MARY'S COLLEGE OF MARYLAND

| | | |
|--|------------|-------------|
| R14D00.00 St. Mary's College of Maryland | | |
| Current Unrestricted Appropriation | 64,426,364 | |
| Current Restricted Appropriation | 3,600,000 | 68,026,364 |
| | <hr/> | <hr/> <hr/> |

MARYLAND PUBLIC BROADCASTING COMMISSION

| | | |
|---|------------|------------|
| R15P00.01 Executive Direction and Control | | |
| Special Fund Appropriation | | 894,842 |
| R15P00.02 Administration and Support Services | | |
| General Fund Appropriation | 9,143,000 | |
| Special Fund Appropriation | 1,593,962 | 10,736,962 |
| | <hr/> | |
| R15P00.03 Broadcasting | | |
| Special Fund Appropriation | 10,106,622 | |
| Federal Fund Appropriation | 3,013,340 | 13,119,962 |
| | <hr/> | |
| R15P00.04 Content Enterprises | | |
| Special Fund Appropriation | 5,047,226 | |
| Federal Fund Appropriation | 230,000 | 5,277,226 |
| | <hr/> | |

SUMMARY

| | | |
|--|------------|-------------|
| Total General Fund Appropriation | 9,143,000 | |
| Total Special Fund Appropriation | 17,642,652 | |
| Total Federal Fund Appropriation | 3,243,340 | |
| | | <hr/> |
| Total Appropriation | 30,028,992 | <hr/> <hr/> |

UNIVERSITY SYSTEM OF MARYLAND

Provided that the appropriation herein for the University System of Maryland institutions shall be reduced by ~~\$9,367,562~~ ~~\$5,649,966~~ **\$5,886,973** in current unrestricted funds. This reduction shall not reduce the number of students projected to be enrolled.

~~Further provided that the appropriation herein for the University System of Maryland institutions shall be reduced by \$1,000,000 in current unrestricted funds.~~

UNIVERSITY OF MARYLAND, BALTIMORE

| | | |
|---|-------------|-------------|
| R30B21.00 University of Maryland, Baltimore | | |
| Current Unrestricted Appropriation | 512,540,297 | |
| Current Restricted Appropriation | 431,869,129 | 944,409,426 |
| | | <hr/> <hr/> |

UNIVERSITY OF MARYLAND, COLLEGE PARK

| | | |
|--|---------------|---------------|
| R30B22.00 University of Maryland, College Park | | |
| Current Unrestricted Appropriation | 1,208,611,154 | |
| Current Restricted Appropriation | 361,332,556 | 1,569,943,710 |
| | | <hr/> <hr/> |

BOWIE STATE UNIVERSITY

R30B23.00 Bowie State University
Current Unrestricted Appropriation, provided that \$1,500,000 of this appropriation, made for the purpose of improving student retention and graduation rates, may not be expended until:

(1) the public historically black institutions (HBIs) and the Maryland Higher Education Commission submit a report that outlines the programs and services that are needed and have shown success in promoting academic achievement to ensure that undergraduate students at HBIs that are less prepared for college graduate. The programs and services shall be comprehensive and use criteria for academic achievement that are shared by all HBIs, which shall include graduation rates as the primary criterion. The report shall be submitted to the budget committees by September 1, 2009; and

(2) Bowie State University submits a report that outlines how the funds will be used to implement the new program and the measures that will be used to evaluate performance, including graduation rate. The report shall include how all funds for the new program will be spent. The report shall be submitted to the budget committees by October 1, 2009.

| | | |
|--|------------|-------------|
| <u>The budget committees shall have 45 days to review and comment on each report</u> | 82,216,804 | |
| Current Restricted Appropriation | 15,067,477 | 97,284,281 |
| | <hr/> | <hr/> <hr/> |

TOWSON UNIVERSITY

| | | |
|--|-------------|-------------|
| R30B24.00 Towson University | | |
| Current Unrestricted Appropriation | 342,504,994 | |
| Current Restricted Appropriation | 40,411,388 | 382,916,382 |
| | <hr/> | <hr/> <hr/> |

UNIVERSITY OF MARYLAND EASTERN SHORE

R30B25.00 University of Maryland Eastern Shore
Current Unrestricted Appropriation, provided
that \$1,500,000 of this appropriation,
made for the purpose of improving student
retention and graduation rates, may not
be expended until:

(1) the public historically black
institutions (HBIs) and the
Maryland Higher Education
Commission submit a report that
outlines the programs and services
that are needed and have shown
success in promoting academic
achievement to ensure that
undergraduate students at HBIs
that are less prepared for college
graduate. The programs and
services shall be comprehensive
and use criteria for academic
achievement that are shared by all
HBIs, which shall include
graduation rates as the primary
criterion. The report shall be
submitted to the budget
committees by September 1, 2009;
and

(2) the University of Maryland
Eastern Shore submits a report
that outlines how the funds will be
used to implement the new
program and the measures that
will be used to evaluate
performance, including graduation
rate. The report shall include how
all funds for the new program will
be spent. The report shall be
submitted to the budget
committees by October 1, 2009.

The budget committees shall have 45 days to
review and comment on each report

79,243,698

Current Restricted Appropriation

30,011,242

109,254,940



FROSTBURG STATE UNIVERSITY

R30B26.00 Frostburg State University

| | | |
|--|------------|------------|
| Current Unrestricted Appropriation | 85,681,751 | |
| Current Restricted Appropriation | 7,851,500 | 93,533,251 |

COPPIN STATE UNIVERSITY

R30B27.00 Coppin State University

Current Unrestricted Appropriation, provided that \$1,500,000 of this appropriation, made for the purpose of improving student retention and graduation rates, may not be expended until:

- (1) the public historically black institutions (HBIs) and the Maryland Higher Education Commission submit a report that outlines the programs and services that are needed and have shown success in promoting academic achievement to ensure that undergraduate students at HBIs that are less prepared for college graduate. The programs and services shall be comprehensive and use criteria for academic achievement that are shared by all HBIs, which shall include graduation rates as the primary criterion. The report shall be submitted to the budget committees by September 1, 2009; and
- (2) Coppin State University submits a report that outlines how the funds will be used to implement the new program and the measures that will be used to evaluate performance, including graduation rate. The report shall include how all funds for the new program will be spent. The report shall be submitted to the budget

committees by October 1, 2009.

| | | |
|--|------------|-------------|
| <u>The budget committees shall have 45 days to review and comment on each report</u> | 67,283,251 | |
| Current Restricted Appropriation | 22,826,010 | 90,109,261 |
| | <hr/> | <hr/> <hr/> |

UNIVERSITY OF BALTIMORE

| | | |
|--|------------|-------------|
| R30B28.00 University of Baltimore | | |
| Current Unrestricted Appropriation | 95,071,557 | |
| Current Restricted Appropriation | 6,795,000 | 101,866,557 |
| | <hr/> | <hr/> <hr/> |

SALISBURY UNIVERSITY

| | | |
|--|-------------|-------------|
| R30B29.00 Salisbury University | | |
| Current Unrestricted Appropriation | 129,930,478 | |
| Current Restricted Appropriation | 6,556,464 | 136,486,942 |
| | <hr/> | <hr/> <hr/> |

UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE

| | | |
|---|-------------|-------------|
| R30B30.00 University of Maryland University College | | |
| Current Unrestricted Appropriation | 289,270,465 | |
| Current Restricted Appropriation | 10,000,000 | 299,270,465 |
| | <hr/> | <hr/> <hr/> |

UNIVERSITY OF MARYLAND BALTIMORE COUNTY

| | | |
|---|-------------|-------------|
| R30B31.00 University of Maryland Baltimore County | | |
| Current Unrestricted Appropriation | 262,082,014 | |
| Current Restricted Appropriation | 87,189,287 | 349,271,301 |
| | <hr/> | <hr/> <hr/> |

UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE

| | | |
|---|------------|-------------|
| R30B34.00 University of Maryland Center for Environmental Science | | |
| Current Unrestricted Appropriation | 24,703,046 | |
| Current Restricted Appropriation | 19,720,790 | 44,423,836 |
| | <hr/> | <hr/> <hr/> |

UNIVERSITY OF MARYLAND BIOTECHNOLOGY INSTITUTE

| | | |
|--|------------|-------------|
| R30B35.00 University of Maryland Biotechnology Institute | | |
| Current Unrestricted Appropriation | 31,230,187 | |
| Current Restricted Appropriation | 15,900,000 | 47,130,187 |
| | <hr/> | <hr/> <hr/> |

UNIVERSITY SYSTEM OF MARYLAND OFFICE

R30B36.00 University System of Maryland Office

~~Current Unrestricted Appropriation, provided the appropriation herein for the University System of Maryland Office (USMO) shall be reduced by \$500,000. USMO shall allocate the reduction of the \$500,000 to the University System of Maryland at Hagerstown (USMH). Further provided it is the intent of the General Assembly that funding for USMH shall be reduced over 4 years to an amount consistent with the regional higher education funding strategy which is used to fund most of the other regional higher education centers in the State, and USMH shall seek other sources of funding.~~

~~Further provided that it is the intent of the General Assembly that the Washington County Delegation of the General Assembly establish a task force to study the fiscal and programmatic viability of the USMH. The study of the task force shall include, but not be limited to, consideration of non-University System of Maryland programs and institutions and financial support from local governments and the community. The task force shall submit a report to the budget committees on or before September 1, 2009, identifying and recommending ways to improve the long-term academic and financial outlook of the center~~

| | | |
|--|------------|-------------|
| financial outlook of the center | 24,522,292 | |
| Current Restricted Appropriation | 4,000,000 | 28,522,292 |
| | <hr/> | <hr/> <hr/> |

MARYLAND HIGHER EDUCATION COMMISSION

It is the intent of the General Assembly that the Maryland Higher Education Commission (MHEC) in collaboration with the University System of Maryland (USM) shall convene a workgroup consisting of:

- (1) local elected officials, including the Mayor of Hagerstown and the President of the Washington County Commissioners;*
- (2) representatives from Hagerstown Community College;*
- (3) business and the community leaders including representatives of the Greater Hagerstown Committee and the Hagerstown/Washington County Chamber of Commerce; and*
- (4) other stakeholders including the University System of Maryland at Hagerstown (USMH) Advisory Board and the President of Kaplan College in Hagerstown.*

The workgroup shall study the fiscal and programmatic viability of USMH. The workgroup review shall include considering the most appropriate governance structure for the center; ensuring the financial and programmatic success of the center including strengthening the relationship with Hagerstown Community College; increasing local participation, both financial and non-financial; and expanding programmatic offerings to include non-USM programs and institutions. MHEC shall report to the budget committees on or before September 1, 2009, on the recommendations of the workgroup which shall include

recommendations to improve the immediate and long-term success of the center.

R62I00.01 General Administration

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 6,367,692 | |
| Special Fund Appropriation | 389,792 | |
| Federal Fund Appropriation | 590,849 | 7,348,333 |

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 \$15,633,522 contingent upon the enactment of legislation to reduce the required appropriation for the support of non-public institutions of higher education | | 66,079,480 |
| | | 45,445,958 |
| | | 56,051,065 |
| | | <u>52,177,751</u> |

~~It is the intent of the General Assembly that financial aid for undergraduate Maryland resident students funded by Joseph A. Sellinger Formula aid be held harmless from reductions to the Sellinger program to the furthest extent possible.~~

~~Further provided that in reporting financial aid data to the Maryland Higher Education Commission Financial Aid Information System, independent institutions receiving funds through the~~

~~Joseph A. Sellinger Formula shall report on all financial aid funded by this source, and that such data be clearly identified as Sellinger supported aid.~~

Further provided that it is the intent of the General Assembly that the General Fund Appropriation to support Baltimore Hebrew University as provided by the Joseph A. Sellinger Formula shall be transferred to the Baltimore Hebrew Institute at Towson University contingent on the acquisition of the programs and operations of Baltimore Hebrew University by Towson University.

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 \$49,912,643 contingent upon the enactment of legislation to reduce the required appropriation for the support of community colleges, provided that no college shall receive less than it received in fiscal 2008.~~

Further provided that it is the intent of the General Assembly that no State funding may be used to provide salary and wage increases to community college employees ..

~~259,178,924~~
~~224,115,185~~
~~225,554,761~~
225,129,796

R62I00.06 Aid to Community Colleges – Fringe Benefits

General Fund Appropriation

42,159,819

R62I00.07 Educational Grants

General Fund Appropriation, provided that this appropriation shall be reduced by \$1,500,000 contingent upon the enactment of legislation reauthorizing the Higher Education Investment Fund. Authorization is hereby provided to

| | | |
|--|----------------------|-----------------------|
| process a Special Fund budget amendment of \$1,500,000 to replace the aforementioned General Fund amount | 8,642,809 | |
| | 6,015,500 | |
| | 6,636,000 | |
| | 6,936,000 | |
| Federal Fund Appropriation | 1,693,077 | 10,335,886 |
| | | 7,708,577 |
| | | 8,329,077 |
| | | 8,629,077 |

To provide Education Grants to various State, Local and Private Entities

| | |
|---|----------------------|
| Improving Teacher Quality | 1,077,485 |
| OCR Enhancement Fund | 4,900,000 |
| Washington Center for Internships & Academic Seminars | 50,000 |
| Interstate Educational Compacts in Optometry | 165,500 |
| UMBI, Maryland – Israeli Partnership | 125,000 |
| | 0 |
| UMB – WellMobile Program | 570,500 |
| Regional Higher Education Centers | 850,000 |
| “Maryland Go For It!” Outreach Activities | 100,000 |
| Harry Hughes Center for Agro-Ecology | 381,809 |
| | 300,000 |
| Higher Education Investment Workforce Initiatives | 1,500,000 |
| | 0 |
| College Access Challenge Grant ... | 615,592 |

R62I00.10 Educational Excellence Awards

| | | |
|----------------------------------|------------|------------|
| General Fund Appropriation | 75,488,530 | |
| Federal Fund Appropriation | 1,271,546 | 76,760,076 |

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 | | 4,851,000 |
| 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 | | 1,475,175 |
| R62I00.19 Physician Assistant–Nurse Practitioner Training Program General Fund Appropriation | | 73,538 |
| R62I00.20 Distinguished Scholar Program General Fund Appropriation | | 4,111,450 |
| R62I00.21 Jack F. Tolbert Memorial Student Grant Program General Fund Appropriation | | 277,500 |
| R62I00.26 Janet L. Hoffman Loan Assistance Repayment Program General Fund Appropriation | 2,032,795 | |
| Special Fund Appropriation | 400,000 | 2,432,795 |

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, ~~provided that this appropriation shall be reduced by \$265,640 contingent upon the enactment of legislation delaying payments from the State to eligible institutions under the Private Donation Incentive program until~~

| | |
|--|--|
| fiscal year 2011 | 265,640 <u>145,909</u> |
| R62I00.33 Part-time Grant Program General Fund Appropriation | 5,910,293 |
| R62I00.36 Workforce Shortage Student Assistance Grants General Fund Appropriation | 3,966,005 <u>1,951,084</u> |
| R62I00.37 Veterans of the Afghanistan and Iraq Conflicts Scholarships General Fund Appropriation | 750,000 |
| R62I00.38 Nurse Support Program II Special Fund Appropriation | 13,939,026 |
| R62I00.39 Health Personnel Shortage Incentive Grant Program Special Fund Appropriation | 400,000 |

SUMMARY

| | |
|--|--------------------|
| Total General Fund Appropriation | 437,985,785 |
| Total Special Fund Appropriation | 15,128,818 |
| Total Federal Fund Appropriation | 4,755,472 |
| | <hr/> |
| Total Appropriation | <u>457,870,075</u> |

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 2009 and January 1 and April 1 of 2010. 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 | 186,870,746 |
| R30B22 | University of Maryland, College Park..... | 424,493,028 |
| R30B23 | Bowie State University .. | 36,329,591 |
| R30B24 | Towson University | 93,677,969 |
| R30B25 | University of Maryland Eastern Shore | 33,420,307 |
| R30B26 | Frostburg State University | 34,411,536 |
| R30B27 | Coppin State University | 38,864,219 |
| R30B28 | University of Baltimore .. | 31,729,303 |
| R30B29 | Salisbury University | 40,807,843 |
| R30B30 | University of Maryland University College | 31,551,046 |
| R30B31 | University of Maryland Baltimore County | 92,760,877 |
| R30B34 | University of Maryland Center for Environmental Science..... | 18,454,835 |
| R30B35 | University of Maryland Biotechnology Institute | 21,192,103 |
| R30B36 | University System of Maryland Office | 19,891,434 |
| Subtotal University System of Maryland..... | | 1,104,454,837 |
| R95C00 | Baltimore City Community College | 45,024,545 42,408,385 |
| R14D00 | St. Mary's College of Maryland..... | 17,372,261 |
| R13M00 | Morgan State University | 76,032,516 |

General Fund Appropriation, provided that this appropriation shall be reduced by \$45,032,000 contingent upon the enactment of legislation reauthorizing the

Higher Education Investment Fund. Authorization is hereby provided to process a Special Fund budget amendment of \$45,032,000 to replace the aforementioned General Fund amount.

~~Further provided that this appropriation shall be reduced by \$2,383,467 contingent upon the enactment of legislation to reduce the required appropriation for Baltimore City Community College.~~

Further provided that the appropriation herein for Morgan State University shall be reduced by ~~\$970,839~~ ~~\$655,622~~ **\$674,716** in general funds. *This reduction shall not reduce the number of students projected to be enrolled.*

Further provided that the appropriation herein for the University System of Maryland institutions shall be reduced by ~~\$9,367,562~~ ~~\$5,649,966~~ **\$5,886,973** in general funds. *This reduction shall not reduce the number of students projected to be enrolled.*

~~Further provided that the appropriation herein for the University System of Maryland institutions shall be reduced by \$1,000,000 in general funds.~~

~~Further provided the appropriation herein for the University System of Maryland Office (USMO) shall be reduced by \$500,000. USMO shall allocate the reduction of the \$500,000 to the University System of Maryland at Hagerstown (USMH). Further provided it is the intent of the General Assembly that funding for USMH shall be reduced over 4 years to an amount consistent with the regional higher education funding strategy which is used to fund most of the other regional higher education centers in the State, and USMH shall seek other sources of funding.~~

Further provided that \$1,500,000 of this

appropriation, made for the purpose of improving student retention and graduation rates, may not be expended until:

- (1) the public historically black institutions (HBIs) and the Maryland Higher Education Commission submit a report that outlines the programs and services that are needed and have shown success in promoting academic achievement to ensure that undergraduate students at HBIs that are less prepared for college graduate. The programs and services shall be comprehensive and use criteria for academic achievement that are shared by all HBIs, which shall include graduation rates as the primary criterion. The report shall be submitted to the budget committees by September 1, 2009; and
- (2) Morgan State University submits a report that outlines how the funds will be used to implement the new program and the measures that will be used to evaluate performance, including graduation rate. The report shall include how all funds for the new program will be spent. The report shall be submitted to the budget committees by October 1, 2009.

The budget committees shall have 45 days to review and comment on each report.

Further provided that \$1,500,000 of this appropriation, made for the purpose of improving student retention and graduation rates, may not be expended until:

- (1) the public historically black institutions (HBIs) and the Maryland Higher Education Commission submit a report that outlines the programs and services that are needed and have shown success in promoting academic achievement to ensure that undergraduate students at HBIs that are less prepared for college graduate. The programs and services shall be comprehensive and use criteria for academic achievement that are shared by all HBIs, which shall include graduation rates as the primary criterion. The report shall be submitted to the budget committees by September 1, 2009; and

- (2) the University of Maryland Eastern Shore submits a report that outlines how the funds will be used to implement the new program and the measures that will be used to evaluate performance, including graduation rate. The report shall include how all funds for the new program will be spent. The report shall be submitted to the budget committees by October 1, 2009.

The budget committees shall have 45 days to review and comment on each report.

Further provided that \$1,500,000 of this appropriation, made for the purpose of improving student retention and graduation rates, may not be expended until:

- (1) the public historically black institutions (HBIs) and the Maryland Higher Education Commission submit a report that

outlines the programs and services that are needed and have shown success in promoting academic achievement to ensure that undergraduate students at HBIs that are less prepared for college graduate. The programs and services shall be comprehensive and use criteria for academic achievement that are shared by all HBIs, which shall include graduation rates as the primary criterion. The report shall be submitted to the budget committees by September 1, 2009; and

- (2) Coppin State University submits a report that outlines how the funds will be used to implement the new program and the measures that will be used to evaluate performance, including graduation rate. The report shall include how all funds for the new program will be spent. The report shall be submitted to the budget committees by October 1, 2009.

The budget committees shall have 45 days to review and comment on each report.

Further provided that \$1,500,000 of this appropriation, made for the purpose of improving student retention and graduation rates, may not be expended until:

- (1) the public historically black institutions (HBIs) and the Maryland Higher Education Commission submit a report that outlines the programs and services that are needed and have shown success in promoting academic achievement to ensure that undergraduate students at HBIs

that are less prepared for college graduate. The programs and services shall be comprehensive and use criteria for academic achievement that are shared by all HBIs, which shall include graduation rates as the primary criterion. The report shall be submitted to the budget committees by September 1, 2009; and

- (2) Bowie State University submits a report that outlines how the funds will be used to implement the new program and the measures that will be used to evaluate performance, including graduation rate. The report shall include how all funds for the new program will be spent. The report shall be submitted to the budget committees by October 1, 2009.

The budget committees shall have 45 days to review and comment on each report

~~1,242,884,159~~
~~1,240,042,458~~
~~1,240,332,502~~
1,240,267,999

Special Fund Appropriation, provided that \$6,996,026 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

7,541,189 ~~1,250,425,348~~
~~1,247,583,647~~
~~1,247,873,691~~
1,247,809,188

BALTIMORE CITY COMMUNITY COLLEGE

R95C00.00 Baltimore City Community College
 Current Unrestricted Appropriation, ~~provided that this appropriation shall be reduced by~~

| | | |
|---|-----------------------|-----------------------|
| \$2,383,467 contingent upon the enactment of legislation to reduce the required appropriation for Baltimore City Community College | 70,289,290 | |
| | 67,447,589 | |
| | 67,898,633 | |
| | 67,673,130 | |
| Current Restricted Appropriation | 26,732,407 | 97,021,697 |
| | | 94,179,996 |
| | | 94,631,040 |
| | | 94,405,537 |

MARYLAND SCHOOL FOR THE DEAF

FREDERICK CAMPUS

R99E01.00 Services and Institutional Operations

General Fund Appropriation, provided that this appropriation, made for the purpose of funding the Maryland School for the Deaf Services and Institutional Operations at the Frederick campus, shall be reduced by ~~\$1,372,147~~ \$2,500,000 contingent upon the ~~enactment of legislation reducing the mandated amount of funds for the~~ enactment of HB 101 or SB 166 to transfer \$2,500,000 from the Universal Service Trust Fund to the Maryland School for the Deaf

| | | |
|----------------------------------|------------|------------|
| Special Fund Appropriation | 18,437,129 | |
| Federal Fund Appropriation | 118,629 | |
| | 604,079 | 19,159,837 |

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, made for the purpose of funding the Maryland School for the

Deaf Services and Institutional Operations at the Columbia campus, shall be reduced by ~~\$932,656~~ \$2,500,000 contingent upon the enactment of legislation reducing the mandated amount of funds for the enactment of HB 101 or SB 166 to transfer \$2,500,000 from the Universal Service Trust Fund to the

| | | |
|------------------------------------|-----------|-------------|
| Maryland School for the Deaf | 9,002,871 | |
| Special Fund Appropriation | 99,730 | |
| Federal Fund Appropriation | 452,101 | 9,554,702 |
| | <hr/> | <hr/> <hr/> |

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

OFFICE OF THE SECRETARY

| | | |
|---|-----------|-----------|
| S00A20.01 Office of the Secretary | | |
| Special Fund Appropriation | 2,393,211 | |
| Federal Fund Appropriation | 903,368 | 3,296,579 |
| | <hr/> | |
| S00A20.02 Maryland Affordable Housing Trust | | |
| Special Fund Appropriation | | 4,000,000 |
| S00A20.03 Office of Management Services | | |
| Special Fund Appropriation | 1,623,545 | |
| Federal Fund Appropriation | 772,688 | 2,396,233 |
| | <hr/> | |

SUMMARY

| | | |
|--|--|-------------|
| Total Special Fund Appropriation | | 8,016,756 |
| Total Federal Fund Appropriation | | 1,676,056 |
| | | <hr/> |
| Total Appropriation | | 9,692,812 |
| | | <hr/> <hr/> |

DIVISION OF CREDIT ASSURANCE

| | | |
|-----------------------------------|-----------|-----------|
| S00A22.01 Maryland Housing Fund | | |
| Special Fund Appropriation | | 627,287 |
| S00A22.02 Asset Management | | |
| Special Fund Appropriation | 1,323,928 | |
| Federal Fund Appropriation | 2,933,684 | 4,257,612 |
| | <hr/> | |
| S00A22.03 Maryland Building Codes | | |
| Special Fund Appropriation | | 758,269 |

SUMMARY

| | | |
|--|--|-------------|
| Total Special Fund Appropriation | | 2,709,484 |
| Total Federal Fund Appropriation | | 2,933,684 |
| | | <hr/> |
| Total Appropriation | | 5,643,168 |
| | | <hr/> <hr/> |

DIVISION OF NEIGHBORHOOD REVITALIZATION

| | | |
|--|----------------------|-----------------------|
| S00A24.01 Neighborhood Revitalization | | |
| General Fund Appropriation | 1,072,992 | |
| | 822,992 | |
| Special Fund Appropriation | 2,591,675 | |
| Federal Fund Appropriation | 11,437,035 | 15,101,702 |
| | | 14,851,702 |
| | <hr/> | |
| S00A24.02 Neighborhood Revitalization – Capital Appropriation | | |
| Special Fund Appropriation | 3,100,000 | |
| Federal Fund Appropriation | 11,000,000 | 14,100,000 |
| | <hr/> | |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 822,992 |
| Total Special Fund Appropriation | | 5,691,675 |
| Total Federal Fund Appropriation | | 22,437,035 |
| | | <hr/> |
| Total Appropriation | | 28,951,702 |
| | | <hr/> <hr/> |

DIVISION OF DEVELOPMENT FINANCE

S00A25.01 Administration

| | | |
|----------------------------------|-----------|-----------|
| Special Fund Appropriation | 2,586,187 | |
| Federal Fund Appropriation | 233,245 | 2,819,432 |

S00A25.02 Housing Development Program

| | | |
|----------------------------------|-----------|-----------|
| Special Fund Appropriation | 3,487,310 | |
| Federal Fund Appropriation | 485,179 | 3,972,489 |

S00A25.03 Homeownership Programs

| | | |
|----------------------------------|-----------|-----------|
| Special Fund Appropriation | 2,772,926 | |
| Federal Fund Appropriation | 25,714 | 2,798,640 |

S00A25.04 Special Loan Programs

| | | |
|---|-----------|-----------|
| Special Fund Appropriation, provided that this appropriation shall be reduced by \$1,000,000 contingent upon the enactment of legislation reducing the amount of funds required to be transferred to the Department of Housing and Community Development from the Department of Human Resources for low income home weatherization programs | 4,832,236 | |
| Federal Fund Appropriation | 3,438,837 | 8,271,073 |

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 | 195,804,668 | 197,589,668 |

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 | 12,600,000 | |
| Federal Fund Appropriation | 4,750,000 | 17,350,000 |
| | <hr/> | |
| S00A25.08 Homeownership Programs – Capital Appropriation | | |
| Special Fund Appropriation | | 5,700,000 |
| S00A25.09 Special Loan Programs – Capital Appropriation | | |
| Special Fund Appropriation | 5,300,000 | |
| Federal Fund Appropriation | 2,500,000 | 7,800,000 |
| | <hr/> | |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 1,700,000 |
| Total Special Fund Appropriation | | 37,363,659 |
| Total Federal Fund Appropriation | | 207,237,643 |
| | | <hr/> |
| Total Appropriation | | 246,301,302 |
| | | <hr/> <hr/> |

DIVISION OF INFORMATION TECHNOLOGY

| | | |
|----------------------------------|-----------|-------------|
| S00A26.01 Information Technology | | |
| Special Fund Appropriation | 1,125,049 | |
| Federal Fund Appropriation | 1,646,690 | 2,771,739 |
| | <hr/> | <hr/> <hr/> |

DIVISION OF FINANCE AND ADMINISTRATION

| | | |
|--------------------------------------|-----------|-------------|
| S00A27.01 Finance and Administration | | |
| Special Fund Appropriation | 5,000,341 | |
| Federal Fund Appropriation | 724,751 | 5,725,092 |
| | <hr/> | <hr/> <hr/> |

MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION

| | | |
|----------------------------------|--|-----------|
| S50B01.01 General Administration | | |
| General Fund Appropriation | | 2,100,000 |

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

OFFICE OF THE SECRETARY

| | | |
|---|----------------------|----------------------|
| T00A00.01 Secretariat Services | | |
| General Fund Appropriation | 1,213,880 | |
| | <u>1,073,880</u> | |
| Special Fund Appropriation | 376,780 | |
| | <u>363,780</u> | |
| Federal Fund Appropriation | 40,048 | 1,630,708 |
| | | <u>1,477,708</u> |
| <hr/> | | |
| T00A00.02 Office of International Trade and Investment | | |
| General Fund Appropriation | | 2,190,450 |
| T00A00.03 Office of the Assistant Attorney General | | |
| General Fund Appropriation | 92,073 | |
| Special Fund Appropriation | 1,322,104 | |
| Federal Fund Appropriation | 4,398 | 1,418,575 |
| | | <hr/> |
| T00A00.04 Office of Military Facilities and Federal Affairs | | |
| General Fund Appropriation | 809,311 | |
| Special Fund Appropriation | 89,814 | |
| Federal Fund Appropriation | 640,826 | 1,539,951 |
| | | <hr/> |
| T00A00.05 Maryland Biotechnology Center | | |
| General Fund Appropriation | 2,464,281 | |
| | <u>1,714,281</u> | |
| | <u>1,964,281</u> | |
| Special Fund Appropriation | 2,742,213 | 5,206,494 |
| | | <u>4,456,494</u> |
| | | <u>4,706,494</u> |
| <hr/> | | |
| T00A00.06 Office of Business and Legislative Relations | | |
| General Fund Appropriation | 1,229,457 | |
| Special Fund Appropriation | 1,458 | 1,230,915 |
| | | <hr/> |

| | | |
|---|----------------------|----------------------|
| T00A00.07 Office of Policy, Planning and Research | | |
| General Fund Appropriation | 1,245,948 | |
| | <u>1,130,948</u> | |
| Special Fund Appropriation | 102,515 | |
| Federal Fund Appropriation | 8,549 | 1,357,012 |
| | | <u>1,242,012</u> |

| | | |
|---|-----------|-----------|
| T00A00.08 Office of Administration and Technology | | |
| General Fund Appropriation | 4,026,154 | |
| Special Fund Appropriation | 874,197 | |
| Federal Fund Appropriation | 135,413 | 5,035,764 |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 12,516,554 |
| Total Special Fund Appropriation | | 5,496,081 |
| Total Federal Fund Appropriation | | 829,234 |
| | | <hr/> |
| Total Appropriation | | 18,841,869 |
| | | <hr/> <hr/> |

DIVISION OF MARKETING AND BUSINESS DEVELOPMENT

| | | |
|--|-----------|-----------|
| T00E00.01 Division of Marketing and Business Development | | |
| General Fund Appropriation | 2,910,473 | |
| Special Fund Appropriation | 487,829 | 3,398,302 |

DIVISION OF ECONOMIC DEVELOPMENT

| | | |
|---|----------------------|----------------------|
| T00F00.01 Economic Development Operations | | |
| General Fund Appropriation | 4,571,394 | |
| | <u>4,355,314</u> | |
| Special Fund Appropriation | 4,485,908 | 9,057,302 |
| | | <u>8,841,222</u> |

| | | |
|---|--|-----------|
| T00F00.03 Maryland Small Business Development Financing Authority | | |
| Special Fund Appropriation | | 1,601,404 |

| | | |
|--|------------|---|
| T00F00.06 Maryland Industrial Training Program General Fund Appropriation | | 1,030,958 0 <u>250,000</u> <u>30,958</u> |
| T00F00.07 Partnership for Workforce Quality General Fund Appropriation | | 625,954 0 <u>250,000</u> |
| T00F00.09 Maryland Small Business Development Financing Authority – Business Assistance General Fund Appropriation | 2,882,222 | |
| Special Fund Appropriation | 14,523,528 | 17,405,750 |
| <hr/> | | |
| T00F00.12 Maryland Biotechnology Investment Tax Credit Reserve Fund General Fund Appropriation, <u>provided that</u> <u>this appropriation made for the purpose of</u> <u>the Maryland Biotechnology Investment</u> <u>Tax Credit Program may not be expended</u> <u>until a report is submitted to the budget</u> <u>committees that details the goals,</u> <u>objectives, and outcome measures for the</u> <u>Maryland Biotechnology Investment Tax</u> <u>Credit Reserve Fund. The measures</u> <u>should reflect the number of recipients,</u> <u>amount of private investment leveraged,</u> <u>any new jobs created, long-term company</u> <u>retention data, and any other measure</u> <u>deemed reflective of the program's</u> <u>mission. The budget committees shall</u> <u>have 45 days from the receipt of the report</u> <u>to review and comment. Further provided</u> <u>that the adopted measures shall be</u> <u>included in future budget submissions</u> | | 6,000,000 4,000,000 <u>6,000,000</u> |
| T00F00.17 Maryland Enterprise Investment Fund and Challenge Programs – Business Assistance Special Fund Appropriation | | 2,000,000 |
| T00F00.18 Military Reservists and Service– | | |

625,625

T00G00.05 Maryland State Arts Council

General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$6,000,000 contingent upon the enactment of legislation reducing the mandated amount of funds for the Maryland State Arts Council~~

~~16,545,740~~

13,545,740

Special Fund Appropriation

300,000

Federal Fund Appropriation

750,595

~~17,596,335~~

14,596,335

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.

T00G00.06 Film Production Rebate Program

General Fund Appropriation

~~2,000,000~~

1,000,000

SUMMARY

Total General Fund Appropriation

25,538,545

Total Special Fund Appropriation

900,000

Total Federal Fund Appropriation

750,595

Total Appropriation

27,189,140

MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

T50T01.01 Technology Development, Transfer and Commercialization

General Fund Appropriation

3,668,192

T50T01.03 Maryland Stem Cell Research Fund

General Fund Appropriation

~~18,400,000~~

5,400,000

15,400,000

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 19,068,192 |
|--|--|------------|

DEPARTMENT OF THE ENVIRONMENT

OFFICE OF THE SECRETARY

U00A01.01 Office of the Secretary

| | | |
|----------------------------------|-----------|-----------|
| General Fund Appropriation | 1,250,391 | |
| Special Fund Appropriation | 253,309 | |
| Federal Fund Appropriation | 427,066 | 1,930,766 |

U00A01.03 Capital Appropriation – Water Quality

| | | |
|----------------------------------|------------|-------------|
| Revolving Loan Fund | | |
| Special Fund Appropriation | 86,208,000 | |
| Federal Fund Appropriation | 16,500,000 | 102,708,000 |

U00A01.05 Capital Appropriation – Drinking
Water Revolving Loan Fund

| | | |
|----------------------------------|-----------|------------|
| Special Fund Appropriation | 4,383,000 | |
| Federal Fund Appropriation | 6,375,000 | 10,758,000 |

U00A01.11 Capital Appropriation – Bay
Restoration Fund – Wastewater

| | | |
|----------------------------------|--|------------|
| Special Fund Appropriation | | 50,000,000 |
|----------------------------------|--|------------|

U00A01.12 Capital Appropriation – Bay
Restoration Fund – Septic Systems

| | | |
|----------------------------------|--|-----------|
| Special Fund Appropriation | | 1,000,000 |
|----------------------------------|--|-----------|

SUMMARY

| | | |
|--|-------------|--|
| Total General Fund Appropriation | 1,250,391 | |
| Total Special Fund Appropriation | 141,844,309 | |
| Total Federal Fund Appropriation | 23,302,066 | |

| | | |
|---------------------------|--|-------------|
| Total Appropriation | | 166,396,766 |
|---------------------------|--|-------------|

ADMINISTRATIVE SERVICES ADMINISTRATION

| | | | |
|----------------------------------|----------|-----------|-------------|
| U00A02.02 Administrative | Services | | |
| Administration | | | |
| General Fund Appropriation | | 5,479,078 | |
| Special Fund Appropriation | | 1,366,933 | |
| Federal Fund Appropriation | | 1,006,677 | 7,852,688 |
| | | <hr/> | <hr/> <hr/> |

WATER MANAGEMENT ADMINISTRATION

| | | | |
|---|--|------------|-------------|
| U00A04.01 Water Management Administration | | | |
| General Fund Appropriation | | 16,311,371 | |
| Special Fund Appropriation | | 11,039,969 | |
| Federal Fund Appropriation | | 10,547,773 | 37,899,113 |
| | | <hr/> | <hr/> <hr/> |

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 | | 7,169,766 | |
| Special Fund Appropriation | | 545,902 | |
| Federal Fund Appropriation | | 5,843,009 | 13,558,677 |
| | | <hr/> | <hr/> <hr/> |

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.

WASTE MANAGEMENT ADMINISTRATION

| | | | |
|--|--|-----------|--|
| U00A06.01 Waste Management Administration | | | |
| General Fund Appropriation, <u>provided that this appropriation shall be reduced by \$1,800,000 contingent upon the enactment of HB 101 or SB 166 to authorize the State Used Tire Cleanup and Recycling Fund to be used for administrative expenses</u> | | 4,741,895 | |

| | | |
|----------------------------------|------------|-------------|
| Special Fund Appropriation | 17,274,198 | |
| Federal Fund Appropriation | 6,387,206 | 28,403,299 |
| | <hr/> | <hr/> <hr/> |

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 | 1,764,954 | |
| Special Fund Appropriation | 11,503,138 | |
| Federal Fund Appropriation | 4,026,310 | 17,294,402 |
| | <hr/> | <hr/> <hr/> |

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 | 4,029,634 | |
| Special Fund Appropriation | 4,877,305 | |
| Federal Fund Appropriation | 2,221,670 | 11,128,609 |
| | <hr/> | |

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 | | 1,200,000 |

U00A10.03 Bay Restoration Fund Debt Service

| | |
|----------------------------------|------------|
| Special Fund Appropriation | 11,720,000 |
|----------------------------------|------------|

SUMMARY

| | |
|--|------------|
| Total General Fund Appropriation | 4,029,634 |
| Total Special Fund Appropriation | 17,797,305 |
| Total Federal Fund Appropriation | 2,221,670 |

| | |
|---------------------------|------------|
| Total Appropriation | 24,048,609 |
|---------------------------|------------|

DEPARTMENT OF JUVENILE SERVICES

Provided that no funds provided in this budget for the Department of Juvenile Services may be used for reclassifications with the exception of noncompetitive promotions.

Further provided that it is the intent of the General Assembly that the Department of Juvenile Services' upgrading and enhancing of its Automated Statewide Support and Information System (ASSIST) shall be considered a Major Information Technology Development Project. Further provided that any general fund support provided in the Department of Juvenile Services' budget made for the purpose of upgrading or enhancing ASSIST may only be transferred by budget amendment to the Major Information Technology Development Project Fund (program F50A1.01) and shall be expended pursuant to State Finance and Procurement Article Sections 3A-308 and 3A-309. Funds not transferred to the Major Information Technology Development Project Fund may not be transferred by budget amendment or otherwise to any other purpose, and shall revert to the General Fund.

| | | |
|-----------------------------------|-----------|-------------|
| V00D01.01 Office of the Secretary | | |
| General Fund Appropriation | 1,617,572 | |
| Special Fund Appropriation | 6,000 | 1,623,572 |
| | <hr/> | <hr/> <hr/> |

DEPARTMENTAL SUPPORT

| | | |
|----------------------------------|------------|-------------|
| V00D02.01 Departmental Support | | |
| General Fund Appropriation | 27,780,005 | |
| Special Fund Appropriation | 45,000 | |
| Federal Fund Appropriation | 401,355 | 28,226,360 |
| | <hr/> | <hr/> <hr/> |

RESIDENTIAL AND COMMUNITY OPERATIONS

| | | |
|---|-----------|-------------|
| V00E01.01 Residential and Community Operations | | |
| General Fund Appropriation | 3,699,863 | |
| Federal Fund Appropriation | 773,619 | 4,473,482 |
| | <hr/> | <hr/> <hr/> |

BALTIMORE CITY REGION

| | | |
|--|-----------|-----------|
| V00G01.01 Baltimore City Region Administrative | | |
| General Fund Appropriation | 2,712,553 | |
| Special Fund Appropriation | 20,000 | 2,732,553 |
| | <hr/> | |

| | | |
|---|------------|------------|
| V00G01.02 Baltimore City Region Community Operations | | |
| General Fund Appropriation | 36,944,632 | |
| Federal Fund Appropriation | 1,855,888 | 38,800,520 |
| | <hr/> | |

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.

| | | |
|---|------------|------------|
| V00G01.03 Baltimore City Region State Operated Residential | | |
| General Fund Appropriation | 22,754,723 | |
| Federal Fund Appropriation | 199,019 | 22,953,742 |
| | <hr/> | |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 62,411,908 |
| Total Special Fund Appropriation | | 20,000 |
| Total Federal Fund Appropriation | | 2,054,907 |
| | | <hr/> |
| Total Appropriation | | 64,486,815 |
| | | <hr/> <hr/> |

CENTRAL REGION

| | | | |
|---|------------|------------|--|
| V00H01.01 Central Region Administrative | | | |
| General Fund Appropriation | 1,174,995 | | |
| Special Fund Appropriation | 5,000 | 1,179,995 | |
| | <hr/> | | |
| V00H01.02 Central Region Community Operations | | | |
| General Fund Appropriation | 21,461,065 | | |
| Federal Fund Appropriation | 1,211,294 | 22,672,359 | |
| | <hr/> | | |
| V00H01.03 Central Region State Operated Residential | | | |
| General Fund Appropriation | 15,122,929 | | |
| Federal Fund Appropriation | 85,000 | 15,207,929 | |
| | <hr/> | | |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 37,758,989 |
| Total Special Fund Appropriation | | 5,000 |
| Total Federal Fund Appropriation | | 1,296,294 |
| | | <hr/> |
| Total Appropriation | | 39,060,283 |
| | | <hr/> <hr/> |

WESTERN REGION

| | | | |
|---|-----------|-----------|--|
| V00I01.01 Western Region Administrative | | | |
| General Fund Appropriation | 1,985,975 | | |
| Special Fund Appropriation | 53,000 | 2,038,975 | |
| | <hr/> | | |
| V00I01.02 Western Region Community Operations | | | |

| | | |
|--|------------|------------|
| General Fund Appropriation | 11,070,769 | |
| Federal Fund Appropriation | 786,587 | 11,857,356 |
| <hr/> | | |
| V00I01.03 Western Region State Operated Residential | | |
| General Fund Appropriation | 25,628,949 | |
| Federal Fund Appropriation | 1,107,034 | 26,735,983 |
| <hr/> | | |
| SUMMARY | | |
| Total General Fund Appropriation | | 38,685,693 |
| Total Special Fund Appropriation | | 53,000 |
| Total Federal Fund Appropriation | | 1,893,621 |
| <hr/> | | |
| Total Appropriation | | 40,632,314 |
| <hr/> <hr/> | | |

EASTERN SHORE REGION

| | | |
|--|------------|------------|
| V00J01.01 Eastern Shore Region Administrative | | |
| General Fund Appropriation | 849,985 | |
| Special Fund Appropriation | 9,000 | 858,985 |
| <hr/> | | |
| V00J01.02 Eastern Shore Region Community Operations | | |
| General Fund Appropriation | 11,799,598 | |
| Federal Fund Appropriation | 1,051,118 | 12,850,716 |
| <hr/> | | |
| V00J01.03 Eastern Shore Region State Operated Residential | | |
| General Fund Appropriation | 6,060,085 | |
| Federal Fund Appropriation | 60,000 | 6,120,085 |
| <hr/> | | |
| SUMMARY | | |
| Total General Fund Appropriation | | 18,709,668 |
| Total Special Fund Appropriation | | 9,000 |
| Total Federal Fund Appropriation | | 1,111,118 |
| <hr/> | | |
| Total Appropriation | | 19,829,786 |

SOUTHERN REGION

| | | |
|--|------------|------------|
| V00K01.01 Southern Region Administrative | | |
| General Fund Appropriation | 388,262 | |
| Special Fund Appropriation | 15,000 | 403,262 |
| | | |
| V00K01.02 Southern Region Community Operations | | |
| General Fund Appropriation | 15,699,053 | |
| Federal Fund Appropriation | 1,270,582 | 16,969,635 |
| | | |
| V00K01.03 Southern Region State Operated Residential | | |
| General Fund Appropriation | 7,409,300 | |
| Federal Fund Appropriation | 45,000 | 7,454,300 |
| | | |

SUMMARY

| | | |
|--|--|------------|
| Total General Fund Appropriation | | 23,496,615 |
| Total Special Fund Appropriation | | 15,000 |
| Total Federal Fund Appropriation | | 1,315,582 |
| | | |
| Total Appropriation | | 24,827,197 |

METRO REGION

| | | |
|---|------------|------------|
| V00L01.01 Metro Region Administrative | | |
| General Fund Appropriation | 936,638 | |
| Special Fund Appropriation | 50,000 | 986,638 |
| | | |
| V00L01.02 Metro Region Community Operations | | |
| General Fund Appropriation | 26,200,241 | |
| Federal Fund Appropriation | 1,439,950 | 27,640,191 |
| | | |

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 | 24,831,126 | |
| Federal Fund Appropriation | 270,354 | 25,101,480 |
| | <hr/> | |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 51,968,005 |
| Total Special Fund Appropriation | | 50,000 |
| Total Federal Fund Appropriation | | 1,710,304 |
| | | <hr/> |
| Total Appropriation | | 53,728,309 |
| | | <hr/> <hr/> |

DEPARTMENT OF STATE POLICE

MARYLAND STATE POLICE

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, 2008 Uniform Crime Report (UCR) to the budget committees. The budget committees shall have 45 days to review and comment following receipt of the report.

Furthermore, 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 2010 until such time that the jurisdiction submits its crime data to DSP

9,531,946

| | | |
|-----------------------------------|------------|-------------|
| W00A01.02 Field Operations Bureau | | |
| General Fund Appropriation | 92,447,541 | |
| Special Fund Appropriation | 71,977,585 | 164,425,126 |
| | <hr/> | |

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 Homeland Security and Investigation Bureau | | |
| General Fund Appropriation | 32,774,257 | |
| Special Fund Appropriation | 240,000 | |
| Federal Fund Appropriation | 5,000,000 | 38,014,257 |
| | <hr/> | |

| | | |
|-----------------------------------|------------|------------|
| W00A01.04 Support Services Bureau | | |
| General Fund Appropriation | 49,023,361 | |
| Special Fund Appropriation | 250,000 | |
| Federal Fund Appropriation | 6,595,213 | 55,868,574 |
| | <hr/> | |

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 | | 2,500,000 |

SUMMARY

| | | |
|--|--|-------------|
| Total General Fund Appropriation | | 183,777,105 |
| Total Special Fund Appropriation | | 74,967,585 |
| Total Federal Fund Appropriation | | 11,595,213 |
| | | <hr/> |

| | | |
|---------------------------|--|-------------|
| Total Appropriation | | 270,339,903 |
| | | <hr/> <hr/> |

W00A02.01 Fire Prevention Services

General Fund Appropriation

7,472,207

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

784,986,995

STATE RESERVE FUND

Y01A01.01 Revenue Stabilization Account

General Fund Appropriation

~~175,747,579~~

139,947,579

Y01A02.01 Dedicated Purpose Account

General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$63,000,000 contingent upon the enactment of legislation authorizing the use of General Obligation bonds for the Intercounty Connector~~

~~63,000,000~~

0

~~Maryland Transportation Authority 63,000,000~~

OFFICE OF THE PUBLIC DEFENDER

2009 Deficiency Appropriation

C80B00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide general funds to eliminate a

carry forward shortfall from fiscal year 2008 and the continuation of all panel attorney activities in fiscal year 2009.

General Fund Appropriation 70,000

C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide general funds to eliminate a carry forward shortfall from fiscal year 2008 and the continuation of all panel attorney activities in fiscal year 2009.

General Fund Appropriation 3,138,000

C80B00.03 Appellate and Inmate Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide general funds to eliminate a carry forward shortfall from fiscal year 2008.

General Fund Appropriation 190,000

C80B00.05 Capital Defense Division

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide general funds to eliminate a carry forward shortfall from fiscal year 2008.

General Fund Appropriation 102,000

OFFICE OF THE ATTORNEY GENERAL

2009 Deficiency Appropriation

C81C00.04 Securities Division

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to backfill general funds reduced by October 2008 Board of Public Works cost containment action.

| | |
|----------------------------------|---------|
| Special Fund Appropriation | 216,987 |
|----------------------------------|---------|

C81C00.05 Consumer Protection Division

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for expenditures related to the Home Builder Guaranty Fund Division as per Chapter 480, Laws of Maryland 2008 requirement, and for Consumer Protection Division operations reduced in the FY 2009 Budget Bill and in October 2008 Board of Public Works cost containment action.

| | |
|----------------------------------|-----------|
| Special Fund Appropriation | 1,087,267 |
|----------------------------------|-----------|

PUBLIC SERVICE COMMISSION

2009 Deficiency Appropriation

C90G00.01 General Administration and Hearings

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide special funds for expert consultants to assist the Public Service Commission in cases before the Federal Energy Regulatory Commission and PJM Interconnection LLC.

| | |
|----------------------------------|-----------|
| Special Fund Appropriation | 2,000,000 |
|----------------------------------|-----------|

C90G00.03 Engineering Investigations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide federal funds to reflect the federal reimbursement of funds to the Public Service Commission Engineering Investigations Program.

| | |
|----------------------------------|---------|
| Federal Fund Appropriation | 309,282 |
|----------------------------------|---------|

EXECUTIVE DEPARTMENT – BOARDS,
COMMISSIONS AND OFFICES

2009 Deficiency Appropriation

D15A05.05 Governor's Office of Community Initiatives

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for fuel and utilities for the Banneker-Douglass Museum.

General Fund Appropriation 62,000

HISTORIC ST. MARY'S CITY COMMISSION

2009 Deficiency Appropriation

D17B01.51 Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for museum operations to replace general funds reduced through October 2008 Board of Public Works cost containment action.

Special Fund Appropriation 27,000

DEPARTMENT OF AGING

2009 Deficiency Appropriation

D26A07.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to offset General Fund reductions approved by the Board of Public Works and to provide funds for evidence based health promotion programs.

Special Fund Appropriation 230,612

MARYLAND STADIUM AUTHORITY

2009 Deficiency Appropriation

D28A03.58 Ocean City Convention Center

To become available immediately upon passage of this

budget to supplement the appropriation for fiscal year 2009 to provide funds for the State portion of the Ocean City Convention Center operating deficit.

General Fund Appropriation 193,777

MARYLAND INSURANCE ADMINISTRATION

2009 Deficiency Appropriation

HEALTH INSURANCE SAFETY NET PROGRAMS

D80Z02.01 Maryland Health Insurance Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to support Maryland Health Insurance Program operations.

Federal Fund Appropriation 2,301,233

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

2009 Deficiency Appropriation

E50C00.02 Real Property Valuation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide general funds for a court ordered judgment.

General Fund Appropriation 486,247

E50C00.08 Property Tax Credit Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to replace general funds reduced in October 2008 Board of Public Works cost containment action.

Special Fund Appropriation 113,628

E50C00.08 Property Tax Credit Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide special funds for overtime in the Homestead Property Tax Credit program.

| | |
|----------------------------------|-------------|
| Special Fund Appropriation | 26,372 |
| | <hr/> <hr/> |

MARYLAND STATE LOTTERY AGENCY

2009 Deficiency Appropriation

E75D00.02 Video Lottery Terminal Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for expenditures related to Video Lottery Terminals operations and the creation of nine positions to fulfill this purpose.

| | |
|----------------------------------|-----------------------------|
| General Fund Appropriation | 668,635 |
| Special Fund Appropriation | 1,700,000 |
| Total Appropriation | <hr/> 2,368,635 <hr/> <hr/> |

DEPARTMENT OF GENERAL SERVICES

2009 Deficiency Appropriation

OFFICE OF FACILITIES OPERATION AND MAINTENANCE

H00C01.01 Facilities Operation and Maintenance

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide general funds to cover costs associated with higher than normal fuel and utilities costs and janitorial services due to the effects of the Living Wage legislation enacted in October 2007.

| | |
|----------------------------------|-------------|
| General Fund Appropriation | 1,722,417 |
| | <hr/> <hr/> |

DEPARTMENT OF NATURAL RESOURCES

2009 Deficiency Appropriation

FOREST SERVICE

K00A02.09 Forest Service

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 for cost sharing commitments with Prince George’s County for replacing ash trees removed in insect control efforts.

Special Fund Appropriation 75,000

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 2009 to provide special funds for surveillance of avian influenza, and federal funds for control of wavyleaf basketgrass, and salt marsh restoration on Assateague Island National Seashore.

Special Fund Appropriation 109,932
Federal Fund Appropriation 71,500

Total Appropriation 181,432

MARYLAND PARK SERVICE

K00A04.01 Statewide Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide special funds for continuation of water studies, improvements to phone lines, and safety features in campsites at the Deep Creek Lake National Resource Management Area, and federal funds for newly realized Chesapeake Bay Gateways Network grants.

Special Fund Appropriation 275,000
Federal Fund Appropriation 53,873

Total Appropriation 328,873

K00A04.06 Revenue Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for the operation of the Maryland Park Service Concession Program.

Special Fund Appropriation 250,000

LAND ACQUISITION AND PLANNING

K00A05.10 Outdoor Recreation and Land Loan

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to acquire several properties for integration into existing Wildlife Maintenance Areas and Natural Resource Maintenance Areas.

Federal Fund Appropriation 6,490,078

NATURAL RESOURCES POLICE

K00A07.01 General Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide special funds for communication equipment expenses and federal funds to purchase additional watercraft.

Special Fund Appropriation 297,915

Federal Fund Appropriation 575,000

Total Appropriation 872,915

K00A07.01 General Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to continue Maryland Maritime Task Force activities.

Special Fund Appropriation 357,698

Federal Fund Appropriation 1,073,094

| | |
|---------------------------|-----------|
| Total Appropriation | 1,430,792 |
|---------------------------|-----------|

K00A07.04 Field Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide special funds support of Department of Natural Resources field offices and federal funds for expenses incurred in cooperative federal/state law enforcement activities.

| | |
|----------------------------------|---------|
| Special Fund Appropriation | 47,680 |
| Federal Fund Appropriation..... | 329,985 |

| | |
|---------------------------|---------|
| Total Appropriation | 377,665 |
|---------------------------|---------|

BOATING SERVICES

K00A11.01 Boating Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for continuation of state and local land inventory along the Chesapeake Bay and tidal tributaries in the vicinity of the Captain John Smith Chesapeake National Historic Trail.

| | |
|----------------------------------|--------|
| Federal Fund Appropriation | 15,000 |
|----------------------------------|--------|

DEPARTMENT OF AGRICULTURE

2009 Deficiency Appropriation

OFFICE OF PLANT INDUSTRIES AND PEST MANAGEMENT

L00A14.04 Pesticide Regulation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for enforcement of pesticide regulations.

| | |
|----------------------------------|--------|
| Special Fund Appropriation | 80,000 |
|----------------------------------|--------|

DEPARTMENT OF HEALTH AND MENTAL

HYGIENE

2009 Deficiency Appropriation

FAMILY HEALTH ADMINISTRATION

M00F03.02 Family Services and Primary Care

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for increased Women, Infants and Children activities.

Federal Fund Appropriation 15,153,896

M00F03.06 Prevention and Disease Control

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide additional funds to cover increased treatment costs within the breast and cervical cancer program.

General Fund Appropriation 2,200,000

OFFICE OF PREPAREDNESS AND RESPONSE

M00F06.01 Office of Preparedness and Response

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for antiviral vaccine purchases for Public/Private Partnership entities.

Special Fund Appropriation 1,700,011

WESTERN MARYLAND CENTER

M00I03.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide additional funds to cover the Nursing Home Provider Assessment on State Hospitals.

General Fund Appropriation 11,337
 Special Fund Appropriation 102,037

| | |
|---------------------------|---------|
| Total Appropriation | 113,374 |
|---------------------------|---------|

DEER'S HEAD CENTER

M00I04.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide additional funds to cover the Nursing Home Provider Assessment on State Hospitals.

| | |
|----------------------------------|---------|
| General Fund Appropriation | 15,663 |
| Special Fund Appropriation | 140,963 |

| | |
|---------------------------|---------|
| Total Appropriation | 156,626 |
|---------------------------|---------|

LABORATORIES ADMINISTRATION

M00J02.01 Laboratory Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide special funds for HIV testing services, and federal funds to provide HIV disease monitoring, pandemic influenza medical surge capacity and capability, food and safety security monitoring services, and expansion of laboratory capacity to respond to chemical bioterrorism.

| | |
|----------------------------------|-----------|
| Special Fund Appropriation | 13,708 |
| Federal Fund Appropriation | 1,340,833 |

| | |
|---------------------------|-----------|
| Total Appropriation | 1,354,541 |
|---------------------------|-----------|

M00J02.01 Laboratory Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide additional funds to cover the expanded activities within the Newborn Screening program as directed by Chapter 256, Laws of Maryland 2008.

| | |
|----------------------------------|---------|
| General Fund Appropriation | 586,504 |
|----------------------------------|---------|

MENTAL HYGIENE ADMINISTRATION

M00L01.02 Community Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for the Maryland Crises and At Risk for Escalation Diversion Services for Children (MD CARES) project, and increased cost for Baltimore City Capitation contract and Administrative Services Organization contract.

Federal Fund Appropriation 1,795,775

WALTER P. CARTER COMMUNITY MENTAL HEALTH CENTER

M00L03.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for tenant dietary services.

Special Fund Appropriation 207,718

THOMAS B. FINAN HOSPITAL CENTER

M00L04.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for tenant dietary and utility services.

Special Fund Appropriation 118,724

ROSEWOOD CENTER

M00M02.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for Rosewood Center client activities and tenant utility collections.

Special Fund Appropriation 514,060

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 2009 to provide funds to offset General Fund reductions approved by the October 2008 Board of Public Works cost containment action.

Special Fund Appropriation 31,300,000

M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for the unbudgeted Calendar Year 2009 Managed Care Organization rate increase and for increased Medicaid enrollment.

General Fund Appropriation 11,400,000

Special Fund Appropriation 18,600,000

Federal Fund Appropriation 30,000,000

Total Appropriation 60,000,000

M00Q01.10 Health Care Coverage Fund

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to support higher-than-expected costs attributable to the Medicaid expansion implemented on July 1, 2008.

Special Fund Appropriation 12,500,000

Federal Fund Appropriation 12,500,000

Total Appropriation 25,000,000

DEPARTMENT OF HUMAN RESOURCES

2009 Deficiency Appropriation

OFFICE OF TECHNOLOGY FOR HUMAN

SERVICES

N00F00.04 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for information technology contracts.

| | |
|----------------------------------|------------------|
| General Fund Appropriation | 4,287,502 |
| Federal Fund Appropriation | 4,462,502 |
| Total Appropriation | <u>8,750,004</u> |

LOCAL DEPARTMENT OPERATIONS

N00G00.01 Foster Care Maintenance Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for Foster Care placements.

| | |
|----------------------------------|------------------|
| General Fund Appropriation | 5,136,176 |
| Federal Fund Appropriation | 2,645,909 |
| Total Appropriation | <u>7,782,085</u> |

N00G00.06 Local Child Support Enforcement Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for the Erasing Borders Project.

| | |
|----------------------------------|----------------|
| Federal Fund Appropriation | <u>327,586</u> |
|----------------------------------|----------------|

FAMILY INVESTMENT ADMINISTRATION

N00I00.06 Office of Home Energy Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for the Electric Universal Services Program (EUSP) to offset the rise of electricity costs for low-income Marylanders.

| | |
|----------------------------------|-----------|
| Special Fund Appropriation | 3,571,245 |
|----------------------------------|-----------|

DEPARTMENT OF LABOR, LICENSING, AND
REGULATION

2009 Deficiency Appropriation

DIVISION OF UNEMPLOYMENT INSURANCE

P00H01.01 Office of Unemployment Insurance

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide federal funds for on-going department operations including grant agreements for several information technology projects.

| | |
|----------------------------------|------------|
| Federal Fund Appropriation | 10,417,300 |
|----------------------------------|------------|

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

2009 Deficiency Appropriation

DIVISION OF CORRECTION HEADQUARTERS

Q00B01.02 Classification, Education and Religious Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for inmate birth certificates.

| | |
|----------------------------------|---------|
| General Fund Appropriation | 115,000 |
|----------------------------------|---------|

JESSUP REGION

Q00B01.02 Classification, Education and Religious Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for fuel and utilities and raw food supplies.

| | |
|----------------------------------|-----------|
| General Fund Appropriation | 2,953,000 |
|----------------------------------|-----------|

BALTIMORE REGION

Q00B03.01 Metropolitan Transition Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for overtime costs.

General Fund Appropriation 6,000,000

=====

HAGERSTOWN REGION

Q00B04.01 Maryland Correctional Institution – Hagerstown

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for fuel and utilities.

General Fund Appropriation 2,130,000

=====

WOMEN'S FACILITIES

Q00B05.01 Maryland Correctional Institution for Women

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for fuel and utilities.

General Fund Appropriation 981,000

=====

PATUXENT INSTITUTION

Q00D00.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for overtime, raw food costs, and fuel and utilities.

General Fund Appropriation 1,586,000

=====

DIVISION OF PRETRIAL AND DETENTION SERVICES

Q00P00.03 Baltimore City Detention Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal

year 2009 to provide funds for fuel and utilities.

| | |
|----------------------------------|---------|
| General Fund Appropriation | 557,000 |
|----------------------------------|---------|

PRETRIAL AND DETENTION SERVICES

Q00P00.04 Central Booking and Intake Facility

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for overtime.

| | |
|----------------------------------|-----------|
| General Fund Appropriation | 1,000,000 |
|----------------------------------|-----------|

MARYLAND STATE DEPARTMENT OF
EDUCATION

2009 Deficiency Appropriation

HEADQUARTERS

R00A01.02 Division of Business Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for the general operations in the Division of Business Services.

| | |
|----------------------------------|--------|
| Special Fund Appropriation | 11,309 |
|----------------------------------|--------|

| | |
|----------------------------------|---------|
| Federal Fund Appropriation | 359,610 |
|----------------------------------|---------|

| | |
|---------------------------|---------|
| Total Appropriation | 370,919 |
|---------------------------|---------|

R00A01.04 Division of Accountability and Assessment

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for the Maryland school assessments program.

| | |
|----------------------------------|----------------------|
| General Fund Appropriation | 8,491,703 |
|----------------------------------|----------------------|

~~2,122,926~~

~~2,191,703~~

7,491,703

| | |
|----------------------------------|---------|
| Federal Fund Appropriation | 936,834 |
|----------------------------------|---------|

| | |
|---------------------------|----------------------|
| Total Appropriation | 9,428,537 |
|---------------------------|----------------------|

3,059,760
3,128,537
8,428,537

R00A01.11 Division of Instruction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 for web-based learning initiatives, the Advanced Placement program, the Language Assistance program, Science and Math education, and improving teacher quality.

| | |
|----------------------------------|---------|
| Special Fund Appropriation | 116,592 |
| Federal Fund Appropriation | 313,996 |
| | |
| Total Appropriation | 430,588 |
| | |

R00A01.15 Division of Correctional Education

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide additional educational opportunities for inmates in an effort to reduce recidivism.

| | |
|----------------------------------|---------|
| Special Fund Appropriation | 213,000 |
| Federal Fund Appropriation | 1,914 |
| | |
| Total Appropriation | 214,914 |
| | |

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 2009 to distribute vending machine income to blind vendors as prescribed in the Randolph-Sheppard Act.

| | |
|----------------------------------|---------|
| Special Fund Appropriation | 500,000 |
| | |

R00A02.01 State Share of Foundation Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to Montgomery County

Public Schools to adjust for a revision in the Education Aid formula.

General Fund Appropriation, ~~provided that \$24,171,216 of this appropriation made for the purpose of funding the deficiency appropriation for the State Share of the Foundation program be reduced contingent upon the enactment of HB 101 or SB 166~~

~~24,171,216~~
~~0~~
24,171,216

R00A02.15 Language Assistance

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to ensure that limited English proficient children attain English proficiency and meet the same academic standards as all children are expected.

Federal Fund Appropriation

16,934

R00A02.31 Public Libraries

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to promote library services and facilitate access to library resources.

Federal Fund Appropriation

89,769

R00A02.55 Teacher Development

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to meet mandated requirements to the Maryland Quality Teachers Incentive programs.

General Fund Appropriation

3,645,000

MARYLAND HIGHER EDUCATION COMMISSION

2009 Deficiency Appropriation

R62I00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to cover the costs of litigation relating to the Coalition for Equity and Excellence in Maryland Higher Education, Inc. versus Maryland Higher Education Commission.

General Fund Appropriation 163,796

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

2009 Deficiency Appropriation

OFFICE OF THE SECRETARY

S00A20.02 Maryland Affordable Housing Trust

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide special funds to the Maryland Affordable Housing Trust to support affordable housing.

Special Fund Appropriation 1,000,000

DIVISION OF NEIGHBORHOOD REVITALIZATION

S00A24.01 Neighborhood Revitalization

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide federal funds to address the mortgage foreclosure crisis with funds from the federal Neighborhood Stabilization Program.

Federal Fund Appropriation 75,000

S00A24.01 Neighborhood Revitalization

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide special funds to replace general funds reduced in the June and October 2008 Board of Public Works cost containment actions.

| | |
|----------------------------------|---------|
| Special Fund Appropriation | 223,000 |
|----------------------------------|---------|

S00A24.02 Neighborhood Revitalization – Capital
Appropriation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide federal funds to address the mortgage foreclosure crisis with funds from the federal Neighborhood Stabilization Program.

| | |
|----------------------------------|------------|
| Federal Fund Appropriation | 17,357,928 |
|----------------------------------|------------|

DIVISION OF DEVELOPMENT FINANCE

S00A25.07 Rental Housing Programs – Capital
Appropriation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide federal funds to address the mortgage foreclosure crisis with funds from the federal Neighborhood Stabilization Program.

| | |
|----------------------------------|-----------|
| Federal Fund Appropriation | 6,676,126 |
|----------------------------------|-----------|

DEPARTMENT OF JUVENILE SERVICES

2009 Deficiency Appropriation

DEPARTMENTAL SUPPORT

V00D02.01 Departmental Support

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund attainment.

| | |
|----------------------------------|---------|
| General Fund Appropriation | 250,000 |
|----------------------------------|---------|

RESIDENTIAL AND COMMUNITY OPERATIONS

V00E01.01 Residential and Community Operations

To become available immediately upon passage of this

budget to supplement the appropriation for fiscal year 2009 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund attainment.

General Fund Appropriation 150,000

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 2009 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund attainment.

General Fund Appropriation 200,000

V00G01.02 Baltimore City Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for overtime expenses.

General Fund Appropriation 200,000

V00G01.02 Baltimore City Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide additional funds for residential per-diem placements.

General Fund Appropriation 1,305,591

V00G01.02 Baltimore City Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund attainment.

General Fund Appropriation 860,000

V00G01.03 Baltimore City Region State-Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for overtime expenses.

General Fund Appropriation 300,000

=====

V00G01.03 Baltimore City Region State-Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for contractual expenses to provide staff coverage.

General Fund Appropriation 271,960

=====

CENTRAL REGION

V00H01.02 Central Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide additional funds for residential per-diem placements.

General Fund Appropriation 578,126

=====

V00H01.03 Central Region State-Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for overtime expenses.

General Fund Appropriation 500,000

=====

V00H01.03 Central Region State-Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for contractual expenses to provide staff coverage.

General Fund Appropriation 163,150

=====

V00H01.03 Central Region State-Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund attainment.

General Fund Appropriation 100,000

WESTERN REGION

V00I01.02 Western Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide additional funds for residential per-diem placements.

General Fund Appropriation 487,138

V00I01.02 Western Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund attainment.

General Fund Appropriation 100,000

V00I01.03 Western Region State-Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for contractual expenses to provide staff coverage.

General Fund Appropriation 489,580

EASTERN SHORE REGION

V00J01.01 Eastern Shore Region Administrative

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund

attainment.

General Fund Appropriation 75,000

=====

V00J01.02 Eastern Shore Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide additional funds for residential per-diem placements.

General Fund Appropriation 301,212

=====

V00J01.02 Eastern Shore Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund attainment.

General Fund Appropriation 554,320

=====

V00J01.03 Eastern Shore Region State-Operated Residential
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund attainment.

General Fund Appropriation 200,000

=====

SOUTHERN REGION

V00K01.02 Southern Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide additional funds for residential per-diem placements.

General Fund Appropriation 612,177

=====

V00K01.02 Southern Region Community Operations
To become available immediately upon passage of this

budget to supplement the appropriation for fiscal year 2009 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund attainment.

| | |
|----------------------------------|--------------------------|
| General Fund Appropriation | 250,000 |
| | <u><u> </u></u> |

METRO REGION

V00L01.02 Metro Region Community Operations
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide additional funds for residential per-diem placements.

| | |
|----------------------------------|--------------------------|
| General Fund Appropriation | 976,319 |
| | <u><u> </u></u> |

V00L01.03 Metro Region State-Operated Residential
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for overtime expenses.

| | |
|----------------------------------|--------------------------|
| General Fund Appropriation | 1,427,213 |
| | <u><u> </u></u> |

V00L01.03 Metro Region State-Operated Residential
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for contractual expenses to provide staff coverage.

| | |
|----------------------------------|--------------------------|
| General Fund Appropriation | 375,310 |
| | <u><u> </u></u> |

V00L01.03 Metro Region State-Operated Residential
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund attainment.

| | |
|----------------------------------|--------------------------|
| General Fund Appropriation | 40,000 |
| | <u><u> </u></u> |

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) | 153 | 21,473,856 |
| 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 HEALTH AND MENTAL HYGIENE

Alcohol and Drug Abuse Administration

| | | |
|--|---|---------|
| Special Assistant to the Secretary for Drug Policy | 1 | 123,059 |
|--|---|---------|

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 \$4,400,000 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 2010.

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 2010 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.

| | 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 2010 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 | 133,112 |
| PUBLIC SERVICE COMMISSION | | |
| Chair | 9991 | 150,000 |
| OFFICE OF THE PEOPLE'S COUNSEL | | |
| People's Counsel | 9906 | 102,563 |
| SUBSEQUENT INJURY FUND | | |
| Executive Director | 9905 | 115,000 |
| UNINSURED EMPLOYERS' FUND | | |
| Executive Director | 9905 | 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 | 132,131 |
| Executive Aide IX | 9909 | 130,050 |
| Executive Aide IX | 9909 | 127,500 |
| Executive Aide VIII | 9908 | 124,848 |
| Executive Aide VIII | 9908 | 119,646 |

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 | 121,021 |
| Executive Aide VII | 9907 | 119,646 |

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 VI | 9906 | 112,200 |
| Executive VI | 9906 | 112,200 |

DEPARTMENT OF VETERANS AFFAIRS

| | | |
|-----------|------|--------|
| Secretary | 9905 | 80,160 |
|-----------|------|--------|

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 | 112,154 |
|--------------------------------|------|---------|

COMPTROLLER OF MARYLAND

Office of the Comptroller

| | | |
|--------------------------------|------|---------|
| Chief Deputy Comptroller | 9910 | 154,235 |
| Executive Aide X | 9910 | 154,235 |
| Executive Aide X | 9910 | 154,235 |
| Assistant State Comptroller V | 9905 | 106,940 |
| Assistant State Comptroller V | 9905 | 99,091 |
| Assistant State Comptroller IV | 9904 | 94,656 |

General Accounting Division

Chapter 484 **Martin O'Malley, Governor** **2407**

Assistant State Comptroller VII 9907 123,708

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

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 113,512

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

Office of Facilities Planning, Design
and Construction

| | | |
|-------------|------|---------|
| Executive V | 9905 | 106,940 |
|-------------|------|---------|

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 | 115,928 |
| 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 | 123,708 |
| Executive V | 9905 | 96,446 |

Regulatory Services

| | | |
|--------------|------|---------|
| Executive VI | 9906 | 108,512 |
|--------------|------|---------|

Deputy Secretary for Public Health Services

| | | |
|--------------|------|---------|
| Executive IX | 9909 | 143,270 |
| Executive V | 9905 | 100,089 |

Community Health Administration

| | | |
|--------------|------|---------|
| 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 |
|------------------|------|---------|

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 | 107,100 |
| 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 | | |

| | | |
|--------------------|----------------------------------|-------------|
| Chapter 484 | Martin O'Malley, Governor | 2411 |
|--------------------|----------------------------------|-------------|

| | | |
|----------------|------|---------|
| 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 | 114,240 |
|--------------|------|---------|

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 | 122,231 |
|--------------|------|---------|

PUBLIC EDUCATION

State Department of Education – Headquarters

| | | |
|--|------|---------|
| Deputy State Superintendent of Schools | 9908 | 133,112 |
| 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 | 107,546 |

Maryland Higher Education Commission

| | | |
|---------------------|------|---------|
| Secretary | 9910 | 154,194 |
| Assistant Secretary | 9907 | 108,175 |
| Assistant Secretary | 9907 | 99,069 |

Maryland School for the Deaf – Frederick Campus

| | | |
|----------------|------|---------|
| Superintendent | 9907 | 123,228 |
|----------------|------|---------|

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 | 166,082 |
| Deputy Secretary | 9909 | 143,270 |
| Executive VII | 9907 | 116,963 |
| Executive VII | 9907 | 114,444 |
| Executive VI | 9906 | 113,404 |

Division of Marketing and Business Development

| | | |
|---------------|------|---------|
| Executive VII | 9907 | 119,646 |
|---------------|------|---------|

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 | 115,000 |

Water Management Administration

| | | |
|---|------|---------|
| Executive VI | 9906 | 110,376 |
| Waste 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 |
| Assistant Secretary | 9905 | 106,940 |
| Residential and Community Operations | | |
| Deputy Secretary | 9908 | 131,715 |
| Assistant Secretary | 9905 | 84,662 |
| DEPARTMENT OF STATE POLICE | | |
| Maryland State Police | | |
| Superintendent | 9911 | 166,082 |
| Deputy Secretary | 9907 | 92,640 |

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 2010 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.

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, 2009 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), 0157 (Other Post Retirement Benefits), 0175 (Workers' Compensation), 0217 (Health Insurance – Maryland Department of Transportation only), 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.~~ 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 2008 and fiscal year 2009. 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. Any funds restricted in this budget to be utilized for other postretirement benefits that are unspent shall be credited to the Postretirement Health Benefits Trust Fund as established in accordance with Section 34–101 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 for fiscal 2010 the number of vacant full-time equivalent (FTE) regular positions in Executive Branch agencies shall be reduced by 1,000 FTE positions. The number of positions and associated funding shall be reduced in fiscal year 2010 in accordance with the following schedule:

| Agency | Position FTE | General Funds |
|------------------------------------|-----------------|------------------|
| C80 Office of the Public Defender | 25.0 | 989,831 |
| C81 Office of the Attorney General | 3.0 | 114,981 |

| | | | |
|-----|---|---------|------------|
| D10 | Executive Department – Governor | 1.0 | 63,992 |
| D17 | Historic St. Mary's City Commission | 1.0 | 26,930 |
| D18 | Governor's Office for Children | 1.0 | 34,573 |
| D38 | State Board of Elections | 2.0 | 91,167 |
| D40 | Department of Planning | 6.0 | 311,676 |
| D50 | Military Department | 11.0 | 213,143 |
| D55 | Department of Veterans Affairs | 3.0 | 140,356 |
| D90 | Canal Place Preservation and Development Authority | 1.0 | 48,784 |
| E50 | Department of Assessments and Taxation | 2.0 | 90,930 |
| F10 | Department of Budget and Management | 3.0 | 154,437 |
| F50 | Department of Information Technology | 3.0 | 167,939 |
| H00 | Department of General Services | 19.0 | 738,564 |
| K00 | Department of Natural Resources | 13.0 | 582,777 |
| L00 | Department of Agriculture | 8.0 | 233,264 |
| M00 | Department of Health and Mental Hygiene | 200.0 | 5,143,557 |
| N00 | Department of Human Resources | 200.0 | 3,806,069 |
| P00 | Department of Labor, Licensing, and Regulation | 9.0 | 165,992 |
| Q00 | Department of Public Safety and Correctional Services | 400.0 | 9,336,070 |
| R00 | State Department of Education | 5.0 | 180,818 |
| R62 | Maryland Higher Education Commission | 2.0 | 59,379 |
| R95 | Baltimore City Community College | 25.0 | 359,781 |
| T00 | Department of Business and Economic Development | 3.0 | 194,905 |
| U00 | Department of the Environment | 8.0 | 335,175 |
| V00 | Department of Juvenile Justice | 25.0 | 795,197 |
| W00 | Department of State Police | 21.0 | 643,768 |
| | Total | 1,000.0 | 25,024,055 |

SECTION 19. AND BE IT FURTHER ENACTED, That the Governor is hereby authorized to transfer by approved budget amendment from State agencies to budget code F10A02.06, Division of Classification, positions and associated funding related to personnel classification and salary functions within the Department of Budget and Management's Office of Personnel Services and additional positions and associated funding shall be reduced effective July 1, 2009, in accordance with the following schedule:

| Agency | Position FTE | General Funds | PIN Number | |
|--------|---------------------------------|------------------|---------------|--------|
| E00 | Comptroller of Maryland | 1.0 | 55,141 | 003024 |
| K00 | Department of Natural Resources | 1.0 | 18,169 | 013415 |

| | | | | |
|-------|---|------|---------|--------------------------------------|
| M00 | Department of Health and Mental Hygiene | 4.0 | 241,273 | 015338 015575 055151 077788 |
| N00 | Department of Human Resources | 2.0 | 112,423 | 071291 073617 |
| P00 | Department of Labor, Licensing and Regulation | 1.0 | 12,003 | 032196 |
| Q00 | Department of Public Safety and Correctional Services | 1.0 | 51,917 | 075997 |
| R00 | State Department of Education | 2.0 | 29,275 | 039363 051017 |
| W00 | Department of State Police | 1.0 | 81,127 | 038786 |
| TOTAL | | 13.0 | 601,328 | |

SECTION 20. AND BE IT FURTHER ENACTED, That notwithstanding the provisions of § 34–101 of the State Personnel and Pensions Article, and contingent upon the enactment of legislation authorizing the deposit of the Medicare Part D subsidy to the State Employees and Retirees Health and Welfare Benefits Fund in fiscal 2010, the State shall not be required to deposit the federal subsidy to employers as a result of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to the Postretirement Health Benefits Trust Fund. Funds for the aforementioned subsidy shall be deposited to the State Employees and Retirees Health and Welfare Benefits Fund as established in accordance with § 2–516 of the State Personnel and Pensions Article. ~~Total funding~~ *General funds in the amount* of \$24,584,082 for health insurance expenses (Comptroller subobjects 0152 and 0154) shall be reduced within Executive Branch agencies in fiscal year 2010, ~~by the following amounts in accordance with a schedule determined by the Governor.~~

| Fund | Amount |
|--------------------------|-----------------------|
| General Funds | 14,752,276 |
| Special Funds | 3,574,801 |
| Federal Funds | 2,512,191 |

| | |
|---------------------------------------|----------------------|
| Reimbursable Funds | 240,403 |
| Current Unrestricted Funds | 1,786,177 |
| Current Restricted Funds | 1,718,234 |

SECTION 21. AND BE IT FURTHER ENACTED, That notwithstanding the provisions of § 32-205 of the State Personnel and Pensions Article and contingent upon the enactment of legislation to eliminate the payment of employer contributions for State supplemental plans in the Optional Defined Contribution System in fiscal 2010 the State shall not be required to make the employer contributions to the applicable State supplemental plan for participating employees in the Optional Defined Contribution System. Funding for this purpose (Comptroller subobject 0172) shall be reduced ~~within Executive Branch agencies~~ in fiscal year 2010 by the following amounts in accordance with a schedule determined by the Governor:

| <u>Fund</u> | <u>Amount</u> | |
|---------------------------------------|-----------------------------|-------------------|
| General Funds | 11,833,299 | |
| Special Funds | 4,280,707 | |
| Federal Funds | 4,314,091 | |
| Reimbursable Funds | 336,721 | |
| Current Unrestricted Funds | 2,323,627 | |
| Current Restricted Funds | 599,021 | |
| <u>Department</u> | <u>Fund</u> | <u>Amount</u> |
| <u>Executive</u> | <u>General</u> | <u>10,405,389</u> |
| <u>Executive</u> | <u>Special</u> | <u>4,184,548</u> |
| <u>Executive</u> | <u>Federal</u> | <u>4,293,817</u> |
| <u>Executive</u> | <u>Reimbursable</u> | <u>336,721</u> |
| <u>Executive</u> | <u>Current Unrestricted</u> | <u>2,323,627</u> |
| <u>Executive</u> | <u>Current Restricted</u> | <u>599,021</u> |
| <u>Judiciary</u> | <u>General</u> | <u>1,143,210</u> |
| <u>Judiciary</u> | <u>Special</u> | <u>96,159</u> |
| <u>Judiciary</u> | <u>Federal</u> | <u>20,274</u> |
| <u>Legislative</u> | <u>General</u> | <u>284,700</u> |

SECTION 22. AND BE IT FURTHER ENACTED, That for fiscal 2010, the appropriations in Section 1 of this Act for Executive Branch agencies shall be reduced by not less than \$30,000,000 in General Funds in accordance with a schedule

determined by the Governor. This reduction may be allocated to any object or subobject of expenditure related to workforce or personnel costs.

SECTION 23. AND BE IT FURTHER ENACTED, That for fiscal 2010, funding for contractual employees shall be reduced in Executive Branch agencies in the amount of \$4,992,600. Funding for this purpose (Comptroller subobject 0220) shall be reduced within Executive Branch agencies in fiscal year 2010 by the following amounts in accordance with a schedule determined by the Governor:

| Agency | General Funds |
|--|------------------|
| C80 Office of the Public Defender | 152,412 |
| C81 Office of the Attorney General | 31,213 |
| C82 State Prosecutor | 29,868 |
| C85 MD Tax Court | 1,925 |
| D11 Office of Deaf and Hard of Hearing | 6,736 |
| D15 Boards and Commissions | 104,465 |
| D16 Secretary of State | 4,738 |
| D26 Department of Aging | 10,931 |
| D38 State Board of Elections | 22,362 |
| D40 Department of Planning | 21,978 |
| D50 Military Department | 44,681 |
| D55 Department of Veterans Affairs | 14,270 |
| D60 Maryland State Archives | 11,806 |
| E00 Comptroller of Maryland | 127,571 |
| E50 Department of Assessments and Taxation | 6,736 |
| F10 Department of Budget and Management | 60,054 |
| F50 Department of Information Technology | 26,691 |
| H00 Department of General Services | 8,440 |
| K00 Department of Natural Resources | 4,584 |
| L00 Department of Agriculture | 25,009 |
| M00 Department of Health and Mental Hygiene | 1,656,660 |
| N00 Department of Human Resources | 25,261 |
| P00 Department of Labor, Licensing, and Regulation | 84,550 |
| Q00 Department of Public Safety and Correctional Services | 1,315,773 |
| R00 State Department of Education | 225,313 |
| R15 Maryland Public Broadcasting Commission | 2,006 |
| T00 Department of Business and Economic Development | 155,332 |
| U00 Department of the Environment | 457 |
| V00 Department of Juvenile Justice | 689,296 |
| W00 Department of State Police | 121,482 |
| | <hr/> |
| Total | 4,992,600 |

SECTION 24. AND BE IT FURTHER ENACTED, That for fiscal 2010, funding for contractual services shall be reduced in the amount of \$25,000,248 in Executive Branch agencies to recognize savings from re-bidding contracts in a weak economy. Funding for this purpose (Comptroller object 08) shall be reduced within Executive Branch agencies in fiscal year 2010 by the following amounts in accordance with a schedule determined by the Governor:

| Agency | General Funds |
|--|------------------|
| C80 Office of the Public Defender | 112,483 |
| C81 Office of the Attorney General | 34,988 |
| D05 Board of Public Works | 3,497 |
| D10 Executive Department – Governor | 20,969 |
| D15 Boards and Commissions | 70,056 |
| D26 Department of Aging | 4,901 |
| D38 State Board of Elections | 115,402 |
| D40 Department of Planning | 35,782 |
| D50 Military Department | 55,225 |
| D55 Department of Veterans Affairs | 35,278 |
| D60 Maryland State Archives | 4,909 |
| E20 State Treasurer | 14,738 |
| E50 Department of Assessments and Taxation | 48,121 |
| F10 Department of Budget and Management | 36,021 |
| F50 Department of Information Technology | 1,511,840 |
| H00 Department of General Services | 653,483 |
| K00 Department of Natural Resources | 206,139 |
| L00 Department of Agriculture | 202,531 |
| M00 Department of Health and Mental Hygiene | 7,334,757 |
| N00 Department of Human Resources | 5,762,367 |
| P00 Department of Labor, Licensing, and Regulation | 102,003 |
| Q00 Department of Public Safety and Correctional Services | 3,611,138 |
| R00 State Department of Education | 2,874,579 |
| R15 Maryland Public Broadcasting Commission | 29,456 |
| R62 Maryland Higher Education Commission | 31,940 |
| T00 Department of Business and Economic Development | 548,637 |
| U00 Department of the Environment | 82,937 |
| V00 Department of Juvenile Justice | 1,087,026 |
| W00 Department of State Police | 369,045 |
| | <hr/> |
| Total | 25,000,248 |

SECTION 25. AND BE IT FURTHER ENACTED, That \$35,556,999 in Special Funds in Section 1 of this Act shall be reduced contingent on legislation reallocating the distribution of proceeds from the Regional Greenhouse Gas Initiative auctions. The Governor shall provide a schedule itemizing this reduction prior to July 1, 2009.

SECTION 26. 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 27. AND BE IT FURTHER ENACTED, That the Comptroller of the Treasury'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 28. 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 the actual, current, and budget years 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 29. 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 2010, 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 administration of federal funds by Executive agencies.

SECTION 30. 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 2010 as an appendix in the Governor's fiscal 2011 budget books. The report shall detail by agency for the actual fiscal 2009 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 3 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 2010, 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 31. 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 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 4 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 32. 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 2011 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 2010 except as indicated elsewhere in this Act; however, this shall not preclude the placement of additional information into the budget books. For actual fiscal 2009 spending, the fiscal 2010 working appropriation, and the fiscal 2011 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 2009 spending, the fiscal 2010 working appropriation, and the fiscal 2011 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 33. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that on or before August 1, 2009, 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 2009 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, 2009, 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 2009.

SECTION 34. 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 2010 appropriation detail as shown in the Governor's budget books submitted to the General Assembly in January 2010 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 2011 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 35. 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 2009 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 2009 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 2009 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 2009 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, 2009, March 1, 2010, and June 1, 2010.

(6) It is the intent of the General Assembly that general funds appropriated for fiscal 2009 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 36. 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 2009 session whose nomination for the Secretary position was not put forward and approved by the Senate during the 2009 session.

SECTION 37. AND BE IT FURTHER ENACTED, That immediately following the close of fiscal 2009, the Secretary of the Department 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 2009 and on the first day of fiscal 2010. Authorized positions shall include all positions authorized by the General Assembly in the personnel detail of the budgets for fiscal 2009 and 2010 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 2010 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 2011 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 2010 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, 2009, October 1, 2009, January 1, 2010, and April 1, 2010; 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 the Department of Budget and Management shall include as an appendix in the fiscal 2011 Governor's budget books an accounting of the fiscal 2009 actual, fiscal 2010 working appropriation, fiscal 2011 and fiscal 2012 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 the Department of Budget and Management shall create a statewide subobject to provide for budgeting in all fund accounts in individual agency budgets for Other Post Employment Benefits expenditures.

SECTION 42. AND BE IT FURTHER ENACTED, That any agreement made through any State agency, including all promotional contracts offering money to airlines for joint marketing services, contracts that waive certain airport fees, and agreements guaranteeing an airline's profit or return on sales, that involves the payment of funds to an airline that results in a reduction in revenue to the State from any fees, rent charges, or other types of revenue charged to an airline:

(1) may not be approved or go into effect unless the agreement is approved by the Board of Public Works, except if the Maryland Aviation Administration or the Maryland Department of Transportation is using a standard agreement previously approved by the Board of Public Works; and

(2) must be included in the Maryland Aviation Commission's annual report submitted to the General Assembly in accordance with Section 5-201.2 of the Transportation Article. The report shall include the total number of agreements reached during the previous fiscal year, the total number of airlines involved in the agreements, and the total dollar amount for that fiscal year relating to those agreements. These summary reports shall be provided separately for agreements relating to fee waivers, joint marketing services, and agreements that guarantee an airline's profit or return on sales.

Further provided that all agreements guaranteeing an airline's profit or return on sales may not be entered into unless the executive director of the Maryland Aviation Administration or the Secretary of the Maryland Department of Transportation advises the chair of the Senate Budget and Taxation Committee, the chair of the Public Safety, Transportation, and Environment Subcommittee, the chair of the House Appropriations Committee, the chair of the Transportation and Environment Subcommittee, and the Department of Legislative Services of the proposed agreement.

SECTION 43. AND BE IT FURTHER ENACTED, That the funding of the State Employees Risk Management Administration included in the State's workers' compensation assessment from the Injured Workers' Insurance Fund (subobject 0175) shall be reduced in fiscal 2010 by the following amounts:

| <u>Department</u> | <u>Fund</u> | <u>Amount</u> |
|--------------------|-----------------------------|----------------|
| <u>Executive</u> | <u>General</u> | <u>392,413</u> |
| <u>Executive</u> | <u>Special</u> | <u>168,404</u> |
| <u>Executive</u> | <u>Federal</u> | <u>27,618</u> |
| <u>Executive</u> | <u>Current Unrestricted</u> | <u>14,795</u> |
| <u>Executive</u> | <u>Current Restricted</u> | <u>16,526</u> |
| <u>Judiciary</u> | <u>General</u> | <u>6,282</u> |
| <u>Legislative</u> | <u>General</u> | <u>296</u> |

SECTION 44. AND BE IT FURTHER ENACTED, That funding for cell phone expenditures (statewide subobject 0306) shall be reduced as follows:

| <u>Fund</u> | <u>Amount</u> |
|-------------------------|----------------|
| <u>General</u> | <u>479,517</u> |
| <u>Special</u> | <u>364,892</u> |
| <u>Federal</u> | <u>150,362</u> |
| <u>Reimbursable</u> | <u>11,225</u> |
| <u>Nonbudgeted</u> | <u>2,935</u> |
| <u>Higher Education</u> | <u>409,847</u> |

The Governor shall develop a schedule for allocating this reduction across the various State agencies and across all funds based upon State agency use. In reducing

higher education funds, all of the reduction shall be derived from State general fund support under Program R75T00.01.

~~SECTION 45. AND BE IT FURTHER ENACTED, That no funds in this budget may be expended for the further development of the Case Management Modernization Project and the Offender Case Management System until the Judiciary and the Department of Public Safety and Correctional Services (DPSCS) develop a common State identifier for each offender.~~

~~Further provided that the Criminal Justice Information Advisory Board shall address the formulation of an interoperable case management system and submit a report to the budget committees, with bi-annual submissions thereafter, addressing the following provisions:~~

~~(1) the process and projected timeline for establishing a mechanism that allows the real-time transfer of information between the Judiciary and DPSCS;~~

~~(2) initial and ongoing cost savings resulting from the establishment of a common identifier and real-time data sharing; and~~

~~(3) the joint development and submission of reports providing long-term criminal justice system trend data (e.g., the number of individuals sentenced for certain offenses, the number of nolle prosequi dispositions, and the number of individuals sentenced to probation).~~

~~Further provided that on November 1, 2009, and annually thereafter, the Criminal Justice Information Advisory Board shall develop and submit a Joint Case Management Interoperability Information Technology (IT) Plan. The IT plan shall discuss the interoperability status of the IT systems currently under development by the Judiciary and DPSCS as well as whether any consideration has been given toward developing interoperable IT systems for new systems contemplated in the future.~~

~~The budget committees shall have 45 days to review and comment following receipt of the report.~~

SECTION 45. AND BE IT FURTHER ENACTED, That subject to paragraphs (1) through (3), no funds in this budget may be expended for the further development of the Case Management Modernization Project or the Offender Case Management System until the Judiciary and the Department of Public Safety and Correctional Services (DPSCS) develop a common State identifier for each offender.

(1) The Criminal Justice Information Advisory Board, including at a minimum members from the Judiciary, DPSCS, Office of the Attorney General (OAG), and the Department of Information Technology (DoIT), shall address the formulation of an interoperable case management system and submit a report to the budget committees, with bi-annual submissions thereafter, addressing the following provisions:

(a) the process and projected timeline for establishing a mechanism that allows the real-time transfer of information between the Judiciary and DPSCS;

(b) initial and ongoing cost savings resulting from the establishment of a common identifier and real-time data sharing; and

(c) the joint development and submission of reports providing long-term criminal justice system trend data (e.g., the number of individuals sentenced for certain offenses, the number of nolle prosequi dispositions, and the number of individuals sentenced to probation).

~~(2) Funding may be released for either the Judiciary or DPSCS upon the Judiciary or DPSCS providing the budget committees with a letter of certification from DoIT once either the new Case Management Modernization Project or the Offender Case Management System (OCMS) is fully capable of interfacing with current and future data systems in order for both agencies to track and share offender information under the established common identifier.~~ **Funding may be released for DPSCS upon providing the budget committees with a letter of certification from DoIT once the Offender Case Management System is fully capable of interfacing with current and future data systems in order to track and share offender information under the established common identifier. The letter shall include the estimated cost of any necessary changes to the State contracts.**

(3) The budget committees shall have 45 days to review and comment following receipt of the report or a certification letter.

Further provided that with the annual budget submission, the Judiciary, OAG, DPSCS, and DoIT shall develop and submit a Joint Case Management Interoperability Information Technology (IT) Plan. The IT plan shall discuss the interoperability status of the IT systems currently under development by the Judiciary and DPSCS as well as whether any consideration that has been given toward developing interoperable IT systems for new systems contemplated in the future.

SECTION 46. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor's fiscal 2011 budget books include separately a summary of Chesapeake Bay restoration expenditures by agency and fund. The Department of Budget and Management (DBM) shall include the fiscal 2009 actual, fiscal 2010 working appropriation, and fiscal 2011 allowance for programs that have over 50% of their activities directly related to Chesapeake Bay restoration. Further provided that DBM should provide to the Department of Legislative Services (DLS) the same data disaggregated by program in an electronic format subject to the concurrence of DLS.

~~SECTION 47. AND BE IT FURTHER ENACTED, That \$200,000 of the appropriation made for the purpose of the Office of People's Counsel (C91H00) and \$200,000 of the appropriation made for the purpose of the Public Service Commission~~

~~(C90G00) may not be expended until the Office of People's Counsel and Public Service Commission submit a report to the budget committees. The report shall include:~~

~~(1) the cause of the decreased performance for the Office of People's Counsel in the area of complaints and terminations resolved successfully between fiscal 2007 and 2008;~~

~~(2) the relatively low estimates of the Office of People's Counsel for the complaints and terminations resolved successfully for fiscal 2009 and 2010;~~

~~(3) the role of the Office of People's Counsel in examining the transactions of Constellation Energy Group with MidAmerican Energy Holdings Company and EDF Development Inc.; and~~

~~(4) the actions the Public Service Commission and Office of People's Counsel have taken, or intend to take, regarding issues of termination and arrearages for residential customers in fiscal 2009 and 2010 with a plan to provide relief to these customers.~~

~~The budget committees shall have 45 days from the receipt of the report to review and comment.~~

SECTION 47. AND BE IT FURTHER ENACTED, That \$200,000 of the appropriation made for the purpose of general operating expenses in the Office of the People's Counsel (C91H00) may not be expended until the Office of the People's Counsel submits a report to the budget committees. The report shall include:

(1) the cause of the decreased performance for the Office of the People's Counsel in the area of complaints and terminations resolved successfully between fiscal 2007 and 2008;

(2) the reason for the relatively low estimates of the Office of the People's Counsel for the complaints and terminations resolved successfully for fiscal 2009 and 2010;

(3) the role of the Office of the People's Counsel in examining the transactions of Constellation Energy Group with MidAmerican Energy Holdings Company and EDF Development Inc.; and

(4) the actions Office of the People's Counsel has taken, or intends to take, regarding issues of termination and arrearages for residential customers in fiscal 2009 and 2010 with a plan to provide relief to these customers.

Further provided that \$200,000 of the appropriation made for the purpose of general operating expenses in the Public Service Commission

(C90G00) may not be expended until the Public Service Commission submits a report to the budget committees on the actions it has taken, or intends to take, regarding issues of termination and arrearages for residential customers in fiscal 2009 and 2010 with a plan to provide relief to these customers.

The budget committees shall have 45 days from the receipt of each report to review and comment.

SECTION ~~48~~ ~~47~~ 48. 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 Military Department made for the purpose of general operating expenses may not be expended until DBM and the Military Department provide, within the submission of the fiscal 2011 budget volumes, the line item detail for the revenues and expenditures associated with the Maryland State Firemen's Association grant program. The submission shall include line item detail for the administrative expenses, the Trustee's Relief Account (Widows and Orphans Fund), and the Volunteer Company Assistance Fund's grants and loans. The submission shall include the revenue sources that support each expenditure and 3 years of detail showing the most recent actual expenditure, the current year working appropriation, and the allowance.

The budget committees shall have 45 days from the date of receipt of the report to review and comment.

SECTION ~~49~~ ~~48~~ 49. AND BE IT FURTHER ENACTED, That beginning on December 31, 2009, and annually thereafter, the Governor's Office of Homeland Security (GOHS), with the assistance of the Maryland Emergency Management Agency, the Department of Health and Mental Hygiene, the Department of State Police, and the Maryland Department of Transportation shall submit a report to the budget committees that details spending related to homeland security (by agency and by funding source) for the most recent federal fiscal year. At a minimum, the report shall include the amount of the funding pass-through to local jurisdictions (by county). The report shall also include a listing of the homeland security projects for which funding was expended and a description as to how these projects correspond to the 12 core goals for emergency preparedness (Interoperable Communications, Intelligence/Information Sharing and Collaboration Capabilities, Hazmat/Explosive Device Response, Personal Protective Equipment for First Responders, Biosurveillance, Vulnerability Assessment, Exercise Evaluation and Training, Closed Circuit Television Network, Mass Casualty/Hospital Surge, Planning, Backup Power and Communications, and Transportation Security). The report shall also summarize the progress made toward achieving the 12 core goals. Prior to developing the report, GOHS shall consult with the Department of Legislative Services in determining appropriate data and information to include in the report.

SECTION ~~50~~ ~~49~~ 50. AND BE IT FURTHER ENACTED, That on or before October 1, 2009, the Department of Health and Mental Hygiene shall submit an application to the Centers for Medicare and Medicaid Services to amend the State Medical Assistance Program to allow the department to receive federal matching

funds for evidence-based services provided to youthful offenders including, but not limited to, multi-systemic therapy, functional family therapy, and multi-dimensional treatment foster care.

If the department is not allowed to amend the State Medical Assistance Program to receive federal matching funds for services provided only to youthful offenders, the department shall, within 30 days of any decision by the Centers for Medicare and Medicaid Services, submit to the budget committees, the House Health and Government Operations Committee, and the Senate Finance Committee a cost estimate for amending the State Medical Assistance Program to allow the receipt of federal matching funds for evidence-based services to any eligible population.

If the department is allowed to amend the State Medical Assistance Program to allow the receipt of federal matching funds for evidence-based services provided to youthful offenders, the general funds for those services may be transferred by budget amendment from the Department of Juvenile Services (Program V00) to the Mental Hygiene Administration (Program M00L01.03).

SECTION ~~51~~ ~~50~~ 51. AND BE IT FURTHER ENACTED, That the Board of Public Works, 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 ~~150~~ ~~250~~ 200 positions in excess of the total number of authorized State positions on July 1, 2009, as determined by the Secretary of the Department 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 ~~150~~ ~~250~~ 200 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, the Board of Public Works 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.

The Board of Public Works 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 ~~150~~ ~~250~~ 200 under this section.

In addition to any positions created within the limitation of ~~150~~ ~~250~~ **200** under this section, the Board of Public Works may authorize the creation of no more than 150 positions within the Department of Human Resources to provide services purchased by Local Management Boards through contracts with local departments of social services. If a Local Management Board terminates a contract with a local department of social services during the fiscal year, all the positions created by the Board of Public Works to provide services under the terms of that contract shall be abolished.

In addition to any positions created within the limitation of ~~150~~ ~~250~~ **200** under this section, the Board of Public Works may authorize the creation of positions within the Department of Human Resources to provide services funded by grants from sources other than Local Management Boards. If any grant entity terminates a grant award with a local department of social services or other unit during the fiscal year, all positions created by the Board of Public Works to provide services under the terms of the grant award shall be abolished. The employee contracts for these positions shall explicitly state that the positions are abolished at the termination of the grant award. General funds or any other State funds shall not be used to pay any of the salaries or benefits for these positions. Furthermore, the Department of Human Resources must provide a summary to the budget committees by December 1 of each year on the number of positions created under this section.

The numerical limitation on the creation of positions by the Board of Public Works 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 the Department 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 the Department of Budget and Management shall certify and report to the General Assembly by June 30, 2010, the status of positions created with non-State funding sources during fiscal 2006, 2007, 2008, 2009, and 2010 under this provision as remaining authorized or abolished due to the discontinuation of funds.

SECTION 52. AND BE IT FURTHER ENACTED, That no funds may be expended for, nor may the master development agreement for the proposed State Center project be submitted to the Board of Public Works for approval, until:

(1) The State Treasurer has consulted with the Comptroller, bond counsel, and the bond rating agencies and considered whether the State Center project constitutes a capital lease and the potential impact the project

would have on State debt affordability limits. The Treasurer shall outline the results of this assessment in a report to be submitted to the budget committees no later than May 15, 2009; and

(2) The budget committees shall complete all review and comment by May 29, 2009.

SECTION 53. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a joint legislative and executive workgroup be established during the 2009 interim to study issues related to legislative oversight of proposed public-private partnerships and to recommend legislation for consideration at the 2010 session. Staffing shall be provided by the Department of Legislative Services.

SECTION 54. AND BE IT FURTHER ENACTED, That the Department of General Services, the Maryland Department of Transportation, the University System of Maryland Office, and the Maryland Transportation Authority shall each submit a report to the budget committees by August 1, 2009, listing all projects for which a public-private partnership is under consideration or in any phase of development. The budget committees shall have 45 days to review and comment from the date of receipt of each report.

SECTION ~~52~~ 55. AND BE IT FURTHER ENACTED, That \$65,000 of the General Fund Appropriation in both the Mental Hygiene Administration (M00L01.01 Program Direction) and Developmental Disabilities Administration (M00M01.01 Program Direction) made for the purpose of general operating expenses may not be expended for that purpose but instead may only be used to fund the Community Services Reimbursement Rate Commission. 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 the Department of Health and Mental Hygiene shall report to the budget committees by October 1, 2009, on ~~efforts to obtain federal Medicaid matching funds to support the Community Services Reimbursement Rate Commission and recommendations, developed in consultation with the commission and other stakeholders, on developing a financially sound rate setting process.~~

(1) efforts to obtain federal Medicaid matching funds to support the Community Services Reimbursement Rate Commission;

(2) recommendations, developed in consultation with the commission and other stakeholders, on developing a financially sound rate-setting process that encourages both maximizing operational efficiency and the highest levels of quality of care; and

(3) any changes the department, in consultation with the commission and other stakeholders, believes would improve the work of the commission,

including, but not limited to, broadening the composition of the membership of the commission and altering the limit on the commission's rate-setting recommendations to align to the spending affordability limit or other appropriate measure.

SECTION 56. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that upon the completion of a transfer of \$1,182,500 from the Maryland Department of Transportation's Secretary's Office to the Department of Public Safety and Correctional Services Capital Appropriation provided for in this Act, then the Maryland Transportation Authority (MDTA) shall have use of a pistol firing range at least three times per year at the Public Safety Education and Training Center (PSETC) in Sykesville or at Liberty Range in Baltimore County when the Department of State Police can accommodate MDTA. MDTA and the Police and Correctional Training Commissions (PCTC) shall collaborate to remediate the rifle range at PSETC and to construct up to 10 additional pistol lanes at PSETC if additional pistol lanes are found to be necessary per provision (1) below.

Provided that prior to the expenditure of design funds for the firing range:

(1) MDTA and PCTC shall jointly submit a needs assessment to the budget committees to determine whether the current capacity for pistol lanes at PSETC meets the needs of MDTA and all other law enforcement agencies. This needs assessment shall take into consideration the 10 additional pistol lanes that MDTA was seeking to build to determine if there is a need for these additional lanes. If there are unmet needs for pistol lanes, the proposed remediation of the rifle firing range shall also include the construction of up to 10 additional pistol lanes at PSETC.

(2) MDTA and PCTC shall agree to a memorandum of understanding concerning MDTA's use of PSETC firing ranges and provide a copy of the memorandum of understanding to the budget committees.

(3) The budget committees shall have 45 days to review and comment from the receipt of each of these reports.

Further provided that PCTC shall develop a long-term needs assessment that considers the current and future needs of law enforcement agencies for firing ranges over the next 20 years. The report shall be submitted to the budget committees by December 1, 2009, and the budget committees shall have 45 days to review and comment on the report.

SECTION ~~26~~ ~~52~~ ~~53~~ 57. 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 ~~27~~, ~~53~~, ~~54~~, 58. 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 2010 fiscal year is submitted:

BUDGET SUMMARY (\$)**Fiscal Year 2009**

| | | |
|--|---------------------|-----------------------|
| General Fund Balance, June 30, 2008 available for 2009 Operations | | 487,111,012 |
| 2009 Estimated Revenues (all funds) | | 29,947,823,091 |
| Reimbursement from reserve for Heritage Tax Credits | | 21,270,915 |
| Reimbursement from reserve for Biotechnology Tax Credits | | 6,000,000 |
| Transfer from Accounting Reserves | | 380,163,631 |
| Transfer from the Revenue Stabilization Account | | 170,000,000 |
| Transfer from other funds contingent upon legislation | | 264,388,820 |
| 2009 Appropriations as amended (all funds) | 30,650,935,404 | |
| 2009 Deficiencies (all funds) | 286,249,484 | |
| Estimated Agency General Fund Reversions | <u>(84,526,258)</u> | |
| Subtotal Appropriations (all funds) | | <u>30,852,658,630</u> |
| 2009 General Funds Reserved for 2010 Operations | | 424,098,839 |

Fiscal Year 2010

| | | |
|--|---------------------|----------------|
| 2009 General Funds Reserved for 2010 Operations | | 424,098,839 |
| 2010 Estimated Revenues (all funds) | | 30,933,475,219 |
| Reimbursement from reserve for Heritage Tax Credits | | 18,491,391 |
| Reimbursement from reserve for Biotechnology Tax Credits | | 6,000,000 |
| Transfer from the Revenue Stabilization Account | | 210,000,000 |
| Transfer from other funds contingent upon legislation | | 15,598,109 |
| 2010 Appropriations (all funds) | 32,051,265,919 | |
| Reductions contingent upon legislation (all funds) | (449,291,437) | |
| Estimated Agency General Fund Reversions | <u>(40,233,509)</u> | |

Subtotal Appropriations (all funds)

31,561,740,973

2010 General Fund Unappropriated Balance

45,922,585

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2010

March 23, 2009

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 (House of Delegates) – (State Senate), duly granted, I hereby submit a supplement to House Bill 100 and/or Senate Bill 165 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2010.

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, 2010 (per Original Budget) | 45,922,585 |
|--|------------|

Adjustment to revenue:

General Funds:

Fiscal Year 2009

| | |
|---|---------------|
| Board of Revenue Estimates, March 11, 2009 | (445,516,000) |
| DHMH – Hospital Patient Recoveries – FY 2009 | 5,000,000 |

Fiscal Year 2010

| | |
|---|-----------------|
| Board of Revenue Estimates, March 11, 2009 | (716,484,000) |
| DHMH – Hospital Patient Recoveries – FY 2010 | 8,000,000 |
| | (1,149,000,000) |

Special Funds:

| | |
|---|--------------|
| swf310 Rate Stabilization Fund | 5,400,000 |
| swf310 Rate Stabilization Fund | (4,400,000) |
| swf318 Maryland Education Trust Fund | (50,700,000) |
| | (49,700,000) |

Federal Funds:

| | | | | |
|---------|---------------|------------|--------------------|------------------|
| 16.588s | Violence | Against | | |
| | Women | Formula | Grants | 1,537,342 |
| 16.738s | Edward | Byrne | | |
| | Memorial | Justice | Assistance | |
| | Grant | Group | | 10,600,520 |
| 17.235s | Senior | Community | | |
| | Service | Employment | | |
| | Program | | 85,693 | |
| 93.045s | Special | Programs | for | |
| | the | Aging | Title III, Part C | |
| | Nutrition | Services | | <u>414,307</u> |
| | | | | 500,000 |
| 17.235s | Senior | Community | | |
| | Service | Employment | | |
| | Program | | 241,546 | |
| 93.045s | Special | Programs | for | |
| | the | Aging | Title III, Part C | |
| | Nutrition | Services | | <u>1,242,919</u> |
| | | | | 1,484,465 |
| 93.778 | Medical | Assistance | | |
| | Program | | | 10,000,000 |
| 93.778 | Medical | Assistance | | |
| | Program | | | 10,000,000 |
| 93.778 | Medical | Assistance | | |
| | Program | | | 10,000,000 |
| 93.778 | Medical | Assistance | | |
| | Program | | | 40,000,000 |
| 93.778s | Medical | Assistance | | |
| | Program | | | 435,000,000 |
| 93.778 | Medical | Assistance | | |
| | Program | | 4,300,000 | |
| 93.778s | Medical | Assistance | | |
| | Program | | <u>300,700,000</u> | |
| | | | | 305,000,000 |
| 16.575s | Crime | Victim | | |
| | Assistance | | | 523,800 |
| swf503 | State | Fiscal | | |
| | Stabilization | Funds | - | |
| | Discretionary | | | 1,500,000 |
| swf503 | State | Fiscal | | |
| | Stabilization | Funds | - | |
| | Discretionary | | | 1,500,000 |
| 17.258s | WIA | Adult | Program | 248,145 |
| 17.259s | WIA | Youth | Activities | 584,486 |

| | | | | |
|---------------|------------|------------------|-------------------|-------------|
| 17.260s | WIA | Dislocated | | |
| Workers | | | <u>662,219</u> | 1,494,850 |
| 17.258s | WIA | Adult Program | 4,714,757 | |
| 17.259s | WIA | Youth Activities | 11,105,241 | |
| 17.260s | WIA | Dislocated | | |
| Workers | | | <u>12,582,152</u> | 28,402,150 |
| 17.207s | Employment | Service | | 340,000 |
| 17.207s | Employment | Service | | 6,520,000 |
| swf503 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Discretionary | | | | 320,000 |
| swf503 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Discretionary | | | | 17,932,151 |
| swf503 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Discretionary | | | | 1,000,000 |
| swf503 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Discretionary | | | | 630,000 |
| swf503 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Discretionary | | | | 1,709,843 |
| swf502 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Education | | | | 110,333,767 |
| swf502 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Education | | | | 26,313,361 |
| swf502 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Education | | | | 137,307,154 |
| swf502 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Education | | | | 4,689,590 |
| swf502 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Education | | | | 17,258,588 |
| swf503 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Discretionary | | | | 14,485,047 |
| swf503 | State | Fiscal | | |
| Stabilization | Funds | - | | |
| Discretionary | | | | 17,636,938 |

| | |
|--|------------|
| 93.569s Community Services Block Grant | 12,600,000 |
| 14.231s Emergency Shelter Grants Program | 5,680,393 |
| 14.228s Community Development Block Grants/ States Program | 2,152,108 |
| 81.042s Weatherization Assistance for Low-Income Persons | 6,552,000 |
| 81.042s Weatherization Assistance for Low-Income Persons | 28,057,541 |
| 14.239s Home Investment Partnerships Program | 31,702,000 |
| 66.458s Capitalization Grants for State Revolving Funds | 96,000,000 |
| 66.468s Capitalization Grants for Drinking Water State Revolving Funds | 27,000,000 |
| swf503 State Fiscal Stabilization Funds – Discretionary | 701,803 |
| swf503 State Fiscal Stabilization Funds – Discretionary | 633,033 |
| swf503 State Fiscal Stabilization Funds – Discretionary | 633,033 |
| swf503 State Fiscal Stabilization Funds – Discretionary | 633,033 |
| swf503 State Fiscal Stabilization Funds – Discretionary | 633,033 |
| swf503 State Fiscal Stabilization Funds – Discretionary | 633,033 |
| swf503 State Fiscal Stabilization Funds – Discretionary | 633,032 |
| swf503 State Fiscal Stabilization Funds – Discretionary | 17,959,909 |
| swf503 State Fiscal Stabilization Funds – Discretionary | 1,900,000 |

| | | |
|---------------------------------------|---------|---------------|
| 16.543s Missing Children's Assistance | 436,000 | 1,448,559,517 |
|---------------------------------------|---------|---------------|

Adjustment to general fund appropriations:

Fiscal Year 2009

| | | |
|---|--------------|--|
| Delete Specific Reversion – DHR – Energy Assistance | (21,700,000) | |
| Delete Planned Expenditure Reduction, DHMH – Local Health Grants | (10,122,216) | |
| Delete Planned Expenditure Reduction, MHEC – Aid to Community Colleges | (8,182,970) | |
| Delete Planned Expenditure Reduction, MSDE – Geographic Cost of Education Index | (37,879,748) | |
| Decrease in Planned Expenditure Reductions | (30,694,300) | |
| Specified Reversions – per BPW item 3/4/09 | 12,543,660 | |
| Specified Reversions – DLLR – SAEF | 300,000 | |

Fiscal Year 2010

| | | |
|--|--------------|--|
| Anticipated Legislative Actions to Original Budget Bill | 487,936,581 | |
| Reduce Funding for Position Reductions (Section 18) | (9,309,407) | |
| Delete Personnel and Workforce Reduction (Section 22) | (30,000,000) | |
| Reduce Funding Reduction for Contractual Employees (Section 23) | (2,345,956) | |
| Reduce Funding Reduction for Contractual Services (Section 24) | (5,986,809) | |
| Decrease contingent reduction in Aid to Community Colleges | (14,485,047) | |
| Increase contingent reduction for Baltimore City Community College | 371,041 | |

| | | |
|--|---------------|--------------------|
| Delete contingent reduction in State Share of Foundation Program | (43,334,796) | |
| Delete contingent reduction in Non-Public Placements Specified Reversions – DLLR SAEF | (48,330,077) | |
| | 400,000 | 239,179,956 |
| Total Available | | 534,962,058 |
| Uses: | | |
| General Funds | (909,820,044) | |
| Special Funds | (49,700,000) | |
| Federal Funds | 1,448,559,517 | |
| Current Unrestricted Funds | <u>0</u> | |
| | | <u>489,039,473</u> |
| Revised estimated general fund unappropriated balance July 1, 2010 | | 45,922,585 |

OFFICE OF THE PUBLIC DEFENDER

1. C80B00.02 District Operations

In addition to the appropriation shown on page 4 of the printed bill (first reading file bill), to provide funds for turnover relief.

Personnel Detail:

| | |
|--|----------------|
| Turnover | <u>550,000</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 550,000 |

| | |
|----------------------------|---------|
| General Fund Appropriation | 550,000 |
|----------------------------|---------|

BOARDS, COMMISSIONS AND OFFICES

2. D15A05.16 Governor's Office of Crime Control and Prevention

In addition to the appropriation shown on page 13 of the printed bill (first reading file bill), to increase funds for the Violence Against Women Formula Grants.

| | |
|--|-----------|
| Object .12 Grants, Subsidies and Contributions | 1,537,342 |
|--|-----------|

| | |
|----------------------------|-----------|
| Federal Fund Appropriation | 1,537,342 |
|----------------------------|-----------|

3. D15A05.16 Governor's Office of Crime Control and Prevention

In addition to the appropriation shown on page 13 of the printed bill (first reading file bill), to increase funds for the Edward Byrne Memorial Justice Assistance Grants.

| | |
|--|------------|
| Object .12 Grants, Subsidies and Contributions | 10,600,520 |
|--|------------|

| | |
|----------------------------|------------|
| Federal Fund Appropriation | 10,600,520 |
|----------------------------|------------|

DEPARTMENT OF AGING

4. D26A07.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for senior nutrition and senior employment programs.

| | |
|---|---------|
| Object .12 Grants, Subsidies, and Contributions | 500,000 |
|---|---------|

| | |
|----------------------------|---------|
| Federal Fund Appropriation | 500,000 |
|----------------------------|---------|

5. D26A07.01 General Administration

In addition to the appropriation shown on page 15 of the printed bill (first reading file bill), to provide funds for senior nutrition and senior employment programs.

| | |
|---|-----------|
| Object .12 Grants, Subsidies, and Contributions | 1,484,465 |
|---|-----------|

| | |
|----------------------------|-----------|
| Federal Fund Appropriation | 1,484,465 |
|----------------------------|-----------|

MARYLAND INSURANCE ADMINISTRATION

6. D80Z01.05 Rate Stabilization Fund

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for payment of subsidies to medical malpractice insurers for the period ending December 2009.

| | |
|---------------------------------|-----------|
| Object .08 Contractual Services | 5,400,000 |
|---------------------------------|-----------|

| | |
|----------------------------|-----------|
| Special Fund Appropriation | 5,400,000 |
|----------------------------|-----------|

DEPARTMENT OF GENERAL SERVICES

7. H00C01.01 Facilities Operations and Maintenance

In addition to the appropriation shown on page 36 of the printed bill (first reading file

bill), to provide funds for turnover relief. The department will allocate these funds by approved budget amendment.

Personnel Detail:

| | | |
|--|----------------|---------|
| Turnover | <u>500,000</u> | |
| Object .01 Salaries, Wages and Fringe Benefits | 500,000 | |
| General Fund Appropriation | | 500,000 |

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

8. M00F02.07 Core Public Health Services

To be reduced immediately upon passage of this budget to decrease the appropriation for fiscal year 2009 to fund local public health activities.

| | | |
|--|-------------|-------------|
| Object .12 Grants, Subsidies and Contributions | -10,122,216 | |
| General Fund Appropriation | | -10,122,216 |

9. M00L01.03 Community Services for Medicaid Recipients

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for mental health services to Medicaid recipients to reflect increased Medicaid enrollment.

| | | |
|---------------------------------|------------|------------|
| Object .08 Contractual Services | 20,000,000 | |
| General Fund Appropriation | | 10,000,000 |
| Federal Fund Appropriation | | 10,000,000 |

10. M00L01.03 Community Services for Medicaid Recipients

In addition to the appropriation on page 67 of the printed bill (first reading of the bill), to provide additional funds for fiscal year 2010 for mental health services to

Medicaid recipients to reflect increased Medicaid enrollment.

Object .08 Contractual Services 20,000,000

General Fund Appropriation 10,000,000
Federal Fund Appropriation 10,000,000

11. M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for an unanticipated increase in claims for services provided in fiscal year 2008 but submitted after June 30, 2008.

Object .08 Contractual Services 20,000,000

General Fund Appropriation 10,000,000
Federal Fund Appropriation 10,000,000

12. M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to reflect increased enrollment of low-income families.

Object .08 Contractual Services 80,000,000

General Fund Appropriation 40,000,000
Federal Fund Appropriation 40,000,000

13. M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds being made available from the American Recovery and Reinvestment Act.

Object .08 Contractual Services 0

General Fund Appropriation, provided that in addition to the transfers authorized by Section 14, General Fund Appropriations may be transferred to this program by approved budget amendment from other programs that include General Funds for Medicaid Services, to reflect the reduction in the State share of Medicaid costs. -435,000,000

Federal Fund Appropriation, provided that this appropriation may be transferred by approved budget amendment to other programs that fund Medicaid services. 435,000,000

14. M00Q01.03 Medical Care Provider Reimbursements

In addition to the appropriations shown on page 74 of the printed bill (first reading file bill), to provide additional funds being made available from the American Recovery and Reinvestment Act and the Children's Health Insurance Program Reauthorization Act.

Object .08 Contractual Services 3,000,000

General Fund Appropriation -302,000,000

Federal Fund Appropriation, provided that this appropriation may be transferred by approved budget amendment to other programs that fund Medicaid services. 305,000,000

15. M00Q01.03 Medical Care Provider Reimbursements

To reduce the appropriation shown on page 74 of the printed bill (first reading file bill), to reflect reduced funding from the Rate Stabilization Fund.

| | | |
|---------------------------------|------------|--|
| Object .08 Contractual Services | -4,400,000 | |
|---------------------------------|------------|--|

| | | |
|----------------------------|--|------------|
| Special Fund Appropriation | | -4,400,000 |
|----------------------------|--|------------|

DEPARTMENT OF HUMAN RESOURCES

16. N00A01.05 Office of Grants Management

In addition to the appropriation shown on page 77 of the printed bill (first reading file bill), to increase funds for the Crime Victim Assistance Grants.

| | | |
|--|---------|--|
| Object .12 Grants, Subsidies and Contributions | 523,800 | |
|--|---------|--|

| | | |
|----------------------------|--|---------|
| Federal Fund Appropriation | | 523,800 |
|----------------------------|--|---------|

17. N00G00.08 Assistance Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to fund higher than expected TDAP caseloads in the fiscal year.

| | | |
|--|-----------|--|
| Object .12 Grants, Subsidies and Contributions | 1,500,000 | |
|--|-----------|--|

| | | |
|----------------------------|--|-----------|
| Federal Fund Appropriation | | 1,500,000 |
|----------------------------|--|-----------|

18. N00G00.08 Assistance Payments

In addition to the appropriation shown on page 80 of the printed bill (first reading file bill), to fund higher than expected TDAP caseloads in the fiscal year.

| | | |
|--|-----------|--|
| Object .12 Grants, Subsidies and Contributions | 1,500,000 | |
|--|-----------|--|

| | | |
|----------------------------|--|-----------|
| Federal Fund Appropriation | | 1,500,000 |
|----------------------------|--|-----------|

DEPARTMENT OF LABOR, LICENSING AND REGULATION

19. P00G01.01 Workforce Development

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to the local workforce investment areas to increase the employment, retention, and earnings of participants including adults, youths and dislocated workers.

| | |
|--|-----------|
| Object .12 Grants, Subsidies and Contributions | 1,494,850 |
|--|-----------|

| | |
|----------------------------|-----------|
| Federal Fund Appropriation | 1,494,850 |
|----------------------------|-----------|

20. P00G01.01 Workforce Development

In addition to the appropriation shown on page 85 of the printed bill (first reading file bill), to provide funds to the local workforce investment areas to increase the employment, retention, and earnings of participants including adults, youths, and dislocated workers.

| | |
|--|------------|
| Object .12 Grants, Subsidies and Contributions | 28,402,150 |
|--|------------|

| | |
|----------------------------|------------|
| Federal Fund Appropriation | 28,402,150 |
|----------------------------|------------|

21. P00G01.03 Office of Employment Training

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to the local One Stop Career Centers to provide job seekers with employment, job training services and labor market analysis to increase employment opportunities.

| | |
|---------------------------------|---------|
| Object .08 Contractual Services | 340,000 |
|---------------------------------|---------|

| | |
|----------------------------|---------|
| Federal Fund Appropriation | 340,000 |
|----------------------------|---------|

22. P00G01.03 Office of Employment Training

In addition to the appropriation shown on page 86 of the printed bill (first reading file bill), to provide funds to the local One Stop Career Centers to provide job seekers with employment, job training services and labor market analysis to increase employment opportunities.

| | |
|---------------------------------|-----------|
| Object .08 Contractual Services | 6,520,000 |
|---------------------------------|-----------|

| | |
|----------------------------|-----------|
| Federal Fund Appropriation | 6,520,000 |
|----------------------------|-----------|

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

23. Q00A01.02 Information Technology and Communications Division

In addition to the appropriation shown on page 87 of the printed bill (first reading file bill), to provide funds for turnover relief. The department will realign these funds by approved budget amendment.

Personnel Detail:

| | |
|--|----------------|
| Turnover | <u>320,000</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 320,000 |

| | |
|----------------------------|---------|
| Federal Fund Appropriation | 320,000 |
|----------------------------|---------|

24. Q00B02.02 Jessup Correctional Institution

In addition to the appropriation shown on page 89 of the printed bill (first reading file bill), to provide funds for overtime relief and turnover relief and to provide funds for raw food supplies. The department will realign these funds by approved budget amendment.

Personnel Detail:

| | |
|--|-------------------|
| Overtime | 5,600,000 |
| Turnover | <u>10,030,000</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 15,630,000 |
| Object .09 Supplies and Materials | <u>2,302,151</u> |
| | 17,932,151 |

Federal Fund Appropriation 17,932,151

25. Q00B03.01 Metropolitan Transition Center

In addition to the appropriation shown on page 90 of the printed bill (first reading file bill), to provide funds for utilities. The department will realign these funds by approved budget amendment.

Object .06 Fuel and Utilities 1,000,000

Federal Fund Appropriation 1,000,000

26. Q00B04.01 Maryland Correctional Institution–Hagerstown

In addition to the appropriation on page 92 of the printed bill (first reading file bill), to provide funds for utilities. The department will realign these funds by approved budget amendment.

Object .06 Fuel and Utilities 1,011,085

General Fund Appropriation 1,011,085

27. Q00D00.01 Services and Institutional Operations

In addition to the appropriation shown on page 97 of the printed bill (first reading file bill), to provide funds for overtime relief and turnover relief. The department will realign these funds by approved budget amendment.

Personnel Detail:

Overtime 100,000
 Turnover 530,000

Object .01 Salaries, Wages and Fringe Benefits 630,000

Federal Fund Appropriation 630,000

28. Q00P00.03 Baltimore City Detention Center

In addition to the appropriation shown on page 99 of the printed bill (first reading file bill), to provide funds for overtime relief and turnover relief and to provide funds for contractual food services. The department will realign these funds by approved budget amendment.

Personnel Detail:

| | |
|--|------------------|
| Overtime | 300,000 |
| Turnover | <u>1,120,000</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 1,420,000 |
| Object .08 Contractual Services | <u>289,843</u> |
| | 1,709,843 |

Federal Fund Appropriation

1,709,843

MARYLAND STATE DEPARTMENT OF EDUCATION

29. R00A02.01 State Share of Foundation Program

To be reduced immediately upon passage of this budget to decrease the appropriation for fiscal year 2009 in the Foundation Program for the Geographic Cost of Education Index.

| | |
|--|-------------|
| Object .12 Grants, Subsidies and Contributions | -37,879,748 |
|--|-------------|

General Fund Appropriation

-37,879,748

30. R00A02.01 State Share of Foundation Program

To reduce an appropriation on page 103 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 | 50,700,000 |
| | Special Fund Appropriation | -50,700,000 |
| 31. | R00A02.01 State Share of Foundation Program | |
| | To add an appropriation on page 103 of the printed bill (first reading file bill), to provide funds to the Foundation program in the Aid to Education Budget in order to fund 100% of the Geographic Cost of Education Index and the Supplemental Grant. | |
| | Object .12 Grants, Subsidies and Contributions | 60,216,720 |
| | General Fund Appropriation | -50,117,047 |
| | Federal Fund Appropriation | 110,333,767 |
| 32. | R00A02.02 Compensatory Education | |
| | To add an appropriation on page 103 of the printed bill (first reading file bill), to provide funds to the Compensatory Education program in the Aid to Education budget in order to fund growth over fiscal year 2009 with federal State Fiscal Stabilization Funds. | |
| | Object .12 Grants, Subsidies and Contributions | 0 |
| | General Fund Appropriation | -26,313,361 |
| | Federal Fund Appropriation | 26,313,361 |
| 33. | R00A02.03 Aid to Local Employee Fringe Benefits | |
| | To add an appropriation on page 103 of the printed bill (first reading file bill), to provide funds to the Aid for Local Employee Fringe Benefits program in the Aid to Education budget in order to fund growth in teacher retirement over fiscal year 2009 with federal State Fiscal Stabilization Funds. | |

| | | |
|--|---|--------------|
| Object .12 Grants, Subsidies and Contributions | 0 | |
| General Fund Appropriation | | -137,307,154 |
| Federal Fund Appropriation | | 137,307,154 |

34. R00A02.13 Innovative Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 in order to provide funds for School Improvement Incentive Awards.

| | | |
|--|------------|------------|
| Object .12 Grants, Subsidies and Contributions | 23,200,000 | |
| General Fund Appropriation | | 23,200,000 |

35. R00A02.13 Innovative Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 in order to provide funds for budgetary relief to local jurisdictions as part of a revenue stabilization grant enabled by federal stimulus funding.

| | | |
|--|------------|------------|
| Object .12 Grants, Subsidies and Contributions | 14,829,747 | |
| General Fund Appropriation | | 14,829,747 |

36. R00A02.24 Limited English Proficient

To add an appropriation on page 105 of the printed bill (first reading file bill), to provide funds to the Limited English Proficient program in the Aid to Education budget in order to fund growth over fiscal year 2009 with federal State Fiscal Stabilization Funds.

| | | |
|----------------------------------|--|--|
| Object .12 Grants, Subsidies and | | |
|----------------------------------|--|--|

| | | |
|----------------------------|---|------------|
| Contributions | 0 | |
| General Fund Appropriation | | -4,689,590 |
| Federal Fund Appropriation | | 4,689,590 |

37. R00A02.39 Transportation

To add an appropriation on page 106 of the printed bill (first reading file bill), to provide funds to the Transportation program in the Aid to Education budget in order to fund growth over fiscal year 2009 with federal State Fiscal Stabilization funds.

| | | |
|--|---|-------------|
| Object .12 Grants, Subsidies and Contributions | 0 | |
| General Fund Appropriation | | -17,258,588 |
| Federal Fund Appropriation | | 17,258,588 |

MARYLAND HIGHER EDUCATION COMMISSION

38. R62I00.05 The Senator John A. Cade Funding Formula for Community Colleges

To add an appropriation on page 115 of the printed bill (first reading file bill), for the support of community colleges.

| | | |
|--|---|-------------|
| Object .12 Grants, Subsidies and Contributions | 0 | |
| General Fund Appropriation | | -14,485,047 |
| Federal Fund Appropriation | | 14,485,047 |

SUPPORT FOR STATE OPERATED INSTITUTIONS OF HIGHER EDUCATION

39. R75T00.01 Support for State Operated Institutions of Higher Education

To add an appropriation on page 119 of the printed bill (first reading file bill), to support a freeze for in-state, undergraduate tuition at public institutions of higher education and the operations of Baltimore City Community College.

| | | |
|--|---|-------------|
| Object .12 Grants, Subsidies and Contributions | 0 | |
| General Fund Appropriation | | -17,636,938 |
| Federal Fund Appropriation | | 17,636,938 |

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

40. S00A24.01 Neighborhood Revitalization

In addition to the appropriation shown on page 122 of the printed bill (first reading file bill), to provide funds to be used for essential human services by local Community Action Agencies.

| | | |
|---|------------|------------|
| Object .12 Grants, Subsidies, and Contributions | 12,600,000 | |
| Federal Fund Appropriation | | 12,600,000 |

41. S00A24.01 Neighborhood Revitalization

In addition to the appropriation shown on page 122 of the printed bill (first reading file bill), to provide funds to be used to prevent homelessness through short and medium term rental assistance and housing relocation and stabilization.

| | | |
|---|-----------|-----------|
| Object .12 Grants, Subsidies, and Contributions | 5,680,393 | |
| Federal Fund Appropriation | | 5,680,393 |

42. S00A24.02 Neighborhood Revitalization – Capital Appropriation

In addition to the appropriation shown on page 122 of the printed bill (first reading file bill), to provide funds to be used for community development infrastructure projects.

| | | |
|---|-----------|--|
| Object .12 Grants, Subsidies, and Contributions | 2,152,108 | |
|---|-----------|--|

| | |
|---|-------------------|
| Federal Fund Appropriation | 2,152,108 |
| 43. S00A25.04 Special Loan Programs | |
| To become available immediately upon passage of this bill to supplement the appropriation for fiscal year 2009 to provide funds to be used for low and moderate income home weatherization. | |
| Object .02 Technical and Special Fees | 52,000 |
| Object .08 Contractual Services | <u>6,500,000</u> |
| | 6,552,000 |
| Federal Fund Appropriation | 6,552,000 |
| 44. S00A25.04 Special Loan Programs | |
| In addition to the appropriation shown on page 123 of the printed bill (first reading file bill), to provide funds to be used for low and moderate income home weatherization. | |
| Object .02 Technical and Special Fees | 206,541 |
| Object .08 Contractual Services | 4,279,000 |
| Object .12 Grants, Subsidies, and Contributions | <u>23,572,000</u> |
| | 28,057,541 |
| Federal Fund Appropriation | 28,057,541 |
| 45. S00A25.07 Rental Housing Programs – Capital Appropriation | |
| In addition to the appropriation shown on page 123 of the printed bill (first reading file bill), to provide funds to be used for gap-financing for housing projects approved for Federal Low Income Housing Tax Credits. | |
| Object .14 Land and Structures | 31,702,000 |
| Federal Fund Appropriation | 31,702,000 |

46. U00A01.03 Capital Appropriation –Water Quality Revolving Loan Fund

In addition to the appropriation shown on page 130 of the printed bill (first reading file bill) to support water quality improvement projects under the American Recovery and Reinvestment Act of 2009.

Object .14 Land and Structures 96,000,000

~~Federal Fund Appropriation, provided that \$27,000,000 of this appropriation made for the purpose of supporting water quality improvement projects under the American Recovery and Reinvestment Act of 2009 may not be expended for that purpose but instead shall 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 Sections 9-345 through 9-351 of the Environment Article:~~

~~(1) Biological Nutrient Removal Program. Provide not more than \$22,000,000 in grants for projects to remove nutrients at publicly owned sewage treatment works; and~~

~~(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.~~

~~Further provided that funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall be cancelled~~

96,000,000

47. U00A01.05 Capital Appropriation – Drinking Water Revolving Loan Fund

In addition to the appropriation shown on page 130 of the printed bill (first reading file bill) to support drinking water projects under the American Recovery and Reinvestment Act of 2009.

Object .14 Land and Structures 27,000,000

Federal Fund Appropriation 27,000,000

DEPARTMENT OF JUVENILE SERVICES

48. V00G01.02 Baltimore City Region Community Operations

To adjust the appropriations on page 133 of the printed bill (first reading file bill) for residential per–diem placements.

Object .08 Contractual Services 0

General Fund Appropriation -701,803

Federal Fund Appropriation 701,803

49. V00G01.02 Baltimore City Region Community Operations

In addition to the appropriation shown on page 133 of the printed bill (first reading file bill), to provide funds for turnover relief.

Personnel Detail:

Turnover 633,033

Object .01 Salaries, Wages and Fringe Benefits 633,033

Federal Fund Appropriation 633,033

50. V00H01.02 Central Region Community Operations

In addition to the appropriation shown on page 134 of the printed bill (first reading file bill), to provide funds for turnover relief.

Personnel Detail:

| | |
|--|----------------|
| Turnover | <u>633,033</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 633,033 |

Federal Fund Appropriation

633,033

51. V00I01.02 Western Region Community Operations

In addition to the appropriation shown on page 135 of the printed bill (first reading file bill), to provide funds for turnover relief.

Personnel Detail:

| | |
|--|----------------|
| Turnover | <u>633,033</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 633,033 |

Federal Fund Appropriation

633,033

52. V00J01.02 Eastern Shore Region Community Operations

In addition to the appropriation shown on page 135 of the printed bill (first reading file bill), to provide funds for turnover relief.

Personnel Detail:

| | |
|--|----------------|
| Turnover | <u>633,033</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 633,033 |

Federal Fund Appropriation

633,033

53. V00K01.02 Southern Region Community Operations

In addition to the appropriation shown on page 136 of the printed bill (first reading file bill), to provide funds for turnover relief.

Personnel Detail:

| | |
|--|----------------|
| Turnover | <u>633,033</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 633,033 |

Federal Fund Appropriation

633,033

54. V00L01.02 Metro Region Community Operations

In addition to the appropriation shown on page 136 of the printed bill (first reading file bill), to provide funds for turnover relief.

Personnel Detail:

| | |
|--|----------------|
| Turnover | <u>633,032</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 633,032 |

Federal Fund Appropriation

633,032

DEPARTMENT OF STATE POLICE

55. W00A01.02 Field Operations Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for an added trooper class.

Personnel Detail:

| | |
|--|----------------|
| Turnover | <u>577,325</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 577,325 |

General Fund Appropriation

577,325

56. W00A01.02 Field Operations Bureau

To adjust the appropriation shown on page 138 of the printed bill (first reading file bill), to offset general fund appropriation by using Federal Stimulus funds for salaries and wages.

Personnel Detail:

| | | |
|--|----------|-------------|
| Salaries | <u>0</u> | |
| Object .01 Salaries, Wages and Fringe Benefits | 0 | |
| General Fund Appropriation | | -17,959,909 |
| Federal Fund Appropriation | | 17,959,909 |

57. W00A01.02 Field Operations Bureau

In addition to the appropriation shown on page 138 of the printed bill (first reading file bill), to provide funds for overtime, gasoline, and utilities for fiscal stabilization of MSP due to higher than expected need.

Personnel Detail:

| | | |
|---|------------------|-----------|
| Overtime | <u>1,000,000</u> | |
| Object .01 Salaries, Wages and Fringe Benefits | 1,000,000 | |
| Object .06 Fuel and Utilities | 400,000 | |
| Object .07 Motor Vehicle Operations and Maintenance | <u>500,000</u> | |
| | 1,900,000 | |
| Federal Fund Appropriation | | 1,900,000 |

58. W00A01.03 Homeland Security and Investigation Bureau

In addition to the appropriation shown on page 138 of the printed bill (first reading file bill), to provide funds to be used for the Internet Crimes Against Children Program provided for in the Federal Stimulus (ARRA) bill.

| | | |
|---|---------|---------|
| Object .12 Grants, Subsidies, and Contributions | 436,000 | |
| Federal Fund Appropriation | | 436,000 |

59. W00A01.04 Support Services Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for equipment necessary for an added trooper class.

| | | |
|---------------------------------|---------|---------|
| Object .11 Equipment Additional | 283,200 | |
| General Fund Appropriation | | 283,200 |

AMENDMENTS TO HOUSE BILL 100/ SENATE BILL 165
(First Reading File Bill)

Amendment No. 1:

On page 63, line 17, after the word "Appropriation," insert "provided that \$12,000,000 of this appropriation is contingent upon the enactment of House Bill 101 authorizing the use of funds from the Health Care Coverage Fund to make a grant for the management of facilities and services currently operating under Dimensions Healthcare System".

Adds budget language that a grant for the management of facilities and services currently operating under Dimensions Health Care is contingent upon the enactment of House Bill 101.

Amendment No. 2:

On page 73, lines 36 and 37, after the word "use," strike "hospital assessment funding" and replace with "Health Care Coverage Fund dollars".

Clarifies that any dollars deposited into the Health care Coverage Fund, regardless of the original revenue source, may be authorized for the purposes of the contingent reduction.

Amendment No. 3:

On page 103, line 21, after the word "Appropriation," strike "provided that". On page 103, strike lines 22 through 26 in their entirety. On page 103, line 27, strike "jurisdictions".

Deletes contingency reduction for the State Share of Foundation Program (R00A0201) in the Maryland State Department of Education.

~~Amendment No. 4:~~

~~On page 104, line 11, after the word "Appropriation," strike "provided that". On page 104, strike lines 12 through 15 in their entirety. On page 104, line 16, strike "Placements program".~~

~~*Deletes contingent reduction for the Non-Public Placements Program in the Students with Disabilities Program (R00A0207) in the Maryland State Department of Education.*~~

~~Amendment No. 5:~~

~~On page 115, line 3, strike "49,912,643" and replace with "35,427,596".~~

~~Reduces the contingent reduction for support of community colleges in The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges program (R62I0005) in the Maryland Higher Education Commission.~~

Amendment No. 6:

On page 118, line 11, strike “186,870,746” and replace with “186,700,300”.

On line 13, strike “424,493,028” and replace with “419,612,539”.

On line 14, strike “36,329,591” and replace with “35,749,461”.

On line 15, strike “93,677,969” and replace with “91,077,499”.

On line 16, strike “33,420,307” and replace with “33,021,546”.

On line 19, strike “34,411,536” and replace with “33,678,132”.

On line 21, strike “38,864,219” and replace with “38,476,352”.

On line 22, strike “31,729,303” and replace with “31,323,601”.

On line 23, strike “40,807,843” and replace with “39,698,219”.

On line 25, strike “31,551,046” and replace with “28,762,432”.

On line 27, strike “92,760,877” and replace with “90,763,362”.

On line 39, strike “45,024,545” and replace with “44,298,799”.

On line 43, strike “76,032,516” and replace with “75,174,346”.

On page 119, line 12, strike “1,242,884,159” and replace with “1,225,247,221”.

On line 19, strike “1,250,425,348”.

The following amounts constitute the Federal Fund appropriation for the State operated institutions of higher education.

| <u>Program</u> | <u>Title</u> |
|----------------|--------------|
|----------------|--------------|

On page 119, after line 19, insert the following:

“R30B21 University of Maryland, Baltimore 170,446”

“R30B22 University of Maryland, College Park 4,880,489”

“R30B23 Bowie State University 580,130”

“R30B24 Towson University 2,600,470”

“R30B25 University of Maryland Eastern Shore 398,761”

“R30B26 Frostburg State University 733,404”

“R30B27 Coppin State University 387,867”

“R30B28 University of Baltimore 405,702”

“R30B29 Salisbury University 1,109,624”

“R30B30 University of Maryland University College 2,788,614”

“R30B31 University of Maryland Baltimore County 1,997,515”

“Subtotal University System of Maryland 16,053,022”

“R95C00 Baltimore City Community College 725,746”

“R13M00 Morgan State University 858,170”

“~~1,250,425,348~~”

“Federal Fund Appropriation.....17,636,938”.

Reduces the general fund appropriation and increases federal fund appropriation for higher education institutions.

Amendment No. 7:

~~On page 119, on lines 9 and 25, strike “2,383,467” and replace with “2,754,508”.~~

~~*Increases the contingent reduction for Baltimore City Community College in programs R75T00 and R95C00.00.*~~

Amendment No. 8:

On page 185, line 4, strike “Retirement” and replace with the word “Employment”. On page 185, line 16, after the word “other” strike “postretirement” and replace with the words “post employment”. On page 185, line 16 after the word “benefits” insert the words “(Comptroller Object 0157)”.

Adjustment to provide the appropriate Comptroller object 0157 name and coding.

Amendment No. 9:

On page 185, line 11, strike “2008” and replace with “2009”. On page 185, line 11, strike “2009” and replace with “2010”.

Adjustment for the appropriate fiscal years to allow the transfer the appropriated amounts of the respective comptroller objects between agencies by approved budget amendment.

Amendment No. 10:

On page 185, lines 20–24, after the word “2010”, strike “the” through “schedule:” and replace with “, funding for salaries and wages shall be reduced in the amount of \$15,714,648 in Executive Branch agencies associated with positions abolished in the March 4, 2009 Board of Public Works meeting. Funding for this purpose (Object 01) shall be reduced within Executive Branch agencies in fiscal year 2010 by the following amounts in accordance with a schedule determined by the Governor:”. On line 25, strike the word “Position”. On line 26, strike the word “FTE”. On line 27, strike “25.0”. On line 28, strike “3.0”. On line 29, strike “1.0”. On line 30, strike “1.0”. On line 31, strike “1.0”. On line 32, strike “2.0”. On line 33, strike “6.0”. On line 34, strike “11.0”. On line 35, strike “3.0”. On line 36, strike “1.0”. On line 38, strike “2.0”. On line 39, strike “3.0”. On line 40, strike “3.0”. On line 41, strike “19.0”. On line 42, strike “13.0”. On line 43, strike “8.0”. On line 44, strike “200.0” and strike “5,143,557” and replace with “0”. On page 186, line 1 strike “200.0” and strike “3,806,069” and replace with “0”. On line 2, strike “9.0”. On line 4, strike “400.0”. On line 6 strike “5.0”. On line 7, strike 2.0”. On line 8, strike “25.0” and strike “359,781” and replace with “0”. On line 9, strike “3.0”. On line 11, strike “8.0”. On line 12, strike “25.0”. On line 13, strike “21.0”.

On line 14, strike “_____”. On line 15, strike “1,000.0” and strike “25,024,055” and replace with “15,714,648”.

Removes the Section 18 position abolitions of 1,000 FTE's since positions were already reduced in the March 4, 2009 Board of Public Works action. In addition, the general fund reduction is eliminated for the Department of Health and Mental Hygiene, Department of Human Resources and Baltimore City Community College.

Amendment No. 11:

On page 188, strike lines 6 through 10, in their entirety.

Restores general funds associated with Section 22 budget reduction of \$30 million for workforce and personnel costs.

Amendment No. 12:

On page 188, line 13, strike “\$4,992,600” and replace with “\$2,646,644”. Strike line 38 in its entirety. On page 189, strike line 9 in its entirety. On line 11, strike “4,992,600” and replace with “2,646,644”.

Restores general funds associated with Section 23 contractual employee reduction for the Department of Health and Mental Hygiene and the Department of Juvenile Services.

Amendment No. 13:

On page 189, line 14, strike “\$25,000,248” and replace with “\$19,013,439”. On line 39, strike “7,334,757” and replace with “2,434,974”. On page 190, strike line 5 in its entirety. On line 8, strike “25,000,248” and replace with “19,013,439”.

Restores general funds associated with Section 24 contractual services reduction for the Department of Juvenile Services and reduces the reduction for the Department of Health and Mental Hygiene.

SUMMARY

SUPPLEMENTAL APPROPRIATIONS

| | General Funds | Special Funds | Federal Funds | Current Unrestricted Funds | Total Funds |
|--------------------------------|------------------|------------------|------------------|----------------------------------|----------------|
| Appropriation | | | | | |
| 2009 FY | 98,890,272 | 5,400,000 | 505,386,850 | - 0 - | 609,677,122 |
| 2010 FY | 62,761,085 | - 0 - | 943,172,667 | - 0 - | 1,005,933,752 |
| | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| Subtotal | 161,651,357 | 5,400,000 | 1,448,559,517 | - 0 - | 1,615,610,874 |
| | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| Reduction in Appropriation | | | | | |
| 2009 FY | -483,001,964 | - 0 - | - 0 - | - 0 - | -483,001,964 |
| 2010 FY | -588,469,437 | -55,100,000 | - 0 - | - 0 - | -643,569,437 |
| | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| Subtotal | -1,071,471,401 | -55,100,000 | - 0 - | - 0 - | -1,126,571,401 |
| | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| Net Change in Appropriation | -909,820,044 | -49,700,000 | 1,448,559,517 | - 0 - | 489,039,473 |
| | <hr/> <hr/> | <hr/> <hr/> | <hr/> <hr/> | <hr/> <hr/> | <hr/> <hr/> |

Sincerely,

Martin O'Malley
Governor

SUPPLEMENTAL BUDGET NO. 2 – FISCAL YEAR 2010

April 6, 2009

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 (House of Delegates) – (State Senate), duly granted, I hereby submit a supplement to House Bill 100 and/or Senate Bill 165 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2010.

Supplemental Budget No. 2 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, 2010 (per Supplemental Budget 1) | 45,922,585 |
|--|------------|

Adjustment to revenue:

General Funds:

| | | |
|--|-----------|-----------|
| FY 2009 – DHMH – Prior Year Recoveries | 6,000,000 | |
| FY 2009 – DoIT – Telecommunications – unspent prior year funds | 693,040 | |
| FY 2009 – BPW Capital Appropriation – unspent prior year MPT funds | 500,000 | |
| FY 2010 – Lottery | 2,000,000 | 9,193,040 |

Special Funds:

| | | |
|--|---------|--|
| swf305 Cigarette Restitution Fund | 500,000 | |
| swf316 Strategic Energy Investment Fund | 243,290 | |
| D15304 Victims of Crime | 0 | |
| D26301 Registration Fees – Continuing Care Program | 176,612 | |
| S00314 Maryland Heritage Areas Authority Financing Fund | 911,846 | |

| | | |
|---|-----------------|-------------|
| D55301 Interment Fees – Dependents | | 79,000 |
| D55304 Gifts and Bequests | | 80,000 |
| E75302 Vendor Reimbursement Account | | 2,535,124 |
| E75301 Lottery Ticket Sales | (2,000,000) | |
| J00301 Transportation Trust Fund | (549,000) | |
| J00301 Transportation Trust Fund | 549,000 | |
| K00336 State Boat Act | 197,895 | |
| swf309 Chesapeake Bay Restoration Fund | 4,100,000 | |
| M00401 Civil Money Penalty Fees | 100,000 | |
| swf305 Cigarette Restitution Fund | 400,000 | |
| M00340 Health Care Coverage Fund | 7,500,000 | |
| M00425 Uncompensated Care fund | 16,000,000 | |
| R00305 Fees | 68,231 | |
| R00314 Adult and Community Education | 2,534 | |
| R00359 Special Inmate Welfare Fund | <u>29,242</u> | |
| | | 100,007 |
| R00305 Fees | 619,704 | |
| R00314 Adult and Community Education | <u>23,466</u> | |
| | | 643,170 |
| R00359 Special Inmate Welfare Fund | | 970,758 |
| R00305 Fees | (619,704) | |
| R00314 Adult and Community Education | <u>(23,466)</u> | |
| | | (643,170) |
| R00305 Fees | (68,231) | |
| R00314 Adult and Community Education | (2,534) | |
| R00359 Special Inmate Welfare Fund | <u>(29,242)</u> | |
| | | (100,007) |
| R00359 Special Inmate Welfare Fund | | (970,758) |
| R00365 Public Boarding School – SEED Schools | | 123,333 |
| R00332 National Board for Professional Teaching Standards | | 348,714 |
| swf305 Cigarette Restitution Fund | | 2,000,000 |
| R15310 Corporate Support | | (1,000,000) |

| | | | |
|---|----------------|-------------|------------|
| S00304 General Bond Reserve Fund | | 143,000 | |
| U00313 Water Quality Financing Administrative Fees | 175,000 | | |
| U00325 Bituminous Coal Open Pit Mining | 400,000 | | |
| U00361 Wetlands and Waterways Program Fund | 1,574,918 | | |
| U00346 Tidal Wetlands Compensation Fund | <u>300,000</u> | | |
| | | 2,449,918 | |
| U00361 Wetlands and Waterways Program Fund | | 354,456 | |
| U00302 Maryland Clean Water Fund | 450,000 | | |
| U00313 Water Quality Financing Administrative Fees | <u>200,000</u> | | |
| | | 650,000 | |
| U00313 Water Quality Financing Administrative Fees | | 225,000 | |
| U00301 Maryland Clean Air Fund | 1,000,000 | | |
| U00305 State Radiation Control Fund | <u>115,000</u> | | |
| | | 1,115,000 | |
| U00301 Maryland Clean Air Fund | 425,100 | | |
| U00304 Oil Disaster Containment, Clean-up and Contingency Fund | 155,000 | | |
| U00305 State Radiation Control Fund | <u>480,000</u> | | |
| | | 1,060,100 | |
| U00302 Maryland Clean Water Fund | | 366,288 | |
| D53301 Maryland Emergency Medical System Operations Fund | | 499,120 | |
| | | | 39,158,696 |
| Federal Funds: | | | |
| 12.401 National Guard Military Operations and Maintenance Projects | | (9,800,000) | |
| 81.041s State Energy Program | | 1,500,000 | |
| 94.006 Americorps | | 1,044,512 | |
| 15.929 Save America's Treasures | 75,000 | | |
| 15.922 Native American Graves Protections and Repatriation Act Grants | 6,960 | | |

| | | |
|--|------------------|-------------|
| 15.904 Historic Preservation Fund Grant-In-Aid | <u>49,527</u> | 131,487 |
| 12.401 National Guard Military Operations and Maintenance Projects | | 9,800,000 |
| 12.401 National Guard Military Operations and Maintenance Projects | | 4,100,000 |
| 64.101 Burial Expenses Allowance for Veterans | | 30,000 |
| 64.203 State Cemetery Grants | | 3,700,000 |
| 20.205s Highway Planning and Construction | | 211,000,000 |
| 20.205s Highway Planning and Construction | | 38,000,000 |
| 20.500s Capital Investment Grants | 11,375,000 | |
| 20.507s Formula Grants for Urbanized Areas | 74,302,000 | |
| 20.509s Formula Grants for Nonurbanized Areas | <u>7,425,000</u> | 93,102,000 |
| 11.463s Habitat Conservation | | 1,400,000 |
| 97.056 Port Security Grant | | 1,192,440 |
| 93.790 Medicaid Emergency Room Diversion Demonstration | | 732,216 |
| 93.778 Medical Assistance Program | | 7,500,000 |
| 10.568s Emergency Food Assistance Program (Administrative Costs) | | 788,000 |
| 10.568s Emergency Food Assistance Program (Administrative Costs) | | 494,000 |
| 93.658s Foster Care – Title IV–E | | 8,618,000 |
| 93.658s Foster Care – Title IV–E | | 11,491,000 |
| 10.561s State Administrative Matching Grants for Food Stamps | | 2,067,000 |
| 10.561s State Administrative Matching Grants for Food Stamps | | 2,133,000 |
| 93.558s Temporary Assistance for Needy Families | 18,000,000 | |
| 93.558 Temporary Assistance for Needy Families – Emergency | <u>2,000,000</u> | 20,000,000 |
| 10.551s Food Stamps | | 32,149,000 |

| | | |
|---|---------------|------------|
| 93.558s Temporary Assistance for Needy Families | | 17,000,000 |
| 10.551s Food Stamps | | 42,865,000 |
| 17.225 Unemployment Insurance | | 38,972 |
| 17.225 Unemployment Insurance | | 1,169,525 |
| 84.002 Adult-Education - State-Administered Basic Grant | | 992,251 |
| 84.002 Adult-Education - State-Administered Basic Grant | | 398,524 |
| 84.002 Adult-Education - State-Administered Basic Grant | | 543,269 |
| 84.048 Vocational Education - Basic Grants To States | | 796,404 |
| 84.002 Adult-Education - State-Administered Basic Grant | | 6,814,797 |
| 17.225 Unemployment Insurance | | 1,563,135 |
| 16.202 Offender Reentry Program | | 200,000 |
| 16.202 Offender Reentry Program | | 336,235 |
| 16.580 Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grants Program | | 32,838 |
| 16.580 Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grants Program | | 65,675 |
| 10.558 Child And Adult Care Food Program | 146,136 | |
| 10.560 State Administrative Expenses For Child Nutrition | 802,728 | |
| 84.048 Vocational Education - Basic Grants To States | <u>28,553</u> | |
| | | 977,417 |
| 84.013 Title I Program For Neglected And Delinquent Youth | | 48,118 |
| 84.002 Adult-Education - State-Administered Basic Grant | | (130,253) |
| 10.560 State Administrative Expenses For Child Nutrition | | 671,956 |
| 93.575s Child Care and Development Block Grant | | 3,500,000 |
| 93.575s Child Care and Development Block Grant | | 3,140,000 |
| 84.287 After School Learning Centers | | 350,106 |
| 84.389s Title I - Grants to LEAs | | 272,872 |

| | | |
|--|------------------|-----------|
| 84.048 Vocational Education – Basic Grants To States | | 280,706 |
| 84.002 Adult–Education – State–Administered Basic Grant | | (992,251) |
| 84.048 Vocational Education – Basic Grants To States | | 13,655 |
| 84.013 Title I Program For Neglected And Delinquent Youth | | 516,166 |
| 84.002 Adult–Education – State–Administered Basic Grant | | (543,269) |
| 84.367s Improving Teacher Quality State Grants | | 208,863 |
| 84.398s Independent Living – State Grants | | 124,737 |
| 84.398s Independent Living – State Grants | | 124,737 |
| 84.390s Vocational Rehabilitation Grants to States | | 3,289,595 |
| 84.390s Vocational Rehabilitation Grants to States | | 3,289,595 |
| 84.390s Vocational Rehabilitation Grants to States | | 50,000 |
| 84.390s Vocational Rehabilitation Grants to States | | 50,000 |
| 84.390s Vocational Rehabilitation Grants to States | 100,000 | |
| 84.399s Independent Living – Services for Older Blind Individuals | <u>314,962</u> | 414,962 |
| 84.390s Vocational Rehabilitation Grants to States | 100,000 | |
| 84.399s Independent Living – Services for Older Blind Individuals | <u>314,962</u> | 414,962 |
| 84.196 Education For Homeless Children And Youth – Grants for State and Local Activities | 223,533 | |
| 84.287 After School Learning Centers | <u>2,643,996</u> | 2,867,529 |
| 84.387s Education of Homeless Children and Youth | | 431,000 |
| 84.391s Special Education Grants to States | 100,120,900 | |

| | | |
|---|--------------------|-------------|
| 84.392s Special Education – Preschool Grants | 3,461,060 | |
| 84.393s Special Education – Grants for Infants and Families | <u>3,751,757</u> | 107,333,717 |
| 84.388s School Improvement Grants | 20,326,000 | |
| 84.389s Title I – Grants to LEAs | <u>136,163,139</u> | 156,489,139 |
| 84.048 Vocational Education – Basic Grants To States | | 368,146 |
| 84.002 Adult–Education – State–Administered Basic Grant | | (6,814,797) |
| 84.048 Vocational Education – Basic Grants To States | | 373,615 |
| 10.579s Child Nutrition | | 1,299,000 |
| 84.386s Education Technology State Grants | | 4,263,822 |
| 93.558 Temporary Assistance for Needy Families | (4,400,000) | |
| 93.575s Child Care and Development Block Grant | <u>4,400,000</u> | 0 |
| 93.558 Temporary Assistance for Needy Families | (12,019,000) | |
| 93.575 Child Care and Development Block Grant | 5,919,000 | |
| 93.575s Child Care and Development Block Grant | <u>8,000,000</u> | 1,900,000 |
| 14.228 Community Development Block Grants/States Program | | 652,331 |
| 81.042 Weatherization Assistance for Low–Income Persons | | 2,987,000 |
| 45.025s Promotion to the Arts – Partnership Agreement | | 318,600 |
| 66.454s Water Quality Management Planning | | 960,000 |
| 66.805s Leaking Underground Storage Tank Trust Fund | | 3,713,000 |
| 66.605 Performance Partnership Grant | | 714,000 |
| 66.039s National Clean Diesel Funding Assistance Program | | 4,700,000 |
| AA.W00 Asset Seizure Funds | | 131,405 |
| 16.710s Public Safety Partnerships and Community Policing Grants | | 2,364,269 |

| | | |
|---|------------------|-------------|
| AA.W00 Asset Seizure Funds | 642,000 | |
| 16.560 National Institute of Justice Research, Evaluation, and Development Project Grants | 497,923 | |
| 16.580 Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grants Program | <u>2,678,570</u> | |
| | 3,176,493 | |
| AA.W00 Asset Seizure Funds | 3,645,233 | |
| AA.W00 Asset Seizure Funds | 496,857 | |
| | | 823,074,313 |
| Reimbursable Funds | | |
| P00A01 Department of Labor, Licensing and Regulation | 428,700 | |
| P00A01 Department of Labor, Licensing and Regulation | 46,300 | |
| P00A01 Department of Labor, Licensing and Regulation | (46,300) | |
| P00A01 Department of Labor, Licensing and Regulation | (428,700) | |
| | | 0 |
| Current Unrestricted Funds | | |
| Bowie State University | 845,000 | |
| Towson University | 2,975,000 | |
| | | 3,820,000 |
| Current Restricted Funds | | |
| Frostburg State University | 750,000 | |
| University of Baltimore | 3,000,000 | |
| Salisbury University | 2,000,000 | |
| University of Maryland Center for Environmental Science | 1,358,370 | |
| University of Maryland Biotechnology Institute | 1,000,000 | |
| | | 8,108,370 |
| Adjustment to general fund appropriations: | | |
| Contingent Reduction – DHMH Hospital Medical Day Limits | 10,000,000 | |
| Contingent Reduction – Physician Rates | 4,500,000 | |
| | | 14,500,000 |
| Total Available | | 943,777,004 |

Uses:

| | | |
|----------------------------|------------------|--------------------|
| General Funds | 28,874,454 | |
| Special Funds | 39,158,696 | |
| Federal Funds | 823,074,313 | |
| Reimbursable Funds | 0 | |
| Current Unrestricted Funds | 3,820,000 | |
| Current Restricted Funds | <u>8,108,370</u> | |
| | | <u>903,035,833</u> |

| | |
|-------------------------------------|------------|
| Revised estimated general fund | |
| unappropriated balance July 1, 2009 | 40,741,171 |

JUDICIARY

1. C00A00.03 Circuit Court Judges

In addition to the appropriation on page 3 of the printed bill (first reading file bill), to provide funds for one additional judgeship each in Baltimore City and in Anne Arundel, Baltimore, and Montgomery Counties.

Personnel Detail:

| | | |
|--|------|-----------------|
| Judge Circuit Ct | 4.00 | 561,408 |
| Judiciary Employee Exempt | 4.00 | 171,720 |
| Judiciary Employee Non Exempt | 4.00 | 121,960 |
| Additional Assistance | | -421,000 |
| Fringe Benefits | | 489,990 |
| Turnover Expectancy | | <u>-302,804</u> |
| Object .01 Salaries, Wages and Fringe Benefits | | 621,274 |

General Fund Appropriation, provided that this appropriation is contingent upon the enactment of SB 497

621,274

OFFICE OF THE ATTORNEY GENERAL

2. C81C00.01 Legal Counsel and Advice

To add an appropriation on page 5 of the printed bill (first reading file bill), to provide funds for the arbitration of the 1998 Tobacco Master Settlement Agreement (MSA) between the states and the tobacco industry. Maryland has joined 35 other states in a cost sharing agreement for purpose of arbitrating the 2003 Non-Participating Manufacturers Adjustment.

| | |
|---------------------------------|---------|
| Object .08 Contractual Services | 500,000 |
|---------------------------------|---------|

Special Fund Appropriation

500,000

BOARD OF PUBLIC WORKS-CAPITAL APPROPRIATION

3. D06E02.01 Public Works Capital Appropriation

To reduce the appropriation on page 11 of the printed bill (first reading file bill), to transfer pay-as-you-go operating funds for the following capital project to the Military Department capital program.

| | |
|--|-------------------|
| (1) Salisbury Armory - Renovation and Addition | <u>-9,800,000</u> |
| Object .14 Land and Structures | -9,800,000 |

| | |
|----------------------------|------------|
| Federal Fund Appropriation | -9,800,000 |
|----------------------------|------------|

MARYLAND ENERGY ADMINISTRATION

4. D13A13.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide special funds to replace general funds reduced in the March 2009 Board of Public Works cost containment action.

Personnel Detail:

| | |
|--|----------------|
| Salaries | <u>113,719</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 113,719 |
| Object .13 Fixed Charges | <u>129,571</u> |
| | 243,290 |

| | |
|----------------------------|---------|
| Special Fund Appropriation | 243,290 |
|----------------------------|---------|

5. D13A13.08 Renewable and Clean Energy Programs and Initiatives

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for wind, solar and geothermal energy grants available through the American Recovery and Reinvestment Act.

| | |
|--|-----------|
| Object .12 Grants, Subsidies and Contributions | 1,500,000 |
|--|-----------|

| | |
|----------------------------|-----------|
| Federal Fund Appropriation | 1,500,000 |
|----------------------------|-----------|

BOARDS, COMMISSIONS AND OFFICES

6. D15A05.03 Office of Minority Affairs

In addition to the appropriation shown on page 12 of the printed bill (first reading file bill), to provide funds for the monitoring of licenses and corresponding facility locations for video lottery terminals by the Office of Minority Affairs to ensure that Minority Business Enterprise (MBE) goals are met.

| | |
|---------------------------------|---------|
| Object .08 Contractual Services | 150,000 |
|---------------------------------|---------|

| | |
|----------------------------|---------|
| General Fund Appropriation | 150,000 |
|----------------------------|---------|

7. D15A05.05 Governor's Office of Community Initiatives

To increase an appropriation on page 13 of the printed bill (first reading file bill), to provide funds for the expansion of the existing AmeriCorps State program available through the American Recovery and Reinvestment Act of 2009.

| | |
|--|-----------|
| Object .12 Grants, Subsidies and Contributions | 1,044,512 |
|--|-----------|

| | |
|----------------------------|-----------|
| Federal Fund Appropriation | 1,044,512 |
|----------------------------|-----------|

8. D15A05.16 Governor's Office of Crime Control and Prevention

In addition to the appropriation shown on page 13 of the printed bill (first reading file bill), to provide funds to be used for one position for a State Victim Coordinator for the Maryland Victims of Crime Board, which will allow the Board to discontinue a current contract for these services.

Personnel Detail:

| | | |
|---|------|----------|
| Administrator V | 1.00 | 82,514 |
| Fringe Benefits | | 25,218 |
| Turnover Expectancy | | -2,882 |
| Object .01 Salaries, Wages and Fringe Benefits | | 104,850 |
| Object .08 Contractual Services | | -117,743 |
| Object .12 Grants, Subsidies, and Contributions | | 12,893 |
| | | 0 |

| | |
|----------------------------|---|
| Special Fund Appropriation | 0 |
|----------------------------|---|

DEPARTMENT OF AGING

9. D26A07.01 General Administration

In addition to the appropriation shown on page 15 of the printed bill (first reading file bill), to provide funds for a hold harmless grant to certain Area Agencies on Aging.

Object .12 Grants, Subsidies, and Contributions 442,210

General Fund Appropriation, ***provided that:***

- (1) \$442,210 of this appropriation for "Hold Harmless" shall be allocated as follows:**

| <u>Area Agency on Aging</u> | <u>Hold Harmless Allocation</u> |
|-------------------------------------|---|
| <u>Allegany</u> | <u>\$ 80,373</u> |
| <u>Baltimore City</u> | <u>113,654</u> |
| <u>MAC, Inc.</u> | <u>179,242</u> |
| <u>Queen Anne's Upper Shore</u> | <u>13,025</u> |
| <u>Aging, Inc.</u> | <u>36,419</u> |
| <u>Washington</u> | <u>19,497</u> |

- (2) Notwithstanding paragraph (1), if the amount of Older American Act funding received by the Department of Aging in fiscal 2010 exceeds the amount received in fiscal 2009, then the amounts shown for each area agency on aging listed above, except Baltimore City, may be reduced by an amount equal to the amount of additional Older American Act funding allocated to that area agency on aging in fiscal 2010.**
- (3) The amount of Hold Harmless funding reduced pursuant to**

paragraph (2) shall be credited
to the Baltimore City Area Office
on Aging

442,210

10. D26A07.01 General Administration

In addition to the appropriation shown on page 15 of the printed bill (first reading file bill), to provide funds for evidence-based health promotion programs.

Object .12 Grants, Subsidies, and Contributions 176,612

Special Fund Appropriation 176,612

DEPARTMENT OF PLANNING

11. D40W01.07 Management Planning and Educational Outreach

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to support prior and current years preservation and rehabilitation projects, as well as new grants awarded by the Maryland Heritage Authority.

Personnel Detail:

| | |
|---|----------------|
| Salaries | 44,767 |
| Object .01 Salaries, Wages and Fringe Benefits | 44,767 |
| Object .12 Grants, Subsidies, and Contributions | 867,079 |
| | <u>911,846</u> |

Special Fund Appropriation 911,846

12. D40W01.07 Management Planning and Educational Outreach

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for developing a strategic plan, offset costs associated with Native American Working Group meetings, and to support State historic preservation activities.

| | |
|---|---------------|
| Object .08 Contractual Services | 75,000 |
| Object .12 Grants, Subsidies, and Contributions | <u>56,487</u> |

131,487

Federal Fund Appropriation

131,487

MILITARY DEPARTMENT

13. D50H01.04 Capital Appropriation

To add an appropriation on page 20 of the printed bill (first reading file bill), to reflect the transfer of the Salisbury Armory – Renovation and Addition capital project from the Public Works Capital Appropriation.

Object .14 Land and Structures

9,800,000

Federal Fund Appropriation

9,800,000

14. D50H01.04 Capital Appropriation

To add to the appropriation shown on page 20 of the printed bill (first reading file bill), to provide funds for the HVAC replacement project in the Edgewood Readiness Center.

Object .14 Land and Structures

4,100,000

Federal Fund Appropriation

4,100,000

15. D50H01.06 Maryland Emergency Management Agency

In addition to the appropriation shown on page 20 of the printed bill (first reading file bill), to provide additional funds for the Widows and Orphans Fund.

Object .12 Grants, Subsidies and Contributions

50,000

General Fund Appropriation

50,000

DEPARTMENT OF VETERANS AFFAIRS

16. D55P00.02 Cemetery Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for operational costs due to higher than expected interments.

| | | |
|---------------------------------|---------|--------|
| Object .08 Contractual Services | 109,000 | |
| Special Fund Appropriation | | 79,000 |
| Federal Fund Appropriation | | 30,000 |

17. D55P00.05 Veterans Home Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for ADA certified buses.

| | | |
|---|--------|--------|
| Object .07 Motor Vehicle Operations and Maintenance | 80,000 | |
| Special Fund Appropriation | | 80,000 |

18. D55P00.06 Veterans Home Program - Capital Appropriation

To add an appropriation on page 21 of the printed bill (first reading file bill), to provide funds for an emergency generator for Charlotte Hall Veterans Home.

| | | |
|--------------------------------|-----------|-----------|
| Object .14 Land and Structures | 3,700,000 | |
| Federal Fund Appropriation | | 3,700,000 |

STATE LOTTERY AGENCY

19. E75D00.01 Administration and Operations

To reduce the appropriation shown on page 28 of the printed bill (first reading file bill), to reduce funds used for advertising.

| | | |
|---------------------------------|------------|------------|
| Object .08 Contractual Services | -2,000,000 | |
| Special Fund Appropriation | | -2,000,000 |

20. E75D00.02 Video Lottery Terminal Operations

To add an appropriation on page 28 of the printed bill (first reading file bill), to provide funds to be used for VLT (Video Lottery Terminal) related operations.

Personnel Detail:

| | | |
|--|------|----------------|
| administrator V | 1.00 | 61,554 |
| administrator II | 3.00 | 146,421 |
| admin spec III | 1.00 | 35,700 |
| asst attorney general VII | 1.00 | 89,434 |
| dp programmer analyst I | 1.00 | 48,807 |
| IT systems technical spec | 1.00 | 55,548 |
| accountant manager I | 1.00 | 55,548 |
| accountant lead specialized | 1.00 | 48,807 |
| internal auditor lead | 2.00 | 97,614 |
| licensing assistant | 1.00 | 50,668 |
| IT systems technical spec | 1.00 | 55,548 |
| Overtime Earnings | | 5,000 |
| Fringe Benefits | | 292,995 |
| Turnover Expectancy | | <u>-95,846</u> |
| Object .01 Salaries, Wages and Fringe Benefits | | 947,798 |
| Object .02 Technical and Special Fees | | 3,500 |
| Object .03 Communication | | 45,215 |
| Object .04 Travel | | 34,000 |
| Object .06 Fuel and Utilities | | 20,000 |
| Object .08 Contractual Services | | 3,181,235 |
| Object .09 Supplies and Materials | | 7,000 |
| Object .10 Equipment Replacement | | 19,390 |
| Object .13 Fixed Charges | | 130,900 |
| Object .14 Land and Structures | | <u>100,000</u> |
| | | 4,489,038 |

| | |
|----------------------------|-----------|
| General Fund Appropriation | 1,953,914 |
| Special Fund Appropriation | 2,535,124 |

DEPARTMENT OF BUDGET AND MANAGEMENT

20. F10A02.06 Division of Classification and Salary

In addition to the appropriation shown on page 31 of the printed bill (first reading file bill), to provide funds for salaries associated with positions that will be transferred to the Department of Budget and Management related to the consolidation of personnel classification functions. Several positions were supported by special and federal funds that will not be available through the transfer.

Personnel Detail:

| | |
|--|----------------|
| Salaries | <u>205,000</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 205,000 |

| | |
|----------------------------|---------|
| General Fund Appropriation | 205,000 |
|----------------------------|---------|

21. F10A02.08 Statewide Expenses

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for costs associated with the reimbursement of the federal portion of Maryland Correctional Enterprise revenues transferred to the General Fund for fiscal years 2002 through 2006.

| | |
|---------------------------------|-----------|
| Object .08 Contractual Services | 1,143,200 |
|---------------------------------|-----------|

| | |
|----------------------------|-----------|
| General Fund Appropriation | 1,143,200 |
|----------------------------|-----------|

22. F10A02.08 Statewide Expenses

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to reimburse the federal portion of telecommunication expense refunds for fiscal years 2000 through 2004.

| | |
|---------------------------|--------|
| Object .03 Communications | 74,994 |
|---------------------------|--------|

| | |
|----------------------------|--------|
| General Fund Appropriation | 74,994 |
|----------------------------|--------|

DEPARTMENT OF TRANSPORTATION

23. J00B01.01 State System Construction and Equipment

In addition to the appropriation shown on page 40 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009.

Object .14 Land and Structures 211,000,000

Federal Fund Appropriation 211,000,000

24. J00B01.03 County and Municipality Capital Funds

In addition to the appropriation shown on page 40 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009.

Object .14 Land and Structures 38,000,000

Federal Fund Appropriation 38,000,000

25. J00H01.05 Facilities and Capital Equipment

In addition to the appropriation shown on page 42 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009.

Object .12 Grants, Subsidies & Contributions 43,606,000

Object .14 Land and Structures 49,496,000

93,102,000

Federal Fund Appropriation 93,102,000

26. J00I00.03 Airport Facilities and Capital Equipment

To reduce the appropriation shown on page 42 of the printed bill (first reading file bill), to reconcile the agency's capital programs with anticipated project expenditures in the department's final Consolidated Transportation Program (CTP).

Object .14 Land and Structures -549,000

Special Fund Appropriation -549,000

27. J00I00.08 Major Information Technology
Development Projects

To increase the appropriation shown on page 42 of the printed bill (first reading file bill), to reconcile the agency's capital programs with anticipated project expenditures in the department's final Consolidated Transportation Program (CTP).

Object .14 Land and Structures 549,000

Special Fund Appropriation 549,000

DEPARTMENT OF NATURAL RESOURCES

28. K00A05.10 Outdoor Recreation Land Loan

In addition to the appropriation shown on page 48 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009 for the Union Dam Restoration project.

Object .12 Grants, Subsidies, & Contributions 1,400,000

Federal Fund Appropriation 1,400,000

29. K00A07.01 General Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide federal funds to purchase 5 vessels (2 State and 3 local) to be used in support of Natural Resources Police Homeland Security program activities.

Object .04 Travel 39,150

Object .07 Motor Vehicle Operations 998,085

Object .11 Equipment Additional 155,205

1,192,440

Federal Fund Appropriation 1,192,440

30. K00A07.04 Field Operations

In addition to the appropriation shown on page 49 of the printed bill (first reading file bill), to fully fund shift differential for the Natural Resources Police officers.

Personnel Detail:

| | |
|--|----------------|
| Shift Differential | <u>197,895</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 197,895 |

| | |
|----------------------------|---------|
| Special Fund Appropriation | 197,895 |
|----------------------------|---------|

DEPARTMENT OF AGRICULTURE

31. L00A15.04 Resource Conservation Grants

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to cover the cost of contract agreements for cover crops planted in Fall 2008.

| | |
|--|-----------|
| Object .12 Grants, Subsidies & Contributions | 4,100,000 |
|--|-----------|

| | |
|----------------------------|-----------|
| Special Fund Appropriation | 4,100,000 |
|----------------------------|-----------|

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

32. M00B01.03 Office of Health Care Quality

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide Special Funds to offset General Fund reductions approved on March 4, 2009.

| | |
|---------------------------------|---------|
| Object .08 Contractual Services | 100,000 |
|---------------------------------|---------|

| | |
|----------------------------|---------|
| Special Fund Appropriation | 100,000 |
|----------------------------|---------|

33. M00M02.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for increased patient care cost at Rosewood Center.

Personnel Detail:

| | | | |
|-----|--|------------------|-----------|
| | Salaries | <u>2,100,000</u> | |
| | Object .01 Salaries, Wages and Fringe Benefits | 2,100,000 | |
| | General Fund Appropriation | | 2,100,000 |
| 34. | M00M02.01 Services and Institutional Operations | | |
| | In addition to the appropriation shown on page 71 of the printed bill (first reading file bill), to provide funds for the clean up of Rosewood Center. | | |
| | Object .08 Contractual Services | 100,000 | |
| | General Fund Appropriation | | 100,000 |
| 35. | M00Q01.01 Deputy Secretary for Health Care Financing | | |
| | To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for development of Emergency Room Diversion Pilot Projects. | | |
| | Object .12 Grants, Subsidies & Contributions | 732,216 | |
| | Federal Fund Appropriation | | 732,216 |
| 36. | M00Q01.03 Medical Care Provider Reimbursements | | |
| | To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide Special Funds to offset General Fund reductions approved on March 4, 2009. | | |
| | Object .08 Contractual Services | 400,000 | |
| | Special Fund Appropriation | | 400,000 |
| 37. | M00Q01.06 Kidney Disease Treatment Services | | |
| | To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for kidney disease treatment services. | | |

| | | |
|---|------------|------------|
| Object .08 Contractual Services | 3,900,000 | |
| General Fund Appropriation | | 3,900,000 |
| 38. M00Q01.10 Health Care Coverage Fund | | |
| To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to reflect increased enrollment of low-income families and to reflect increased federal fund attainment. | | |
| Object .08 Contractual Services | 15,000,000 | |
| Special Fund Appropriation | | 7,500,000 |
| Federal Fund Appropriation | | 7,500,000 |
| 39. M00R01.02 Health Services Cost Review Commission | | |
| To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for the Health Services Cost Review Commission Uncompensated Care Fund grants. | | |
| Object .08 Contractual Services | 16,000,000 | |
| Special Fund Appropriation | | 16,000,000 |

DEPARTMENT OF HUMAN RESOURCES

| | | |
|---|---------|---------|
| 40. N00A01.05 Office of Grants Management | | |
| To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds available through the American Recovery and Reinvestment Act of 2009 for The Emergency Food Assistance Program. | | |
| Object .12 Grants, Subsidies and Contributions | 788,000 | |
| Federal Fund Appropriation | | 788,000 |
| 41. N00A01.05 Office of Grants Management | | |

In addition to the appropriation shown on page 77 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009 for The Emergency Food Assistance Program.

Object .12 Grants, Subsidies and Contributions 494,000

Federal Fund Appropriation 494,000

42. N00G00.01 Foster Care Maintenance Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds available through the American Recovery and Reinvestment Act of 2009 for services and payments in Foster Care for Maryland Children.

Object .12 Grants, Subsidies and Contributions 8,618,000

Federal Fund Appropriation 8,618,000

43. N00G00.01 Foster Care Maintenance Payments

In addition to the appropriation shown on page 79 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009 for services and payments in Foster Care for Maryland Children.

Object .12 Grants, Subsidies and Contributions 11,491,000

Federal Fund Appropriation 11,491,000

44. N00G00.02 Local Family Investment Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds available through the American Recovery and Reinvestment Act of 2009 for the administration of the Supplemental Nutritional Assistance Program.

| | | |
|--|------------|------------|
| Object .12 Grants, Subsidies and Contributions | 2,067,000 | |
| Federal Fund Appropriation | | 2,067,000 |
| 45. N00G00.02 Local Family Investment Program | | |
| <p>In addition to the appropriation shown on page 79 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009 for the administration of the Supplemental Nutritional Assistance Program.</p> | | |
| Object .12 Grants, Subsidies and Contributions | 2,133,000 | |
| Federal Fund Appropriation | | 2,133,000 |
| 46. N00G00.08 Assistance Payments | | |
| <p>To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds primarily available through the American Recovery and Reinvestment Act of 2009 for Temporary Cash Assistance Payments.</p> | | |
| Object .12 Grants, Subsidies and Contributions | 20,000,000 | |
| Federal Fund Appropriation | | 20,000,000 |
| 47. N00G00.08 Assistance Payments | | |
| <p>To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds available through the American Recovery and Reinvestment Act of 2009 for additional costs from higher than expected caseloads in the Supplemental Nutrition Assistance Program.</p> | | |
| Object .12 Grants, Subsidies and Contributions | 32,149,000 | |
| Federal Fund Appropriation | | 32,149,000 |
| 48. N00G00.08 Assistance Payments | | |

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for benefit payments in the Temporary Disability Assistance Program.

Object .12 Grants, Subsidies and Contributions 5,000,000

General Fund Appropriation 5,000,000

49. N00G00.08 Assistance Payments

In addition to the appropriation shown on page 80 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009 for Temporary Cash Assistance Payments.

Object .12 Grants, Subsidies and Contributions 17,000,000

Federal Fund Appropriation 17,000,000

50. N00G00.08 Assistance Payments

In addition to the appropriation shown on page 80 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009 for the additional costs of higher than expected caseloads in the Supplemental Nutrition Assistance Program.

Object .12 Grants, Subsidies and Contributions 42,865,000

Federal Fund Appropriation 42,865,000

DEPARTMENT OF LABOR, LICENSING AND REGULATION

51. P00A01.11 Board of Appeals

In addition to the appropriation shown on page 82 of the printed bill (first reading file bill) to provide funds for a new administrative position to handle the increased caseload in processing the Board's appeal hearings.

Personnel Detail:

| | | |
|--|------|----------------|
| Office Secretary II | 1.00 | 34,881 |
| Fringe Benefits | | 17,082 |
| Turnover Expectancy | | <u>-12,991</u> |
| Object .01 Salaries, Wages and Fringe Benefits | | 38,972 |

Federal Fund Appropriation 38,972

52. P00A01.12 Lower Appeals

In addition to the appropriation shown on page 82 of the printed bill (first reading file bill) to provide funds for new positions to conduct appeal hearings for unemployment insurance claims.

Personnel Detail:

| | | |
|--|-------|-----------------|
| Hearing Examiner II | 15.00 | 1,105,110 |
| Office Secretary II | 2.00 | 68,520 |
| Fringe Benefits | | 385,737 |
| Turnover Expectancy | | <u>-389,842</u> |
| Object .01 Salaries, Wages and Fringe Benefits | | 1,169,525 |

Federal Fund Appropriation 1,169,525

53. P00G01.12 Adult Education and Literacy Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for one-time costs for cubicles, IT equipment and software related to the transfer of the Adult Education Programs to the Division of Workforce Development in the Department of Labor, Licensing, and Regulation.

| | |
|-----------------------------------|---------------|
| Object .08 Contractual Services | 150,000 |
| Object .11 Equipment - Additional | <u>50,000</u> |
| | 200,000 |

General Fund Appropriation 200,000

54. P00G01.12 Adult Education and Literacy Program

To add an appropriation on page 86 of the printed bill (first reading file bill) to recognize the transfer of Adult and Correctional Education to the Division of Workforce Development in the Department of Labor, Licensing, and Regulation.

Personnel Detail:

| | | |
|--|------|----------------|
| Management Associate | 1.00 | 46,408 |
| Adm Specialist III | 1.00 | 46,055 |
| Education Program Manager II | 1.00 | 102,180 |
| Education Program Specialist I | 7.00 | 528,307 |
| Education Program Supervisor | 2.00 | 140,379 |
| Office Secretary II | 2.00 | 65,662 |
| Office Secretary III | 1.00 | 35,144 |
| Staff Specialist III Educ. | 3.00 | 138,057 |
| Fringe Benefits | | 381,177 |
| Turnover Expectancy | | <u>-77,657</u> |
| Object .01 Salaries, Wages and Fringe Benefits | | 1,405,712 |
| Object .02 Technical and Special Fees | | 233,078 |
| Object .03 Communication | | 24,843 |
| Object .04 Travel | | 16,930 |
| Object .07 Motor Vehicle Operations and Maintenance | | 15,365 |
| Object .08 Contractual Services | | 652,529 |
| Object .09 Supplies and Materials | | 116,432 |
| Object .13 Fixed Charges | | <u>56,211</u> |
| | | 2,521,100 |

| | |
|---------------------------------|---------|
| General Fund Appropriation | 456,979 |
| Special Fund Appropriation | 643,170 |
| Federal Fund Appropriation | 992,251 |
| Reimbursable Fund Appropriation | 428,700 |

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.

55. P00G01.12 Adult Education and Literacy Program

To add an appropriation on page 86 of the printed bill (first reading file bill), to provide funds for new administrative positions to support the Adult and Correctional Education Programs that will transfer to the Division of Workforce Development in the Department of Labor, Licensing, and Regulation.

Personnel Detail:

| | | |
|--|------|-----------------|
| Asst. Attorney General | 0.50 | 47,492 |
| Budget Analyst II | 1.00 | 45,806 |
| Procurement Specialist III | 1.00 | 45,806 |
| Personnel Officer III | 1.00 | 45,806 |
| Program Coordinator | 1.00 | 98,356 |
| Office Secretary III | 1.00 | 35,144 |
| Management Associate | 1.00 | 41,567 |
| Library Coordinator | 1.00 | 91,148 |
| Director | 1.00 | 106,159 |
| Fringe Benefits | | 169,157 |
| Turnover Expectancy | | <u>-181,610</u> |
| Object .01 Salaries, Wages and Fringe Benefits | | 544,831 |

| | |
|---------------------------------|---------|
| Special Fund Appropriation | 100,007 |
| Federal Fund Appropriation | 398,524 |
| Reimbursable Fund Appropriation | 46,300 |

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.

56. P00G01.13 Adult Corrections Program

To add an appropriation on page 86 of the printed bill (first reading file bill) to recognize the transfer of Adult and Correctional Education Programs to the Division of Workforce Development in the Department of Labor, Licensing, and Regulation.

Personnel Detail:

| | | |
|---------------------------|------|---------|
| Admin Officer I | 1.00 | 50,968 |
| Adm Specialist III | 1.00 | 0 |
| Coord Corr Education MSDE | 5.00 | 394,936 |
| Field Coord Corr Ed MSDE | 1.00 | 102,480 |
| Librarian APC MSDE | 9.00 | 693,261 |

| | | | |
|--|-------|-----------------|------------|
| Librarian APC Plus 30 MSDE | 3.00 | 214,979 | |
| Librarian APC Plus 60 MSDE | 1.00 | 83,351 | |
| obs - Teacher Assistant | 0.50 | 0 | |
| Office Secretary II | 1.00 | 38,883 | |
| Office Secretary III | 9.00 | 301,611 | |
| Office Services Clerk | 1.00 | 34,619 | |
| Principal | 12.00 | 1,184,808 | |
| Teacher APC MSDE | 51.00 | 3,761,865 | |
| Teacher APC Plus 30 MSDE | 22.00 | 1,743,547 | |
| Teacher APC Plus 60 MSDE | 3.00 | 233,324 | |
| Teacher Conditional | 9.00 | 409,823 | |
| Teacher Lead MSDE | 8.00 | 641,373 | |
| Teacher SPC MSDE | 17.00 | 1,001,914 | |
| Teacher Supervisor MSDE | 11.00 | 848,180 | |
| Fringe Benefits | | 3,904,218 | |
| Turnover Expectancy | | <u>-848,323</u> | |
| Object .01 Salaries, Wages and Fringe Benefits | | 14,795,817 | |
| Object .02 Technical and Special Fees | | 178,582 | |
| Object .03 Communication | | 157,548 | |
| Object .04 Travel | | 19,929 | |
| Object .07 Motor Vehicle Operations and Maintenance | | 32,820 | |
| Object .08 Contractual Services | | 1,358,475 | |
| Object .09 Supplies and Materials | | 312,343 | |
| Object .10 Equipment - Replacement | | 114,500 | |
| Object .11 Equipment - Additional | | 68,690 | |
| Object .12 Grants, Subsidies and Contributions | | 200,000 | |
| Object .13 Fixed Charges | | <u>68,771</u> | |
| | | 17,307,475 | |
| General Fund Appropriation | | | 15,793,448 |
| Special Fund Appropriation | | | 970,758 |
| Federal Fund Appropriation | | | 543,269 |

57. P00G01.13 Adult Corrections Program

To increase the appropriation on page 86 of the printed bill (first reading file bill), to provide grant funds for Career and Technical Education Services in the Division of Workforce Development.

| | |
|--|---------|
| Object .12 Grants, Subsidies and Contributions | 796,404 |
|--|---------|

| | |
|----------------------------|---------|
| Federal Fund Appropriation | 796,404 |
|----------------------------|---------|

58. P00G01.14 Adult Education

To add an appropriation on page 86 of the printed bill (first reading file bill) to recognize the transfer of Adult Education to the Division of Workforce Development in the Department of Labor, Licensing, and Regulation.

| | | |
|--|------------|-----------|
| Object .12 Grants, Subsidies and Contributions | 13,748,419 | |
| General Fund Appropriation | | 6,933,622 |
| Federal Fund Appropriation | | 6,814,797 |

59. P00H01.01 Office of Unemployment Insurance

In addition to the appropriation shown on page 86 of the printed bill (first reading file bill) to support forty-two new positions to handle the increase in unemployment insurance claims due to layoffs and the declining economy.

Personnel Detail:

| | | |
|--|-------|-----------------|
| Claims Center Specialist | 15.00 | 453,000 |
| Claims Center Associate | 9.00 | 255,906 |
| Civil Attorney | 4.00 | 186,252 |
| Secretary III | 2.00 | 56,868 |
| Administrative Officer II | 4.00 | 154,376 |
| UI Program Specialist | 2.00 | 72,560 |
| Administrative Aide | 1.00 | 30,200 |
| Financial Compliance Auditor Tr. | 2.00 | 86,236 |
| Contribution Specialist | 3.00 | 90,600 |
| Fringe Benefits | | 698,182 |
| Turnover Expectancy | | <u>-521,045</u> |
| Object .01 Salaries, Wages and Fringe Benefits | | 1,563,135 |

| | |
|----------------------------|-----------|
| Federal Fund Appropriation | 1,563,135 |
|----------------------------|-----------|

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

60. Q00C02.02 Field Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for a new grant to improve the effectiveness of the department's reentry system and to improve the accountability of its community corrections system.

| | |
|---------------------------------------|----------------|
| Object .02 Technical and Special Fees | 50,000 |
| Object .08 Contractual Services | <u>150,000</u> |
| | 200,000 |

| | |
|----------------------------|---------|
| Federal Fund Appropriation | 200,000 |
|----------------------------|---------|

61. Q00C02.02 Field Operations

To add an appropriation shown on page 97 of the printed bill (first reading file bill), to provide funds to be used to improve the effectiveness of the department's reentry strategy and improve the ability of its community corrections system to hold both offenders and staff accountable when offenders are returned to their communities.

| | |
|---------------------------------------|----------------|
| Object .02 Technical and Special Fees | 76,935 |
| Object .08 Contractual Services | <u>259,300</u> |
| | 336,235 |

| | |
|----------------------------|---------|
| Federal Fund Appropriation | 336,235 |
|----------------------------|---------|

62. Q00G00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for a new grant to develop a model gang-related training program for community leaders and law enforcement officers.

| | |
|---------------------------------------|--------------|
| Object .02 Technical and Special Fees | 21,988 |
| Object .08 Contractual Services | 4,000 |
| Object .09 Supplies and Materials | 3,300 |
| Object .11 Equipment Additional | <u>3,550</u> |
| | 32,838 |

| | |
|----------------------------|--------|
| Federal Fund Appropriation | 32,838 |
|----------------------------|--------|

63. Q00G00.01 General Administration

To add an appropriation on page 98 of the printed bill (first reading file bill), to provide funds to be used for development of a model gang-related training program for community leaders, citizens and law enforcement agencies.

| | |
|---------------------------------------|--------------|
| Object .02 Technical and Special Fees | 42,019 |
| Object .08 Contractual Services | 16,956 |
| Object .09 Supplies and Materials | <u>6,700</u> |
| | 65,675 |

Federal Fund Appropriation

65,675

STATE DEPARTMENT OF EDUCATION

64. R00A01.02 Division of Business Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for Child and Adult Care Food program and the Child Nutrition program.

| | |
|--|----------------|
| Object .08 Contractual Services | 534,844 |
| Object .09 Supplies and Materials | 20,000 |
| Object .12 Grants, Subsidies and Contributions | <u>422,573</u> |
| | 977,417 |

Federal Fund Appropriation

977,417

65. R00A01.02 Division of Business Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds available through the Title I Program For Neglected And Delinquent Youth.

| | |
|--|--------|
| Object .12 Grants, Subsidies and Contributions | 48,118 |
|--|--------|

Federal Fund Appropriation

48,118

66. R00A01.02 Division of Business Services

To reduce the appropriation shown on page 100 of the printed bill (first reading file bill), to recognize the transfer of Adult Education to the Department of Labor, Licensing, and Regulation.

Object .12 Grants, Subsidies and Contributions -276,560

| | |
|---------------------------------|----------|
| Special Fund Appropriation | -100,007 |
| Federal Fund Appropriation | -130,253 |
| Reimbursable Fund Appropriation | -46,300 |

67. R00A01.06 Major Information Technology Development Projects

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for the Maryland Accountability and Reporting System.

Object .08 Contractual Services 671,956

| | |
|----------------------------|---------|
| Federal Fund Appropriation | 671,956 |
|----------------------------|---------|

68. R00A01.06 Major Information Technology Development Projects

In addition to the appropriation shown on page 101 of the printed bill (first reading file bill), to provide funds for the Enhanced Child Care Administrative Tracking System available through the American Recovery and Reinvestment Act of 2009.

Object .08 Contractual Services 3,500,000

| | |
|----------------------------|-----------|
| Federal Fund Appropriation | 3,500,000 |
|----------------------------|-----------|

69. R00A01.10 Division of Early Childhood Development

In addition to the appropriation shown on page 101 of the printed bill (first reading file bill), to provide funds for quality child care and infant and toddler services available through the American Reinvestment and Recovery Act of 2009. This includes funds to restore the Maryland Resource and Referral Network and Family Support Centers to the revised FY 2009 funding levels.

Object .08 Contractual Services 3,140,000

Federal Fund Appropriation 3,140,000

70. 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 2009 to provide funds for the Twenty-First Century Community Learning Centers program.

Object .12 Grants, Subsidies and Contributions 350,106

Federal Fund Appropriation 350,106

71. R00A01.12 Division of Student, Family, and School Support

In addition to the appropriation shown on page 101 of the printed bill (first reading file bill), to provide funds for School Improvement available through Title I Grants in the American Recovery and Reinvestment Act of 2009.

Object .12 Grants, Subsidies and Contributions 272,872

Federal Fund Appropriation 272,872

72. R00A01.14 Division of Career Technology and Adult Education

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for Career and Technical Education.

| | |
|---------------------------------|---------|
| Object .08 Contractual Services | 280,706 |
|---------------------------------|---------|

| | |
|----------------------------|---------|
| Federal Fund Appropriation | 280,706 |
|----------------------------|---------|

73. R00A01.14 Division of Career Technology and Adult Education

To reduce the appropriation shown on page 101 of the printed bill (first reading file bill), to recognize the transfer of Adult Education to the Department of Labor, Licensing, and Regulation.

Personnel Detail:

| | | |
|---|-------|----------------|
| Management Associate | -1.00 | -46,408 |
| Adm Specialist III | -1.00 | -46,055 |
| Education Program Manager II | -1.00 | -102,180 |
| Education Program Specialist I | -7.00 | -528,307 |
| Education Program Supervisor | -2.00 | -140,379 |
| Office Secretary II | -2.00 | -65,662 |
| Office Secretary III | -1.00 | -35,144 |
| Staff Specialist III Educ | -3.00 | -138,057 |
| Fringe Benefits | | -381,177 |
| Turnover Expectancy | | <u>77,657</u> |
| Object .01 Salaries, Wages and Fringe Benefits | | -1,405,712 |
| Object .02 Technical and Special Fees | | -233,078 |
| Object .03 Communication | | -24,843 |
| Object .04 Travel | | -16,930 |
| Object .07 Motor Vehicle Operations and Maintenance | | -15,365 |
| Object .08 Contractual Services | | -652,529 |
| Object .09 Supplies and Materials | | -116,432 |
| Object .13 Fixed Charges | | <u>-56,211</u> |
| | | -2,521,100 |

| | |
|---------------------------------|----------|
| General Fund Appropriation | -456,979 |
| Special Fund Appropriation | -643,170 |
| Federal Fund Appropriation | -992,251 |
| Reimbursable Fund Appropriation | -428,700 |

74. R00A01.15 Division of Correctional Education

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for Career and Technical Education.

| | |
|---------------------------------|--------|
| Object .08 Contractual Services | 13,655 |
|---------------------------------|--------|

| | |
|----------------------------|--------|
| Federal Fund Appropriation | 13,655 |
|----------------------------|--------|

75. R00A01.15 Division of Correctional Education

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds available through the Title I Program For Neglected And Delinquent Youth.

Personnel Detail:

| | |
|--|---------------|
| Salaries | <u>17,303</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 17,303 |
| Object .02 Technical and Special Fees | 25,000 |
| Object .04 Travel | 15,000 |
| Object .08 Contractual Services | 215,000 |
| Object .09 Supplies and Materials | 223,254 |
| Object .10 Equipment - Replacement | 12,910 |
| Object .11 Equipment - Additional | 7,199 |
| Object .13 Fixed Charges | <u>500</u> |
| | 516,166 |

| | |
|----------------------------|---------|
| Federal Fund Appropriation | 516,166 |
|----------------------------|---------|

76. R00A01.15 Division of Correctional Education

To reduce the appropriation shown on page 102 of the printed bill (first reading file bill), to recognize the transfer of Adult Education to the Department of Labor, Licensing, and Regulation.

Personnel Detail:

| | | |
|----------------------------|--------|------------|
| Admin Officer I | -1.00 | -50,968 |
| Adm Specialist III | -1.00 | 0 |
| Coord Corr Education MSDE | -5.00 | -394,936 |
| Field Coord Corr Ed MSDE | -1.00 | -102,480 |
| Librarian APC MSDE | -9.00 | -693,261 |
| Librarian APC Plus 30 MSDE | -3.00 | -214,979 |
| Librarian APC Plus 60 MSDE | -1.00 | -83,351 |
| obs - Teacher Assistant | -0.50 | 0 |
| Office Secretary II | -1.00 | -38,883 |
| Office Secretary III | -9.00 | -301,611 |
| Office Services Clerk | -1.00 | -34,619 |
| Principal | -12.00 | -1,184,808 |

| | | | |
|---|--------|----------------|-------------|
| Teacher APC MSDE | -51.00 | -3,761,865 | |
| Teacher APC Plus 30 MSDE | -22.00 | -1,743,547 | |
| Teacher APC Plus 60 MSDE | -3.00 | -233,324 | |
| Teacher Conditional | -9.00 | -409,823 | |
| Teacher Lead MSDE | -8.00 | -641,373 | |
| Teacher SPC MSDE | -17.00 | -1,001,914 | |
| Teacher Supervisor MSDE | -11.00 | -848,180 | |
| Fringe Benefits | | -3,904,218 | |
| Turnover Expectancy | | <u>848,323</u> | |
| Object .01 Salaries, Wages and Fringe Benefits | | -14,795,817 | |
| Object .02 Technical and Special Fees | | -178,582 | |
| Object .03 Communication | | -157,548 | |
| Object .04 Travel | | -19,929 | |
| Object .07 Motor Vehicle Operations and Maintenance | | -32,820 | |
| Object .08 Contractual Services | | -1,358,475 | |
| Object .09 Supplies and Materials | | -312,343 | |
| Object .10 Equipment - Replacement | | -114,500 | |
| Object .11 Equipment - Additional | | -68,690 | |
| Object .12 Grants, Subsidies and Contributions | | -200,000 | |
| Object .13 Fixed Charges | | <u>-68,771</u> | |
| | | -17,307,475 | |
| General Fund Appropriation | | | -15,793,448 |
| Special Fund Appropriation | | | -970,758 |
| Federal Fund Appropriation | | | -543,269 |

77. R00A01.18 Division of Certification and Accreditation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds available through American Recovery and Reinvestment Act for teacher quality programs available from the Improving Teacher Quality Grants to States.

Object .12 Grants, Subsidies and Contributions 208,863

Federal Fund Appropriation 208,863

78. R00A01.20 Division of Rehabilitation Services - Headquarters

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for Independent Living services available through the American Recovery and Reinvestment Act of 2009.

Object .12 Grants, Subsidies and Contributions 124,737

Federal Fund Appropriation 124,737

79. R00A01.20 Division of Rehabilitation Services - Headquarters

In addition to the appropriation shown on page 102 of the printed bill (first reading file bill), to provide funds for Independent Living Services available through the American Recovery and Reinvestment Act of 2009.

Object .12 Grants, Subsidies and Contributions 124,737

Federal Fund Appropriation 124,737

80. R00A01.21 Division of Rehabilitation Services - Client Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for Vocational Rehabilitation services available through the American Recovery and Reinvestment Act of 2009.

Object .02 Technical and Special Fees 3,289,595

Federal Fund Appropriation 3,289,595

81. R00A01.21 Division of Rehabilitation Services - Client Services

In addition to the appropriation shown on page 102 of the printed bill (first reading file bill), to provide funds for Vocational Rehabilitation services through the American Recovery and Reinvestment Act of 2009.

Object .02 Technical and Special Fees 3,289,595

| | |
|----------------------------|-----------|
| Federal Fund Appropriation | 3,289,595 |
|----------------------------|-----------|

82. 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 2009 to provide funds for Vocational Rehabilitation services available through the American Recovery and Reinvestment Act of 2009.

| | |
|---------------------------------------|--------|
| Object .02 Technical and Special Fees | 50,000 |
|---------------------------------------|--------|

| | |
|----------------------------|--------|
| Federal Fund Appropriation | 50,000 |
|----------------------------|--------|

83. R00A01.22 Division of Rehabilitation Services -
Workforce and Technology Center

In addition to the appropriation shown on page 103 of the printed bill (first reading file bill), to provide funds for Vocational Rehabilitation services through the American Recovery and Reinvestment Act of 2009.

| | |
|---------------------------------------|--------|
| Object .02 Technical and Special Fees | 50,000 |
|---------------------------------------|--------|

| | |
|----------------------------|--------|
| Federal Fund Appropriation | 50,000 |
|----------------------------|--------|

84. 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 2009 to provide funds for Vocational Rehabilitation and services for blind individuals available through the American Recovery and Reinvestment Act of 2009.

| | |
|--|---------|
| Object .02 Technical and Special Fees | 364,962 |
| Object .12 Grants, Subsidies and Contributions | 50,000 |
| | 414,962 |

| | |
|----------------------------|---------|
| Federal Fund Appropriation | 414,962 |
|----------------------------|---------|

85. R00A01.24 Division of Rehabilitation Services -
Blindness and Vision Services

In addition to the appropriation shown on page 103 of the printed bill (first reading file bill), to provide funds for Vocational Rehabilitation and services to blind individuals through the American Recovery and Reinvestment Act of 2009.

| | |
|--|---------------|
| Object .02 Technical and Special Fees | 364,962 |
| Object .12 Grants, Subsidies and Contributions | <u>50,000</u> |
| | 414,962 |

Federal Fund Appropriation

414,962

86. R00A02.04 Children at Risk

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for Homeless Children and Youth, Twenty-First Century Community Learning Centers, and the SEED School of Maryland.

| | |
|--|-----------|
| Object .12 Grants, Subsidies and Contributions | 2,990,862 |
|--|-----------|

Special Fund Appropriation
Federal Fund Appropriation

123,333
2,867,529

87. R00A02.04 Children at Risk

In addition to the appropriation shown on page 103 of the printed bill (first reading file bill), to provide funds for Homeless Youth and Children available through the American Recovery and Reinvestment Act of 2009.

| | |
|--|---------|
| Object .12 Grants, Subsidies and Contributions | 431,000 |
|--|---------|

Federal Fund Appropriation

431,000

88. R00A02.08 Assistance to State for Educating
Students with Disabilities

In addition to the appropriation shown on page 105 of the printed bill (first reading bill), to provide funds for Special Education, Preschool, and Infants and Toddlers through additional IDEA grants available through the American Recovery and Reinvestment Act of 2009.

Object .12 Grants, Subsidies and Contributions 107,333,717

Federal Fund Appropriation

107,333,717

89. R00A02.12 Educationally Deprived Children

In addition to the appropriation shown on page 105 of the printed bill (first reading file bill), to provide additional Title I and School Improvement Grants available through the American Recovery and Reinvestment Act of 2009.

Object .12 Grants, Subsidies and Contributions 156,489,139

Federal Fund Appropriation

156,489,139

90. R00A02.14 Adult Continuing Education

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for Career and Technical Education.

Object .12 Grants, Subsidies and Contributions 368,146

Federal Fund Appropriation

368,146

91. R00A02.14 Adult Continuing Education

To reduce the appropriation shown on page 105 of the printed bill (first reading file bill), to recognize the transfer of Adult Education to the Department of Labor, Licensing, and Regulation.

Object .12 Grants, Subsidies and Contributions -13,748,419

General Fund Appropriation

-6,933,622

Federal Fund Appropriation

-6,814,797

92. R00A02.18 Career and Technology Education

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for Career and Technical Education.

Object .12 Grants, Subsidies and Contributions 373,615

Federal Fund Appropriation 373,615

93. R00A02.27 Food Services Program

To become available immediately upon passage of this budget in order to provide funds for school nutrition available through the American Recovery and Reinvestment Act of 2009.

Object .12 Grants, Subsidies and Contributions 1,299,000

Federal Fund Appropriation 1,299,000

94. R00A02.53 School Technology

In addition to the appropriation shown on page 106 of the printed bill (first reading file bill), to provide funds for Education Technology available through the American Recovery and Reinvestment Act of 2009.

Object .12 Grants, Subsidies and Contributions 4,263,822

Federal Fund Appropriation 4,263,822

95. R00A02.55 Teacher Development

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for National Board for Professional Teaching Standards certification fees.

Object .12 Grants, Subsidies and Contributions 348,714

Special Fund Appropriation 348,714

96. R00A02.59 Child Care Subsidy Program

To become available immediately upon passage of this budget in order to reduce TANF funds in the Child Care Subsidy program and add Child Care Development Block Grant Funds available through the American Recovery and Reinvestment Act of 2009.

Object .12 Grants, Subsidies and Contributions 0

Federal Fund Appropriation 0

NOTE: 93.558 Temporary Assistance for Needy Families -4,400,000
 93.575s Child Care and Development Block Grant 4,400,000

97. R00A02.59 Child Care Subsidy Program

In addition to the appropriation shown on page 107 of the printed bill (first reading file bill), to reduce TANF funds in the Child Care Subsidy program and add Child Care Development Block Grant Funds available through the American Recovery and Reinvestment Act of 2009 and prior year balances.

Object .12 Grants, Subsidies and Contributions 1,900,000

Federal Fund Appropriation 1,900,000

NOTE: 93.558 Temporary Assistance for Needy Families -12,019,000
 93.575s Child Care and Development Block Grant 8,000,000
 93.575 Child Care and Development Block Grant 5,919,000

98. R00A03.04 Aid to Non-Public Schools

In addition to the appropriation shown on page 109 of the printed bill (first reading file bill), to provide additional funds for the Non-public Textbook program.

Object .12 Grants, Subsidies and Contributions 2,000,000

| | |
|----------------------------|-----------|
| Special Fund Appropriation | 2,000,000 |
|----------------------------|-----------|

MARYLAND PUBLIC BROADCASTING COMMISSION

99. R15P00.02 Administration and Support Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for electricity and electronic supplies due to the federal delay of the transition from analog signal to digital signal for television broadcasts.

| | |
|-----------------------------------|---------------|
| Object .06 Fuel and Utilities | 200,000 |
| Object .09 Supplies and Materials | <u>25,000</u> |
| | 225,000 |

| | |
|----------------------------|---------|
| General Fund Appropriation | 225,000 |
|----------------------------|---------|

100. R15P00.04 Content Enterprises

To adjust the appropriation shown on page 111 of the printed bill (first reading file bill), to provide funds to offset special funds for salaries and wages to avoid layoffs.

| | |
|--|----------|
| Salaries | <u>0</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 0 |

| | |
|----------------------------|------------|
| General Fund Appropriation | 1,000,000 |
| Special Fund Appropriation | -1,000,000 |

UNIVERSITY SYSTEM OF MARYLAND

101. R30B23.00 Bowie State University

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for increased auxiliary services and support.

| | |
|----------------------------------|----------------|
| Object .08 Contractual Services | 50,000 |
| Object .10 Equipment Replacement | 245,000 |
| Object .14 Land and Structures | <u>550,000</u> |
| | 845,000 |

| | |
|------------------------------------|---------|
| Current Unrestricted Appropriation | 845,000 |
|------------------------------------|---------|

102. R30B24.00 Towson University

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for increased auxiliary services and support due to increased enrollment.

| | |
|-----------------------------------|----------------|
| Object .08 Contractual Services | 1,250,000 |
| Object .09 Supplies and Materials | 1,050,000 |
| Object .10 Equipment Replacement | 400,000 |
| Object .14 Land and Structures | <u>275,000</u> |
| | 2,975,000 |

Current Unrestricted Appropriation

2,975,000

103. R30B26.00 Frostburg State University

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for increased financial aid.

| | |
|--|---------|
| Object .12 Grants, Subsidies and Contributions | 750,000 |
|--|---------|

Current Restricted Appropriation

750,000

104. R30B28.00 University of Baltimore

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for increased financial aid, payment for work study and contract and grant activity.

| | |
|--|------------------|
| Object .01 Salaries and Wages | 97,512 |
| Object .02 Technical and Special Fees | 162,037 |
| Object .08 Contractual Services | 1,157,990 |
| Object .11 Equipment Additional | 277,930 |
| Object .12 Grants, Subsidies and Contributions | <u>1,304,531</u> |
| | 3,000,000 |

Current Restricted Appropriation

3,000,000

105. R30B29.00 Salisbury University

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for increased financial aid and contract and grant activity.

| | |
|--|----------------|
| Object .02 Technical and Special Fees | 600,000 |
| Object .08 Contractual Services | 650,000 |
| Object .12 Grants, Subsidies and Contributions | <u>750,000</u> |
| | 2,000,000 |

| | |
|----------------------------------|-----------|
| Current Restricted Appropriation | 2,000,000 |
|----------------------------------|-----------|

106. R30B34.00 University of Maryland Center for Environmental Science

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for increased contract and grant activity.

| | |
|-----------------------------------|---------------|
| Object .01 Salaries and Wages | 933,880 |
| Object .04 Travel | 50,939 |
| Object .08 Contractual Services | 169,796 |
| Object .09 Supplies and Materials | 169,796 |
| Object .11 Equipment Additional | <u>33,959</u> |
| | 1,358,370 |

| | |
|----------------------------------|-----------|
| Current Restricted Appropriation | 1,358,370 |
|----------------------------------|-----------|

107. R30B35.00 University of Maryland Biotechnology Institute

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for increased contract and grant activity.

| | |
|-----------------------------------|----------------|
| Object .01 Salaries and Wages | 250,000 |
| Object .08 Contractual Services | 250,000 |
| Object .09 Supplies and Materials | <u>500,000</u> |
| | 1,000,000 |

| | |
|----------------------------------|-----------|
| Current Restricted Appropriation | 1,000,000 |
|----------------------------------|-----------|

108. R62I00.07 Educational Grants

In addition to the appropriation shown on page 115 of the printed bill (first reading file bill), to provide funds for the Higher Education Investment Workforce Initiatives.

Object .12 Grants, Subsidies and Contributions 1,500,000

General Fund Appropriation, provided that this appropriation for the Higher Education Investment Workforce Initiatives grant shall be reduced by \$1,500,000 contingent upon the enactment of legislation reauthorizing the Higher Education Investment Fund. Authorization is hereby provided to process a Special Fund budget amendment of \$1,500,000 to replace the aforementioned General Fund amount. **Further provided that \$500,000 of this appropriation may not be expended for any purpose except as additional grants to Regional Higher Education Centers (RHEC) to be distributed proportionally in accordance with the RHEC funding strategy. Further provided that no portion of this appropriation for workforce initiatives may be expended until \$500,000 of this appropriation and \$400,000 of additional grants provided by the supplemental budget has been awarded to the RHECs. Funding not used for this restricted purpose shall not be transferred by budget amendment or otherwise for any other purpose and shall revert to the General Fund. Further provided that it is the intent of the General Assembly that the \$1,750,000 provided for RHECs in the fiscal 2010 appropriation shall be the base funding level in future years.**

1,500,000

109. R62I00.07 Educational Grants

In addition to the appropriation shown on page 115 of the printed bill (first reading file bill), to provide funds for the Academy of Leadership.

| | | |
|--|---------|---------|
| Object .12 Grants, Subsidies and Contributions | 200,000 | |
| General Fund Appropriation | | 200,000 |

110. R62I00.07 Educational Grants

In addition to the appropriation shown on page 115 of the printed bill (first reading file bill), to provide funds for the Regional Higher Education Centers.

| | | |
|--|---------|---------|
| Object .12 Grants, Subsidies and Contributions | 400,000 | |
| General Fund Appropriation | | 400,000 |

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

111. S00A24.01 Neighborhood Revitalization

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide special funds to replace general funds reduced in the March 2009 Board of Public Works cost containment action.

| | | |
|--|---------|---------|
| Object .01 Salaries, Wages and Fringe Benefits | 143,000 | |
| Special Fund Appropriation | | 143,000 |

112. S00A24.01 Neighborhood Revitalization

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for foreclosure prevention assistance.

| | | |
|--|---------|---------|
| Object .12 Grants, Subsidies and Contributions | 300,000 | |
| General Fund Appropriation | | 300,000 |

113. S00A24.01 Neighborhood Revitalization

In addition to the appropriation shown on page 122 of the printed bill (first reading file bill), to provide funds to administer the Neighborhood Conservation Initiative.

| | |
|---------------------------------------|----------------|
| Object .02 Technical and Special Fees | 382,331 |
| Object .04 Travel | 20,000 |
| Object .08 Contractual Services | <u>250,000</u> |
| | 652,331 |

Federal Fund Appropriation

652,331

114. S00A25.04 Special Loan Programs

In addition to the appropriation shown on page 123 of the printed bill (first reading file bill), to provide funds to be used for low and moderate income home weatherization.

| | |
|---|------------------|
| Object .08 Contractual Services | 298,700 |
| Object .12 Grants, Subsidies, and Contributions | <u>2,688,300</u> |
| | 2,987,000 |

Federal Fund Appropriation

2,987,000

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

115. T00F00.23 Maryland Economic Development Assistance Authority Fund- Business Assistance

To add an appropriation on page 127 of the printed bill (first reading file bill), to provide funds for below market, fixed rate financing to businesses locating or expanding in priority funding areas of the State.

| | |
|------------------------------|----------------------|
| Object .14 Land & Structures | 3,000,000 |
| | <u>1,100,000</u> |

General Fund Appropriation, *provided that \$1,100,000 of this appropriation made for the purpose of providing business assistance may not be expended for that purpose but instead may only be used to fund marketing and promotional activities under the Maryland Tourism Board. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall be reverted*.....

~~3,000,000~~
1,100,000

116. T00G00.05 Maryland State Arts Council

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds available through the American Recovery and Reinvestment Act of 2009 for the operating costs of Artists and Arts Organizations through the Folklife Program.

Object .12 Grants, Subsidies and Contributions 318,600

Federal Fund Appropriation 318,600

DEPARTMENT OF THE ENVIRONMENT

117. U00A04.01 Water Management Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for new positions and related operating costs approved by the Board of Public Works on June 25, 2008.

Personnel Detail:

| | |
|--|----------------|
| Salaries | 650,465 |
| Fringe Benefits | 195,139 |
| Turnover Expectancy | <u>-59,192</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 786,412 |
| Object .07 Motor Vehicle Operations | 90,000 |
| Object .08 Contractual Services | 721,206 |
| Object .09 Supplies and Materials | 7,000 |
| Object .11 Equipment Additional | 45,300 |

| | | |
|--|----------------|-----------|
| Object .12 Grants, Subsidies and Contributions | <u>800,000</u> | |
| | 2,449,918 | |
| Special Fund Appropriation | | 2,449,918 |
| 118. U00A04.01 Water Management Administration | | |
| To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for new positions and related operating costs approved by the Board of Public Works on January 7, 2009. | | |
| Personnel Detail: | | |
| Salaries | 293,181 | |
| Fringe Benefits | 87,954 | |
| Turnover Expectancy | <u>-26,679</u> | |
| Object .01 Salaries, Wages and Fringe Benefits | 354,456 | |
| Special Fund Appropriation | | 354,456 |
| 119. U00A05.01 Science Services Administration | | |
| To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for Total Maximum Daily Load Contracts. These contracts models will be used to predict the water quality in a water body in response to changes in pollutant loading and various allocation strategies. | | |
| Object .12 Grants, Subsidies and Contributions | 650,000 | |
| Special Fund Appropriation | | 650,000 |
| 120. U00A05.01 Science Services Administration | | |
| To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to supplant general funds for Total Maximum Daily Load Contracts reduced as part of the October 15, 2008 Board of Public Works agenda. | | |
| Object .12 Grants, Subsidies and Contributions | 225,000 | |

| | | | |
|------|--|------------------|-----------|
| | Special Fund Appropriation | | 225,000 |
| 121. | U00A05.01 Science Services Administration | | |
| | In addition to the appropriations shown on page 131 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009 for projects related to Chesapeake Bay, Waterways and Green Infrastructure. | | |
| | Object .12 Grants, Subsidies and Contributions | 960,000 | |
| | Federal Fund Appropriation | | 960,000 |
| 122. | U00A06.01 Waste Management Administration | | |
| | In addition to the appropriations shown on page 131 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009 for projects related to underground storage tanks. | | |
| | Object .08 Contractual Services | 3,713,000 | |
| | Federal Fund Appropriation | | 3,713,000 |
| 123. | U00A07.01 Air and Radiation Management Administration | | |
| | To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to replace general funds reduced as part of the October 15, 2008 Board of Public Works agenda. | | |
| | Personnel Detail: | | |
| | Salaries | <u>1,115,000</u> | |
| | Object .01 Salaries, Wages and Fringe Benefits | 1,115,000 | |
| | Special Fund Appropriation | | 1,115,000 |
| 124. | U00A07.01 Air and Radiation Management Administration | | |

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to support the Clean Air component of the Department's Performance Partnership Grant with the U.S. Environmental Protection Agency.

Personnel Detail:

| | |
|--|-----------------|
| Salaries | 625,578 |
| Fringe Benefits | 522,173 |
| Turnover Expectancy | <u>-158,392</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 989,359 |
| Object .08 Contractual Services | 65,000 |
| Object .09 Supplies and Materials | 2,000 |
| Object .10 Equipment Replacement | 210,241 |
| Object .11 Equipment Additional | 302,500 |
| Object .12 Grants, Subsidies and Contributions | <u>205,000</u> |
| | 1,774,100 |

Special Fund Appropriation

1,060,100

Federal Fund Appropriation

714,000

125. U00A07.01 Air and Radiation Management Administration

In addition to the appropriations shown on page 132 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009 for projects reduce emissions from diesel powered vehicles.

| | |
|---------------------------------|-----------|
| Object .08 Contractual Services | 4,700,000 |
|---------------------------------|-----------|

Federal Fund Appropriation

4,700,000

126. U00A10.02 Major Information Technology Development Projects

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to enhance the functionality of the Tools for Environmental Management and Protection Organizations (TEMPO) project to provide additional usability.

| | |
|---------------------------------|---------|
| Object .08 Contractual Services | 366,288 |
|---------------------------------|---------|

Special Fund Appropriation 366,288

DEPARTMENT OF JUVENILE SERVICES

127. V00G01.02 Baltimore City Region Community Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for increased costs for residential per-diem placements.

Object .08 Contractual Services 394,958

General Fund Appropriation 394,958

128. V00G01.03 Baltimore City Region State Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for increased salary costs. Funds appropriated for this purpose may be realigned to other programs in the department.

Personnel Detail:

Salaries 2,679,029

Object .01 Salaries, Wages and Fringe Benefits 2,679,029

General Fund Appropriation 2,679,029

129. V00G01.03 Baltimore City Region State Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for increased overtime costs. Funds appropriated for this purpose may be realigned to other programs in the department.

Personnel Detail:

Overtime 258,833

Object .01 Salaries, Wages and Fringe Benefits 258,833

| | |
|----------------------------|---------|
| General Fund Appropriation | 258,833 |
|----------------------------|---------|

130. V00G01.03 Baltimore City Region State Operated Residential

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds for increased food costs. Funds appropriated for this purpose may be realigned to other programs in the department.

| | |
|-----------------------------------|---------|
| Object .09 Supplies and Materials | 605,042 |
|-----------------------------------|---------|

| | |
|----------------------------|---------|
| General Fund Appropriation | 605,042 |
|----------------------------|---------|

DEPARTMENT OF STATE POLICE

131. W00A01.02 Field Operations Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for recommended safety and equipment additions in the Aviation Command.

| | |
|---------------------------------|---------|
| Object .11 Equipment Additional | 630,525 |
|---------------------------------|---------|

| | |
|----------------------------|---------|
| Special Fund Appropriation | 499,120 |
|----------------------------|---------|

| | |
|----------------------------|---------|
| Federal Fund Appropriation | 131,405 |
|----------------------------|---------|

132. W00A01.02 Field Operations Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for overtime, electricity, and gasoline. Funds appropriated for this purpose may be realigned to other programs in the department.

Personnel Detail:

| | |
|---|------------------|
| Overtime | <u>1,568,000</u> |
| Object .01 Salaries, Wages and Fringe Benefits | 1,568,000 |
| Object .06 Fuel and Utilities | 364,000 |
| Object .07 Motor Vehicles Operation and Maintenance | <u>439,000</u> |
| | 2,371,000 |

General Fund Appropriation 2,371,000

133. W00A01.02 Field Operations Bureau

To add an appropriation on page 138 of the printed bill (first reading file bill), to provide funds available through the American Recovery and Reinvestment Act of 2009 for the COPS grant allowing more troopers to be entered into a trooper class in FY2010. Funding to support positions within the department that were unfunded in FY 2010.

Personnel Detail:

| | |
|-------------------------------|----------------|
| Salaries | 1,468,773 |
| Fringe Benefits | <u>895,496</u> |
| Object .01 Salaries and wages | 2,364,269 |

Federal Fund Appropriation 2,364,269

134. W00A01.03 Homeland Security and Investigation Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for operational upgrades allowable under asset forfeiture funds.

| | |
|---|----------------|
| Object .09 Supplies and Materials | 40,000 |
| Object .12 Grants, Subsidies, and Contributions | <u>602,000</u> |
| | 642,000 |

Federal Fund Appropriation 642,000

135. W00A01.04 Support Services Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for Department of Justice federal grant programs for cold cases and the Gang Elimination Task Force.

Personnel Detail:

| | |
|----------|---------------|
| Overtime | <u>58,500</u> |
|----------|---------------|

| | |
|---|------------------|
| Object .01 Salaries, Wages, and Fringe Benefits | 58,500 |
| Object .02 Technical and Special Fees | 89,827 |
| Object .04 Travel | 44,741 |
| Object .08 Contractual Services | 199,000 |
| Object .09 Supplies and Materials | 45,069 |
| Object .11 Equipment Additional | 1,020,245 |
| Object .12 Grants, Subsidies, and Contributions | <u>1,719,111</u> |
| | 3,176,493 |

Federal Fund Appropriation

3,176,493

136. W00A01.04 Support Services Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide funds to be used for operational upgrades allowable under asset forfeiture funds.

| | |
|-----------------------------------|----------------|
| Object .03 Telecommunications | 2,405,851 |
| Object .08 Contractual Services | 25,000 |
| Object .09 Supplies and Materials | 170,219 |
| Object .10 Equipment Replacement | 749,163 |
| Object .11 Equipment Additional | <u>295,000</u> |
| | 3,645,233 |

Federal Fund Appropriation

3,645,233

137. W00A01.13 Maryland State Police-Capital Appropriation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2009 to provide asset forfeiture funds for a departmental data center.

| | |
|--------------------------------|---------|
| Object .14 Land and Structures | 496,857 |
|--------------------------------|---------|

Federal Fund Appropriation

496,857

AMENDMENTS TO HOUSE BILL 100/SENATE BILL 165
(First Reading File Bill)

Amendment No. 1:

On page 11, strike lines 1 through 6.

Deletes the appropriation for the Salisbury Armory – Renovation and Addition capital project in the Public Works Capital Appropriation Program. Funds will be appropriated in the Military Department.

Amendment No. 2:

On page 57, line 9, after the word “program” strike “– Capital” and on line 10 strike “Appropriation”

Adjustment to properly categorize the MARBIDCO Installment Purchase Agreements Program as a non–capital program.

Amendment No. 3:

On page 57, line 13, after the word “program” strike “– Capital” and on line 14 strike “Appropriation”

Adjustment to properly categorize the MARBIDCO Next Generation Farmland Acquisition Program as a non–capital program.

Amendment No. 4:

On page 67, line 4 after the word “of” insert “legislation implementing”.

On page 67, line 8 after the word “of” insert “legislation implementing”.

On page 70, line 25 after the word “of” insert “legislation implementing”.

On page 70, line 30 after the word “of” insert “legislation implementing”.

On page 73, line 16 after the word “of” insert “legislation implementing”.

On page 74, line 7 after the word “of” insert “legislation implementing”.

Adjustment to properly reflect the reduction contingent upon legislation implementing the Maryland False Claims Act of 2009.

Amendment No. 5:

On page 74, line 3, after the word “Program” insert “. Further provided that this appropriation shall be reduced by \$10,000,000 to recognize savings from Hospital Medical Day Limits contingent on the failure of legislation implementing the Maryland False Claims Act of 2009”. On page 74, line 12, insert after the word “2009” insert “. Further provided that this appropriation shall be reduced by \$10,000,000 to recognize savings from Hospital Medical Day Limits contingent on the failure of legislation implementing the Maryland False Claims Act of 2009”.

Reduces general fund appropriation of \$10 million and federal fund appropriation of \$10 million for Hospital Medical Day Limits contingent on the failure of HB 304 or SB 372 related to the Maryland False Claims Act of 2009.

Amendment No. 6:

On page 74, line 3, after the word “Program” insert “. Further provided that this appropriation shall be reduced by \$4,500,000 to recognize savings from reduced Physician Rates contingent on the failure of legislation implementing the Maryland False Claims Act of 2009”. On page 74, line 12, after the word “2009” insert “. Further provided that this appropriation shall be reduced by \$4,500,000 to recognize savings from reduced Physician Rates contingent on the failure of legislation implementing the Maryland False Claims Act of 2009”.

Reduces general fund appropriation of \$4.5 million and federal fund appropriation of \$4.5 million for Physician Rates contingent on the failure of HB 304 or SB 372 related to the Maryland False Claims Act of 2009.

Amendment No. 7:

On page 115, line 12, after the word “appropriation” insert “for the Higher Education Investment Workforce Initiatives grant”

Clarifies the grant funding to which the contingent legislation applies.

Amendment No. 8:

On page 115, after line 33, insert “Academy of Leadership.....200,000”

Includes the Academy of Leadership Grant as a grant within R62I00.07 Educational Grants

Amendment No. 9:

On page 115, line 35, strike “850,000” and substitute “1,250,000”.

Increases the grant amount for Regional Higher Education Centers within R62I00.07 Educational Grants.

SUMMARY

SUPPLEMENTAL APPROPRIATIONS

| | General Funds | Special Funds | Federal Funds | Rmbrsbl Funds | Current Unstrctd Funds | Current Rstrctd Funds | Total Funds |
|-----------------------------|--------------------|-------------------|--------------------|-----------------|------------------------|-----------------------|--------------------|
| Appropriation | | | | | | | |
| 2009 FY | 19,252,056 | 36,749,065 | 95,920,140 | - 0 - | 3,820,000 | 8,108,370 | 163,849,631 |
| 2010 FY | 32,806,447 | 7,672,566 | 745,434,743 | 475,000 | - 0 - | - 0 - | 786,388,756 |
| Subtotal | <u>52,058,503</u> | <u>44,421,631</u> | <u>841,354,883</u> | <u>475,000</u> | <u>3,820,000</u> | <u>8,108,370</u> | <u>950,238,387</u> |
| Reduction in Appropriation | | | | | | | |
| 2009 FY | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - |
| 2010 FY | <u>-23,184,049</u> | <u>-5,262,935</u> | <u>-18,280,570</u> | <u>-475,000</u> | <u>- 0 -</u> | <u>- 0 -</u> | <u>-47,202,554</u> |
| Subtotal | <u>-23,184,049</u> | <u>-5,262,935</u> | <u>-18,280,570</u> | <u>-475,000</u> | <u>- 0 -</u> | <u>- 0 -</u> | <u>-47,202,554</u> |
| Net Change in Appropriation | <u>28,874,454</u> | <u>39,158,696</u> | <u>823,074,313</u> | <u>- 0 -</u> | <u>3,820,000</u> | <u>8,108,370</u> | <u>903,035,833</u> |

Sincerely

Martin O'Malley
Governor

Enacted under Article III, § 52(6) of the Maryland Constitution, May 7, 2009.

Chapter 485

(House Bill 102)

AN ACT concerning

**Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2009,
~~the Hillandale Center Loan of 2001, the Baltimore City – New Shiloh
Multipurpose Center Loan of 2001, and~~ the Maryland Consolidated Capital
Bond Loans of 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008**

FOR the purpose of authorizing the creation of a State Debt in the amount of ~~One Billion, Sixty Eight Million, One Hundred Twenty Four Thousand Dollars (\$1,068,124,000) One Billion, One Hundred Eight Million, Four Hundred Sixty Four Thousand, Two Hundred Thirty Five Dollars (\$1,108,464,235) One Billion, One Hundred Seven Million, Seven Hundred Ninety Three Thousand, One Hundred and One Dollars (\$1,107,793,101)~~, 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 easements and for grants to certain subdivisions and other organizations for certain development and improvement purposes, subject to the requirement that certain grantees provide and expend certain matching funds by certain dates; imposing a certain tax on all assessable property in the State; providing generally for the issuance and sale of bonds evidencing the loan; requiring certain grantees to grant a certain historical easement unless a certain determination is made by the Maryland Historical Trust; providing that the proceeds of certain loans must be expended or encumbered by a certain date; providing that work may commence on certain projects prior to the appropriation of all funds necessary to complete the project; providing that certain funds allocated to certain eligible school construction projects in a county that are not spent for the project may be applied to another eligible project or reserved in a certain contingency fund for certain purposes; stating the intent of the General Assembly that if certain funding is available for a certain purpose, a certain upgrade shall be undertaken with the available funding and certain funds shall be placed in a certain fund; prohibiting the Department of Information Technology from expending certain funds before a certain date or until it has submitted a certain report for review by the budget committees; prohibiting the expenditure of certain funds until certain conditions have been met; providing that certain funds may not be expended for a certain project until a certain report is submitted to the budget committees; stating the intent of the General Assembly that a certain authorization does not constitute approval of a certain financing method; requiring that before certain contracts

are executed the Capital Debt Affordability Committee must first review certain proposed financing alternatives; stating the intent of the General Assembly that a certain facility be operated as a minimum security facility and not house inmates above a certain security classification; restricting the use of a certain appropriation until the Police and Correctional Training Commissions and the Maryland Transportation Authority have developed and provided the budget committees a certain memoranda of understanding; providing that assistance awarded under certain programs is not subject to a certain approval by the Board of Public Works; requiring the Department of Juvenile Services and the Department of General Services to submit a certain report to the budget committees and provide a certain review and comment period before acquiring or leasing certain land; authorizing the creation of State Debt to be issued in 2010, the proceeds to be used for certain purposes; 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 and projects 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; repealing certain requirements for a certain appropriation; ~~repealing a certain requirement that the Capital Debt Affordability Committee review and make certain recommendations regarding certain school construction funding needs;~~ 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 public-private partnership agreements, during a certain fiscal year, except if certain plans are submitted and after a certain review and assessment; 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 133 of the Acts of the General Assembly of 2001~~

~~Section 1(1)~~

~~BY repealing and reenacting, with amendments,~~

~~Chapter 297 of the Acts of the General Assembly of 2001~~

~~Section 1(1)~~

BY repealing and reenacting, with amendments,

Chapter 508 of the Acts of the General Assembly of 2000

Section 1(3) Item ZA00(F)

BY repealing and reenacting, with amendments,

Chapter 508 of the Acts of the General Assembly of 2000, as amended by Chapter 204 of the Acts of the General Assembly of 2003 and Chapter 445 of the Acts of the General Assembly of 2005

Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 103 of the Acts of the General Assembly of 2001, as amended by
Chapter 46 of the Acts of the General Assembly of 2006
Section 9

BY repealing and reenacting, with amendments,
Chapter 290 of the Acts of the General Assembly of 2002
Section 1(3) Item RM00(C), Item ZA00(A), Item ZA00(J), ~~and~~ Item ZA00(R), and
Item ZC01(I)

BY repealing and reenacting, with amendments,
Chapter 290 of the Acts of the General Assembly of 2002, as amended by
Chapter 204 of the Acts of the General Assembly of 2003 and Chapter 336
of the Acts of the General Assembly of 2008
Section 1(3) Item RD00(A)

BY repealing and reenacting, with amendments,
Chapter 290 of the Acts of the General Assembly of 2002, as amended by
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA00(C)

BY repealing and reenacting, with amendments,
Chapter 290 of the Acts of the General Assembly of 2002, 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, and Chapter 336 of the Acts of the General
Assembly of 2008
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003
Section 1(3) Item ZA00(X) and ZC01(D) and (I) and Section 12(1) and (3) Item
(M), (U), and (AK)

~~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~~
~~Section 13(1) and (3)(i) Item (A), (S), (X), (AH), (AI), and (BA), and (ii) Item (L)~~

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by
Chapter 176 of the Acts of the General Assembly of 2005 and Chapter 219
of the Acts of the General Assembly of 2008
Section 1(3) Item ZA00(B)

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, and Chapter 336 of the Acts of the General Assembly of 2008

Section 1(1)

BY repealing

Chapter 306 of the Acts of the General Assembly of 2004

Section 11

BY repealing

Chapter 307 of the Acts of the General Assembly of 2004

Section 11

BY repealing and reenacting, with amendments,

Chapter 432 of the Acts of the General Assembly of 2004

Section 1(3) Item KA05(C), *Item RQ00(B)*, ~~Item ZA00(B)~~, and Item ZB02(B)

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, and Chapter 336 of the Acts of the General Assembly of 2008

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 445 of the Acts of the General Assembly of 2005

Section 1(3) Item RC00(A) ~~and~~, Item RM00(D), *and* Item ZA00(AF), ~~Item ZA01(T), (W), (AD), (AS), (AT), (AU), (AV), and (BC), and Item ZA02(I), (AA), (AE), (AF), (AR), (AW), (AZ), and (BN)~~

BY adding to

Chapter 445 of the Acts of the General Assembly of 2005

Section 1(3) Item RC00(B)

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 and Chapter 488 of the Acts of the General Assembly of 2007

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 46 of the Acts of the General Assembly of 2006

Section 1(3) Item RE01(A), Item RM00(A), ~~and~~ Item ZA00(L), ZA01(J), and ZA02(H)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter 488 of the Acts of the General Assembly of 2007
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item QB02(A), Item RM00(B), ~~Item RQ00(A),~~ ZA03(C), and Item ZB02(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 1(1)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(1) and (3) Item KA05(B) and Item RQ00(A), Section 12(1), and Section 12(3) Item DE02.01(I), and Item WA01(A)

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 ~~\$1,068,124,000~~ ~~\$1,108,464,235~~ \$1,107,793,101. 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:

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

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 ~~1,880,000~~ 1,683,000

DB01 HISTORIC ST. MARY’S CITY COMMISSION (St. Mary’s County)

(A) Maryland Heritage Interpretive Center. Provide funds for detailed design of a new visitor center and exhibit gallery 816,000

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, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete the project..... ~~7,462,000~~ 4,000,000

(B) State House – Old House of Delegates Chamber. Provide funds to construct and equip alterations and renovations to the State House in order to restore the Old House of Delegates Chamber to its 19th Century appearance 3,136,000

STATE GOVERNMENT CENTER – BALTIMORE (Baltimore City)

GENERAL STATE FACILITIES

(C) Facilities Renewal Fund. Provide funds for the State Capital

| | | |
|-----|---|------------|
| | Facilities Renewal Program (Statewide) | 10,403,000 |
| (D) | Asbestos Abatement Program. Provide funds to abate asbestos in various State facilities (Statewide)..... | 2,000,000 |
| (E) | Underground Heating Oil Storage Tank Replacement Program. Provide funds to remove, replace, or upgrade State-owned underground heating oil storage tanks (Statewide)..... | 1,368,000 |

JUDICIARY/MULTISERVICE CENTERS

| | | |
|-----|--|---------|
| (F) | New Catonsville District Court. Provide funds to acquire land for a new District Court facility in Catonsville (Baltimore County)..... | 350,000 |
|-----|--|---------|

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, <u>provided that any school construction funds allocated to an eligible project in a county that are not spent for the project may, within two years, at the county's option, be:</u> | |
| | (1) <u>applied to another eligible project in the current fiscal year; or</u> | |
| | (2) <u>reverted to the contingency fund and reserved for eligible projects in the county in the next fiscal year, which shall be in addition to new funds allocated for eligible projects in the county in the next fiscal year.</u> | |
| | <u>Further provided that any school construction funds reserved for a county in the contingency fund that are not encumbered within two years shall become available to be allocated to an eligible project in any county</u> | 260,000,000 |
| (B) | Relocatable Classrooms. Provide funds to renovate and demolish relocatable classrooms | 250,000 |
| (C) | <u>Aging Schools Program. Provide additional grants to be distributed to county boards of education in proportion to grants received under § 5-206 of the Education Article</u> | <u>6,108,986</u> |

DH01

MILITARY DEPARTMENT
(Wicomico County)

- (A) Salisbury Armory Renovation and Addition. Provide funds to design and construct renovations and additions to the Salisbury Armory 5,701,000

DEPARTMENT OF PLANNING

DW01.08

JEFFERSON PATTERSON PARK AND MUSEUM
(Calvert County)

- (A) Riverside Interpretive Trails and Exhibit Stations. Provide funds to design and construct a system of trails and exhibits at the Jefferson Patterson Park and Museum 1,876,000

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 150,000

FB04

DEPARTMENT OF INFORMATION TECHNOLOGY
(Statewide)

- (A) High Speed Data Network. Provide funds to upgrade the telecommunications system on the Eastern Shore from a microwave network to a fiber optic network, provided that it is the intent of the General Assembly that if any funding under the American Recovery and Reinvestment Act of 2009 for broadband expansion is available to the State, this proposed upgrade shall be undertaken with that funding. Further provided that the Department of Information Technology may not expend funds on this proposed upgrade until August 1, 2009, or until it has submitted a report to the budget committees explaining why it has been unable to use American Recovery and Reinvestment Act broadband funding for this upgrade, whichever is later. The budget committees shall have 30 days from the receipt of the report to review and comment. Further provided that if the Department of Information Technology is able to use American Recovery and Reinvestment Act broadband funding for this proposed upgrade, these funds shall be placed in the Facilities Renewal Fund and used in accordance with the purposes of that

| | | |
|-----|--|---|
| | <u>fund</u> | 950,000 |
| (B) | 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 | 10,000,000 <u>7,000,000</u> <u>7,500,000</u> |

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.. | 5,000,000 |
| (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 | 5,000,000 <u>0</u> |
| (C) | <u>Program Open Space Capital Development. Provide funds to design, construct, and equip Department of Natural Resources capital development projects in accordance with § 5-903(g) of the Natural Resources Article. Funds may only be spent on the projects listed below:.....</u> | <u>4,569,877</u> |
| | (1) <u>Black Walnut Point Shoreline Erosion Control (Talbot County)</u> | <u>1,653,877</u> |
| | (2) <u>Janes Island Nature Center Renovations (Somerset County).....</u> | <u>1,550,000</u> |
| | (3) <u>Point Lookout Administration Office Renovations (St. Mary's County).....</u> | <u>1,366,000</u> |
| (D) | <u>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.....</u> | <u>11,812,252</u> |
| (E) | <u>Program Open Space. Provide funds for the purchase of conservation easements, acquisition of land, and to make</u> | |

~~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 and acquisition of land~~ ~~87,284,495~~
71,300,000

~~(1) State Land Acquisitions~~.....~~81,135,419~~

~~(2) Local Projects Allowance~~.....~~6,149,076~~

(F) Program Open Space Capital Development. Provide funds to design, construct, and equip Department of Natural Resources capital development projects in accordance with § 5-903(g) of the Natural Resources Article. Funds may only be spent on the projects listed below:..... 6,159,107

(1) Harriet Tubman Underground Railroad State Park – Visitor Center and Site Improvements. Provide funds to design and construct a visitor center, access roads, parking, memorial garden, picnic pavilion, informational kiosks, walking paths, on-site wastewater treatment system, and well (Dorchester County).....4,409,107

(2) Critical Maintenance Program. Provide funds to construct capital improvements such as planned maintenance and repair projects at public use facilities on State-owned property (Statewide).....1,250,000

(3) Dam Rehabilitation Program. Provide funds to construct improvements to dams on State-owned property (Statewide).....500,000

KA17 FISHERIES SERVICE
(Statewide)

(A) ~~Blue Crab Program~~ Aquatic Life Restoration Program. Provide grants for the design and construction of oyster habitat restoration projects, wetland restoration projects, and aquaculture development projects 3,000,000

DEPARTMENT OF AGRICULTURE

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 7,000,000
- (B) 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 2–518 of the Agriculture Article (Statewide) 12,999,780

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 8,414,000

MF03 FAMILY HEALTH ADMINISTRATION
(Wicomico County)

- (A) Deer’s Head Center. Provide funds to design a new kidney dialysis unit and alter the existing kidney dialysis unit for administrative purposes at the Deer’s Head Center 608,000

MF05 OFFICE OF THE CHIEF MEDICAL EXAMINER
(Baltimore City)

- (A) New Forensic Medical Center. Provide funds to equip the new Forensic Medical Center 2,846,000

MJ02 LABORATORIES ADMINISTRATION

- (A) New Public Health Laboratory. Provide funds to prepare preliminary plans to construct a new public health laboratory, provided that no State funds may be expended for this project until the Department of Health and Mental Hygiene (DHMH), the Department of Budget and Management (DBM), and the Department of General Services submit a report to the budget

committees on the Administration’s plan for constructing the new public health laboratory. The report shall include details regarding preliminary cost estimates based on currently available information for all aspects of the project that will impact either the capital or operating budgets. In addition, the report shall provide a detailed timeline of the project beginning with the decision process concerning how to finance the project through completion of the project. After the report is submitted, the budget committees shall have 45 days to review and comment.

Further provided that it is the intent of the General Assembly that this authorization does not constitute approval of any particular method for funding or financing the project. Before any contracts are executed that would obligate the State to any ground or occupancy lease for the new facility, or any financing method including financing through the Maryland Economic Development Corporation, the Capital Debt Affordability Committee shall first review the proposed financing alternatives and ground and occupancy leases presented by DHMH and DBM for the potential debt affordability impact on the State (Baltimore City).....

6,450,000

ML01

MENTAL HYGIENE ADMINISTRATION
(Statewide)

(A) Patient Safety Improvements. Provide funds to construct patient safety improvements at psychiatric hospitals and residential treatment centers. These improvements may include, but are not limited to, modifications to bathrooms, doors, ceilings, and fire sprinklers that may pose potentially harmful conditions to patients at psychiatric facilities.....

~~2,500,000~~

~~3,500,000~~

4,000,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QB06

MARYLAND CORRECTIONAL PRE-RELEASE SYSTEM
(Anne Arundel County)

(A) Jessup Community Correctional Facility. Provide funds to design and construct the first of two 560-bed compounds, each consisting of two dormitory-style housing units and a support services building, provided that no funds may be expended on this project until:

- (1) the federal per diem rate paid to the State for housing

federal detainees in State facilities has been renegotiated to a rate that ensures operating costs for the Maryland Correctional Adjustment Center will be fully covered through federal funds;

- (2) the budget committees have received a federal award letter evidencing written confirmation that the federal funds have been approved and appropriated by the Office of Federal Detainee Trustee for this project;
- (3) the Part I Program Plan has been approved by the Department of Budget and Management, and the budget committees have been notified in writing of the approval; and
- (4) the budget committees have received a letter certifying that the Department of Public Safety and Correctional Services has met, and will continue to meet as necessary, with members of the communities surrounding the Jessup Correctional Complex to address community concerns.

Further provided that it is the intent of the General Assembly that the Jessup Community Correctional Facility be operated as a minimum security facility and that no inmates with a security classification above minimum security shall be housed at that facility.

The budget committees shall have 45 days from the receipt of each of these reports to review and comment 13,224,000

QB08.01 WESTERN CORRECTIONAL INSTITUTION
(Allegany County)

- (A) Vocational Education Building. Provide funds to construct and equip a new Vocational Education Building at the Western Correctional Institution 11,166,000
- (B) Rubble Landfill Closure Cap. Provide funds to design and construct a landfill closure cap for a landfill at the Western Correctional Institution 1,815,000

QB08.02 NORTH BRANCH CORRECTIONAL INSTITUTION
(Allegany County)

- (A) Maryland Correctional Enterprises Upholstery and

Re-upholstery Plant. Provide funds to design, construct, and equip a new Maryland Correctional Enterprises building at the North Branch Correctional Institution to house an Upholstery and Re-upholstery Plant

~~7,561,000~~
6,845,000

QD00 PATUXENT INSTITUTION
(Howard County)

(A) Fire Safety Improvements and Window Replacements. Provide funds to design, construct, and equip fire safety improvements for the Diagnostic Center Building and to replace windows and doors at the Defective Delinquent Building

11,881,000

QG00 POLICE AND CORRECTIONAL TRAINING COMMISSIONS
(Carroll County)

(A) Public Safety Education and Training Center Rifle Range Remediation. Provide funds to design and remediate the rifle range for the Firearms Training Facility at the Public Safety Education and Training Center (PSETC).

Provided that this appropriation shall be restricted until the Police and Correctional Training Commissions and the Maryland Transportation Authority (MDTA) have developed and provided the budget committees with a copy of a Memorandum of Understanding that authorizes equal access to all PSETC firing range facilities for MDTA and other PSETC users.

Further provided that it is the intent of the General Assembly that the MDTA provide an equal and matching fund for this purpose

1,172,000

QP00 DIVISION OF PRE-TRIAL DETENTION AND SERVICES
(Baltimore City)

(A) New Women’s Detention Facility. Provide funds for detailed design of a New Women’s Detention Facility

5,959,000

(B) New Youth Detention Facility. Provide funds to complete design and to construct a New Youth Detention Facility

11,800,000

RA01 STATE DEPARTMENT OF EDUCATION
(Statewide)

- (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
- (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 (*Washington County*)..... 5,000,000
- (C) State Library Resource Center. Provide initial design funds for the renovation of the State Library Resource Center at the Central Branch of Baltimore City’s Enoch Pratt Free Library System (*Baltimore City*)..... 1,550,000

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 ~~16,362,000~~
13,756,305

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK
~~(Prince George’s County)~~

- (A) Physical Sciences Complex. Provide funds for the detailed design of 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)..... ~~5,818,000~~
4,618,000
- (B) Maryland Fire and Rescue Institute North East Regional Training Center. Provide funds for the design, renovation, and construction of improvements to the Maryland Fire and Rescue Institute North East Regional Training Center located at the Aberdeen Proving Grounds (*Harford County*) 7,700,000

RB23 BOWIE STATE
(Prince George’s County)

- (A) Campuswide Site Improvements. Provide funds to design and construct upgrades to the campus electric distribution system on the Bowie State University campus 3,237,000
- (B) New Fine and Performing Arts Building. Provide funds to construct a new Fine and Performing Arts 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 25,028,000

RB24 TOWSON UNIVERSITY
(Baltimore County)

- (A) New College of Liberal Arts Complex. Provide funds to construct Phase II of the new College of Liberal Arts Complex, 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 34,725,000

RB27 COPPIN STATE UNIVERSITY
(Baltimore City)

- (A) New Physical Education Complex. Provide supplemental funds to equip the new Physical Education Complex, including outdoor athletic fields and facilities maintenance and public safety spaces ~~231,000~~
0
- (B) New Science and Technology Center. Provide funds for site acquisition and preliminary design for the New Science and Technology Center 9,745,000
- (C) Data Centers Expansion. Provide funds to design, construct, and equip upgrades to the campus data centers 2,371,000

RB28 UNIVERSITY OF BALTIMORE
(Baltimore City)

- (A) New Law School. Provide funds for the detailed design of a new law school 5,416,000

RB29 SALISBURY UNIVERSITY
(Wicomico County)

- (A) New Perdue School of Business. Provide funds to construct a New Perdue School of Business, provided that

notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete the project

~~42,298,000~~
28,000,000

RC00 BALTIMORE CITY COMMUNITY COLLEGE
 (Baltimore City)

(A) Main Building Renovation – Liberty Campus. Provide funds for a detailed design to complete the final phase of the Main Building Renovation – Liberty Campus, the renovation of the Administration Wing, and reconstruction of the Fine Arts Wing 3,214,000

RD00 ST. MARY'S COLLEGE OF MARYLAND
 (St. Mary's County)

(A) Anne Arundel Hall Reconstruction. Provide funds to complete detailed design of the Anne Arundel Hall reconstruction project 1,685,000

RE01 MARYLAND SCHOOL FOR THE DEAF

(A) Bus Loop and Parking Lot – Frederick Campus. Provide funds to design a new bus loop and parking lot on the Frederick Campus (Frederick County)..... 205,000

(B) New Cafeteria – Frederick Campus. Provide funds to supplement previous design appropriations and to construct a new cafeteria on the Frederick Campus (Frederick County).... 5,284,000

(C) Main Building Parking Lot and Athletic Field – Columbia Campus. Provide funds to construct the Main Parking Lot and Athletic Field (Howard County)..... 1,487,000

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 it is the intent of the General Assembly that the funds needed for the State's share of the cost of design, construction, and capital equipping for the Prince George's Community College's Center for Health Studies, Montgomery College's Germantown Bioscience

Center, Hagerstown Community College’s Arts and Sciences Complex, and Wor–Wic Community College’s Allied Health Building be provided as split authorizations in fiscal 2010 and 2011 and that this Act include a pre–authorization for each project for the State’s remaining fiscal 2011 cost share. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article..... 84,332,000

RM00 MORGAN STATE UNIVERSITY
(Baltimore City)

- (A) Campuswide Utilities Upgrade. Provide funds to complete the construction of a utility tunnel project on the Morgan State University campus and to reimburse the University for utility upgrades in the Morgan Commons and the Academic Quad..... 5,264,000
- (B) Campuswide Site Improvements. Provide funds to design and construct site improvements..... 6,321,000
- (C) Demolition Projects. Provide supplemental funds to demolish the three vacant structures at the Montebello Complex (the Power Plant, the Morgue, and E–Wing) and the Northwood Shopping Center..... 2,185,000
- (D) Lillie Carroll Jackson Museum Renovation. Provide funds to renovate the Lillie Carroll Jackson Museum 2,763,000
- (E) New Center for the Built Environment and Infrastructure Studies. Provide funds to design and construct a new Center for the Built Environment and Infrastructure Studies, 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..... 27,370,000
- (F) New School of Business Complex. Provide funds for the detailed design of a New School of Business Complex ~~3,052,000~~
942,794

RQ00 UNIVERSITY OF MARYLAND MEDICAL SYSTEM
(Baltimore City)

- (A) R Adams Cowley Shock Trauma Center. Provide a grant to the University of Maryland Medical System to assist in the design, renovation and equipping of the R Adams Cowley Shock Trauma Center..... 13,500,000

- (B) R Adams Cowley Shock Trauma Center Addition. Provide a grant to the University of Maryland Medical System for the design, construction, and equipping of an addition to the Shock Trauma Center in Baltimore 15,000,000

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Provided that any financial assistance awarded under the Community Legacy Program, Rental Housing Programs, 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. 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..... ~~6,500,000~~
4,200,000
- (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. The funds shall be administered in accordance with §§ 6-301 through 6-311 of the Housing and Community Development Article ~~900,000~~
0

SA25 DIVISION OF DEVELOPMENT FINANCE
(Statewide)

- (A) Rental Housing Programs. Provide funds for rental housing developments that serve low- and moderate-income households. The funds shall be administered in accordance with §§ 4-401 through 4-409, 4-501, 4-504, 4-901 through 4-923, 4-929, 4-933, and 4-1501 through 4-1511 of the Housing and Community Development Article 2,900,000
- (B) 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

- (C) 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 2,800,000
- (D) 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 1,500,000
- (E) 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 1,850,000

DEPARTMENT OF THE ENVIRONMENT

UA01 OFFICE OF THE SECRETARY (Statewide)

- (A) 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
- (B) 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 ~~28,500,000~~
1,500,000

28,500,000
22,500,000

- (1) Biological Nutrient Removal Program. Provide not more than ~~\$22,000,000~~ ~~\$0~~ ~~\$22,000,000~~ \$16,000,000 in grants for projects to remove nutrients at publicly-owned sewage treatment works;
- (2) Supplemental Assistance Program. Provide not more than ~~\$5,000,000~~ ~~\$0~~ \$5,000,000 in grants to provide assistance to grant and loan recipients to meet the local share of construction costs;
- (3) Small Creek and Estuary Restoration Program. Provide not more than \$969,000 in grants for water quality clean-up activities in small creeks and estuaries; and
- (4) Maryland Stormwater Pollution Control Program. Provide not more than \$531,000 in grants for nonpoint source stormwater pollution control.

(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 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

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..... 7,233,000

- (1) Charlotte Hall Veterans Home. Design improvements to the wastewater treatment plant (St. Mary's County)..... 210,000
- (2) Cheltenham Youth Center. Construct improvements

to the water tower (Prince George’s County) ... 337,000

- (3) Eastern Pre-Release Facility. Construct improvements to the wastewater treatment plant (Queen Anne’s County)..... 440,000
- (4) Elk Neck State Park. Construct improvements to the wastewater treatment plant (Cecil County). 1,151,000
- (5) Jessup Correctional Complex. Construct improvements to the Dorsey Wastewater Treatment Plant (Anne Arundel County).....4,459,000
- (6) Maryland Correctional Institution – Hagerstown. Design improvements to the wastewater treatment plant (Washington County)438,000
- (7) Southern Maryland Pre-Release Unit. Design improvements to the wastewater treatment plant (Charles County).....198,000

DEPARTMENT OF JUVENILE SERVICES

VD01

OFFICE OF THE SECRETARY

(A) Juvenile Services Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip residential and nonresidential facilities. The funds appropriated for this purpose shall be administered in accordance with §§ 9-401 through 9-410 of the Human Services Article (Statewide)..... ~~430,000~~
0

(B) Baltimore City Juvenile 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)..... 4,000,000

VE01 CHELTENHAM YOUTH FACILITY
(Prince George's County)

(A) New Youth Detention Center. Provide funds for a detailed design of a new detention center..... 2,547,000

WA01 DEPARTMENT OF STATE POLICE

(A) Headquarters Building K. Provide funds to design and construct minor building renovations and HVAC upgrades to the existing Headquarters Building K (Baltimore County)..... 1,665,000

(B) Helicopter Replacement. Provide funds to acquire new helicopters to upgrade the quality of the State helicopter fleet (Statewide) ~~40,000,000~~
52,500,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) Charles E. Smith Life Communities – Revitz House. Provide a grant to the Board of Directors of the Charles E. Smith Life Communities for the design, construction, renovation, and capital equipping of improvements to facilities at the Revitz House on the campus of the Charles E. Smith Life Communities in Rockville, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County)..... 650,000

(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

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| | consist of funds expended prior to the effective date of this Act (Baltimore County) | 2,500,000 |
| (D) | GREEN HOUSE at Stadium Place. Provide a grant to the Board of Directors of the Govans Ecumenical Development Corporation, Inc. for the acquisition, design, construction, and capital equipping of a long-term care facility at Stadium Place, located in Baltimore, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City) | 4,500,000 |
| (E) | Housing and Resource Center. Provide a grant to the Mayor and City Council of the City of Baltimore for the construction and capital equipping of a new homeless shelter and resource center (Baltimore City)..... | 2,000,000 |
| (F) | 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 County)..... | 146,000,000 88,000,000 89,659,880 <u>55,000,000</u> |
| (G) | Jewish Council for the Aging – New Facility. Provide a grant to the Board of Directors of the Jewish Council for the Aging of Greater Washington for the design, construction, renovation, and capital equipping of a building to house the offices and programs of the Jewish Council for the Aging, 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 (Montgomery County)..... | 275,000 |
| (H) | Jewish Foundation for Group Homes. Provide a grant to the Board of Directors of the Jewish Foundation for Group Homes for the construction, renovation, and capital equipping, including the provision of handicapped accessibility modifications to group homes in Montgomery County, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County)..... | 75,000 |
| (I) | Johns Hopkins Medicine – Cardiovascular and Critical Care Tower. Provide a grant to the Board of Trustees of the Johns | |

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| | 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)..... | 7,000,000 |
| (J) | 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 and Maternal Health Center <u>Tower</u> 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) | 10,000,000 |
| (K) | 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 |
| (L) | Lyric Opera House. 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, and subject to the requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust (Baltimore City)... | 1,500,000 |
| (M) | Maryland Hall for the Creative Arts. Provide a grant to the Board of Directors of the Maryland Hall for the Creative Arts for the construction and capital equipping of improvements to the Maryland Hall for the Creative Arts, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Anne Arundel County)..... | 500,000 |

(N) Maryland Independent College and University Association – Baltimore International College. Provide a grant equal to the lesser of (i) ~~\$2,750,000~~ \$3,000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Baltimore International College to assist in the planning, design, construction, renovation, and capital equipping of a former elementary school at the Culinary Arts Center on the Little Italy 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) ~~2,750,000~~
3,000,000

(O) Maryland Independent College and University Association – College of Notre Dame of Maryland – Knott Science Center. Provide a grant equal to the lesser of (i) ~~\$3,000,000~~ \$3,500,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the College of Notre Dame ~~in~~ of Maryland to assist in the planning, design, construction, renovation, and capital equipping of space at the Knott Science Center on the College of Notre Dame ~~in~~ of Maryland 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) ~~3,000,000~~
3,500,000

(P) Maryland Independent College and University Association – Capitol College – Innovation and Leadership Institute. Provide a grant equal to the lesser of (i) ~~\$2,250,000~~ \$2,500,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Capitol College to assist in the planning, design, construction, and capital equipping of new space for the Innovation and Leadership Institute, and the planning, design, construction, renovation, and capital equipping of space in Telecommunications Hall, 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). ~~2,250,000~~
2,500,000

(Q) 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

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| | new National Children’s Museum in Oxon Hill, 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 <u>1,500,000</u> |
| (R) | Park Heights Revitalization Project. Provide a grant to the Mayor and City Council of the City of Baltimore for property acquisition, demolition, and site improvements in the Park Heights Revitalization area (Baltimore City)..... | 3,000,000 <u>1,500,000</u> |
| (S) | Robert E. Lee Park. Provide a grant to the County Executive and County Council of Baltimore County for the design and construction of improvements to Robert E. Lee Park in Baltimore County, 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)..... | 3,000,000 |
| (T) | Sinai Hospital – Pediatric Wing <u>Samuelson Children’s Hospital</u> . Provide a grant to the Board of Directors of Sinai Hospital of Baltimore, Inc. for the design and construction of a Pediatric Wing , <u>construction, renovation, and improvements to the Samuelson Children’s Hospital</u> at the Sinai Hospital of Baltimore, 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 <u>2,500,000</u> |
| (U) | 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 <u>Hyattsville</u> Hyattsville , subject to the requirement that the grantee provide an equal and a matching fund of \$100,000 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)..... | 750,000 |
| (V) | WestSide Revitalization Project. Provide a grant to the | |

Mayor and City Council of the City of Baltimore for property acquisition, demolition, and site improvements in the WestSide Revitalization Project area, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City) ~~5,000,000~~
2,000,000

(W) Linthicum Veterans Memorial. Provide a grant of \$185,000 to the Board of Directors of the Linthicum Veterans Memorial, Inc. for the planning, design, construction, and capital equipping of the Linthicum Veterans Memorial, located in Linthicum (Anne Arundel County) 185,000

(X) Knights of St. John Woodville School Building. Provide a grant equal to the lesser of (i) \$225,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Knights of St. John Commandery No. 373, Inc. for the construction, repair, renovation, reconstruction, and capital equipping of the Knights of St. John Hall located in the former Woodville school building, located in Aquasco. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Prince George’s County) 225,000

(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. 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) 5,000,000

(Z) Garrett College Athletic and Community Recreation Center. Provide a grant to the Board of Trustees of Garrett Community College d/b/a Garrett College to assist with the construction

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| | <u>and capital equipping of the Garrett College Athletic and Community Recreation Center (Garrett County).....</u> | <u>3,000,000</u> |
| (AA) | <u>Maryland Science Center Green. Provide a grant equal to the lesser of (i) \$300,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Maryland Academy of Sciences for the construction, reconstruction, repair, renovation, and capital equipping of a green roof, located in Baltimore. 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>300,000</u> |
| (AB) | <u>Anne Arundel Community College. Provide a grant equal to the lesser of (i) \$1,000,000 or (ii) the amount of the matching fund provided, to the Anne Arundel Community College for the design and construction of a turf field, located in Arnold (Anne Arundel County)</u> | <u>1,000,000</u> |

ZA01 MARYLAND HOSPITAL ASSOCIATION

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| (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 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 |
| (B) | Sinai Hospital of Baltimore. Provide a grant to the Board of Directors of Sinai Hospital of Baltimore, Inc. to assist in the design, construction, renovation, and expansion of the Post-Anesthesia Care Unit 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)..... | 260,000 |
| (C) | Calvert Memorial Hospital. Provide a grant to the Board of Directors of Calvert Memorial Hospital, Inc. to assist in the design, construction, renovation, and expansion of the Infusion Therapy Center at Calvert Memorial 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 (Calvert County).....

800,000

(D) Civista Medical Center. Provide a grant to the Board of Directors of Civista Medical Center, Inc. to assist in the construction and renovation of space for the relocation and expansion of the Dialysis Center at the Civista Medical Center, 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)

90,000

(E) Upper Chesapeake Health System. Provide a grant to the Board of Directors of the Upper Chesapeake Health System, Inc. to assist in the design, construction, and capital equipping of a Residential Hospice Facility to be located in Forest Hill, 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)

600,000

(F) Howard County General Hospital. Provide a grant to the Board of Directors of Howard County General Hospital, Inc. to assist in the construction and renovation of space for a Progressive Care Unit, 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 (Howard County)

250,000

(G) Chester River Hospital Center. Provide a grant to the Board of Directors of the Chester River Hospital Center, Inc. to assist in the design, construction, renovation and capital equipping of space for an expansion to the hospital pharmacy, 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 (Kent County).....

330,000

(H) St. Mary’s Hospital. Provide a grant to the Board of Directors of the St. Mary’s Hospital, Inc. to assist in the design, construction, and renovation of space for the relocation of a

medical surgical unit, 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 (St. Mary's County)..... 1,800,000

(I) Atlantic General Hospital. Provide a grant to the Board of Directors of Atlantic General Hospital, Inc. to assist in the design, construction, and renovation of space for the relocation and expansion of the hospital pharmacy, 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 (Worcester County)..... 270,000

ZA02 HOUSE OF DELEGATES LEGISLATIVE INITIATIVES

(A) Baltimore Museum of Industry – Life Safety System Upgrades. Provide a grant equal to the lesser of (i) \$40,000 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, renovation, reconstruction, and capital equipping for Life Safety System Upgrades at the Baltimore Museum of Industry, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Statewide)..... 40,000

(B) 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 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) 125,000

(C) Easter Seals Inter-Generational Center. 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 Easter Seals Greater Washington-Baltimore Region, Inc. for the construction, repair, and capital equipping of the Easter Seals Inter-Generational Center, located in Silver Spring (Statewide)..... 35,000

- (D) Maryland Food Bank Distribution Center Roof. 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 Maryland Food Bank, Inc. for the planning, design, construction, repair, and renovation of the Maryland Food Bank’s distribution center roof, located in Baltimore County (Statewide)..... 125,000
- (E) Maryland Science Center Green. 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 Maryland Academy of Sciences for the construction, reconstruction, repair, renovation, and capital equipping of a green roof, located in Baltimore. 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)..... 100,000
- (F) National Center for Children and Families Youth Activities 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 for Children and Families, Inc. for the construction and capital equipping of the Youth Activities Center, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act, including funds expended on or after June 1, 2003 (Statewide)..... 100,000
- (G) National Children’s Museum. Provide a grant equal to the lesser of (i) \$1,750,000 or (ii) the amount of the matching fund provided, 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. 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) 1,750,000
- (H) Port Discovery. 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 Baltimore Children’s Museum, Inc. for the planning, design, construction, renovation, and capital equipping of the current location of Port Discovery, to include replacing windows, replacing the roof, and reconfiguring the stairways and doorways to improve the flow

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| | <u>of traffic through the museum, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Statewide).....</u> | <u>100,000</u> |
| (I) | <u>Therapeutic Pool for People with Disabilities. 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 League for People with Disabilities, Inc. for the design, construction, repair, renovation, reconstruction, and capital equipping of the Accessible Therapeutic Pool for The League for People with Disabilities, located in Baltimore City (Statewide).....</u> | <u>125,000</u> |
| (J) | <u>Allegany Museum. 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 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>100,000</u> |
| (K) | <u>Annapolis Summer Garden Theatre Renovation. 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 Annapolis Summer Garden Theatre, Inc. for the repair and renovation of the Annapolis Summer Garden Theatre, located in Crofton Annapolis (Anne Arundel County)</u> | <u>50,000</u> |
| (L) | <u>Benson–Hammond House Renovation. 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 Anne Arundel County Historical Society, Inc. for the repair, renovation, reconstruction, and capital equipping of the Benson–Hammond House and related outbuildings, located in Linthicum, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Anne Arundel County).....</u> | <u>60,000</u> |
| (M) | <u>Historical Freetown Renovation. 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 Freetown Improvement Association for the design, construction, repair, and renovation of Freetown Elementary, located in Glen</u> | |

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| | <u>Burnie (Anne Arundel County).....</u> | <u>150,000</u> |
| (N) | <u>Homeport Farm Park Building Rehabilitation Project. 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 Anne Arundel County for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of buildings at the Homeport Farm Park, located in Edgewater (Anne Arundel County)</u> | <u>100,000</u> |
| (O) | <u>Southern High School Field House. 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 Southern High School Sports Booster Club, Inc. for the construction of the Southern High School Field House, located in Harwood (Anne Arundel County).....</u> | <u>50,000</u> |
| (P) | <u>American Visionary Art Museum. 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 American Visionary Art Museum, Inc. for the acquisition, repair, renovation, and capital equipping of the American Visionary Art Museum, 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>150,000</u> |
| (Q) | <u>Eastside Youth Center Expansion. 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 Historic East Baltimore Community Action Coalition, Inc. for the repair, renovation, and capital equipping of a youth center, located in Baltimore City (Baltimore City)</u> | <u>75,000</u> |
| (R) | <u>Garrett–Jacobs Mansion. 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 Garrett–Jacobs Mansion Endowment Fund, Inc. for the design, repair, renovation, and reconstruction of the Garrett–Jacobs Mansion, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. 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>150,000</u> |

- (S) Girl Scout Urban Program and 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 Girl Scouts of Central Maryland, Inc. for the acquisition and renovation of the Girl Scout Urban Training Center, 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)..... 100,000
- (T) Healthy Start Client Service 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 Baltimore City Healthy Start, Inc. for the acquisition, repair, renovation, and capital equipping of a low-income pregnant and postpartum women's health care center, located in Baltimore City (Baltimore City)..... 150,000
- (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 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 real property or in kind contributions (Baltimore County)..... 100,000
- (V) HopeWell Cancer Support Facility. 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 the HopeWell Cancer Support, Inc. for the planning, design, construction, and renovation of the HopeWell Cancer Support Facility, located in Brooklandville (Baltimore County) 200,000
- (W) Leadership Through Athletics Facility. 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 Leadership Through Athletics, Inc. for the planning, design, construction, reconstruction, and capital equipping of the Leadership Through Athletics Facility, located in Lansdowne (Baltimore County) 35,000
- (X) Owings Mills Jewish Community 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 the ASSOCIATED Jewish Charities, Inc. for the capital equipping

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| | <u>and acquisition of an electric generator for an emergency shelter at the Jewish Community Center, located in Owings Mills. 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>200,000</u> |
| (Y) | <u>Storyville Children’s Learning Center – Woodlawn Library. 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 Foundation for Baltimore County Public Library, Inc. for the construction of the Storyville Children’s Learning Center at the Woodlawn Library, located in Towson (Baltimore County).....</u> | <u>250,000</u> |
| (Z) | <u>Exploration of Captain John Smith Exhibit. 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 Bayside History Museum, Inc. for the planning, design, construction, and capital equipping of the Exploration of Captain John Smith Exhibit, located in North Beach. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Calvert County).....</u> | <u>50,000</u> |
| (AA) | <u>Adkins Arboretum Native Garden Gateway. 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 Adkins Arboretum, Ltd. for the construction, restoration, capital equipping, and site improvements of the Adkins Arboretum Native Garden Gateway, located in Ridgely (Caroline County)</u> | <u>100,000</u> |
| (AB) | <u>Hospice House. Provide a grant equal to the lesser of (i) \$105,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Hospice of Charles County, Inc. for the acquisition, planning, design, construction, and capital equipping of a residential hospice house, located in La Plata. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Charles County)</u> | <u>105,000</u> |
| (AC) | <u>Mental Health Association Building. 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 Mental Health Association of Frederick County, Inc. for the acquisition, planning, design, renovation, and reconstruction of a building, located in Frederick. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the</u> | |

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| | <u>effective date of this Act (Frederick County)</u> | <u>200,000</u> |
| (AD) | <u>The Citizens Care and Rehabilitation 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 Trustees of the Citizens Care and Rehabilitation Center Foundation, Inc. for the construction, repair, and renovation of the fire sprinkler system, located in Havre de Grace. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Harford County)</u> | <u>200,000</u> |
| (AE) | <u>Linwood 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 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 (Howard County).....</u> | <u>150,000</u> |
| (AF) | <u>Robinson Nature Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the planning, design, site improvements, construction, and capital equipping of the Robinson Nature Center, located in Columbia (Howard County).....</u> | <u>150,000</u> |
| (AG) | <u>Gaithersburg Community Museum. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of Gaithersburg for the design and construction of enhancements, including installation of a new HVAC system, to the Gaithersburg Community Museum, located in Gaithersburg (Montgomery County)</u> | <u>250,000</u> |
| (AH) | <u>Imagination Stage. 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 Imagination Stage, Inc. for the planning, design, construction, reconstruction, repair, and capital equipping of Imagination Stage, located in Bethesda. 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> |
| (AI) | <u>MacDonald Knolls 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 CHI Centers, Inc. for the</u> | |

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| | <u>repair, renovation, reconstruction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring (Montgomery County)</u> | <u>100,000</u> |
| (AJ) | <u>Poolesville Skate Park. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Town of Poolesville for the planning, design, and construction of a skate park, located in Poolesville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Montgomery County)</u> | <u>100,000</u> |
| (AK) | <u>Renovation of “Falling Green” at OBGC Park. 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 Olney Boys and Girls Community Sports Association, Inc. for the construction, repair, and renovation of the historic “Falling Green”, including related infrastructure improvements, at the Olney Boys and Girls Community Park, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. 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>100,000</u> |
| (AL) | <u>Capitol Heights Municipal Building. 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 Capitol Heights for the acquisition, planning, design, construction, repair, and renovation of a municipal building, located in Capitol 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 (Prince George’s County)</u> | <u>100,000</u> |
| (AM) | <u>Cosca Regional Skate Park. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the planning, design, and construction of a skate park, located in Clinton (Prince George’s County)</u> | <u>250,000</u> |
| (AN) | <u>District Heights Field Renovation. 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 Commissioners of the City of District Heights for the design, construction, renovation, and capital equipping of recreational fields,</u> | |

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| | <u>located in District Heights. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County).....</u> | <u>100,000</u> |
| (AO) | <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 (Prince George's County)</u> | <u>100,000</u> |
| (AP) | <u>South Bowie Boys and Girls Club Concession Stand. Provide a grant of \$50,000, to the Board of Directors of the South Bowie Boys and Girls Club, Inc. for the design and construction of a concession stand to be operated by the South Bowie Boys and Girls Club, located in Bowie, subject to a requirement that the grantee provide and expend a matching fund of \$25,000 (Prince George's County).....</u> | <u>50,000</u> |
| (AQ) | <u>YMCA Potomac Overlook. 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 YMCA Potomac Overlook, Inc. for the design, renovation, and construction of the YMCA Potomac Overlook facility and pool, located in Fort Washington. 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> |
| (AR) | <u>Kennard High School Restoration. 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 Kennard Alumni Association, Inc. for the repair, renovation, reconstruction, and capital equipping of Kennard High School, located in Centreville, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. 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 (Queen Anne's County)</u> | <u>100,000</u> |
| (AS) | <u>Pathway's Facility Renovation. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Board of the Directors of Pathway's, Inc. for the construction, repair, renovation, and capital equipping of the Pathway's Facility, located in Hollywood. Notwithstanding Section 1(5) of this Act, the matching fund</u> | |

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| | <u>may consist of real property (St. Mary’s County)</u> | <u>175,000</u> |
| (AT) | <u>YMCA Fire Safety System 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 Young Men’s Christian Association of Talbot County, Inc. for the construction and renovation of the fire safety system, located in Easton (Talbot County).....</u> | <u>100,000</u> |
| (AU) | <u>Museum of Fine Arts. 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 Washington County Museum of Fine Arts, Inc. for the planning, design, construction, renovation, and capital equipping of a courtyard and building, located in Hagerstown, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Washington County).....</u> | <u>100,000</u> |
| (AV) | <u>Parsonsborg Volunteer Fire Company Community 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 Parsonsborg Volunteer Fire Company, Inc. for the acquisition, planning, design, and construction of the Parsonsborg Volunteer Fire Company, 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 effective date of this Act (Wicomico County).....</u> | <u>250,000</u> |

ZA03

LOCAL SENATE INITIATIVES

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| (A) | <u>Local Senate Initiatives. Provide funds for local initiatives selected by the Senate.....</u> | <u>7,500,000</u> |
| (A) | <u>Baltimore Museum of Industry – Life Safety System Upgrades. Provide a grant equal to the lesser of (i) \$40,000 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, renovation, reconstruction, and capital equipping of Life Safety System Upgrades at the Baltimore Museum of Industry, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Statewide).....</u> | <u>40,000</u> |

- (B) Capital Area Food Bank. 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 Capital Area Food Bank, Inc. for the 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) 175,000
- (C) Easter Seals Inter-Generational Center. 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 Easter Seals Greater Washington-Baltimore Region, Inc. for the construction, repair, and capital equipping of the Easter Seals Inter-Generational Center, located in Silver Spring (Statewide)..... 35,000
- (D) Maryland Food Bank Distribution Center Roof. 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 Maryland Food Bank, Inc. for the planning, design, construction, repair, and renovation of the Maryland Food Bank's distribution center roof, located in Baltimore County (Statewide)..... 125,000
- (E) National Center for Children and Families Youth Activities 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 National Center for Children and Families, Inc. for the construction and capital equipping of the Youth Activities Center, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act, including funds expended on or after June 1, 2003 (Statewide) 150,000
- (F) National Children's Museum. Provide a grant equal to the lesser of (i) \$1,750,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Children's Museum for the acquisition, design, construction, and capital equipping of the new National Children's Museum, located in Oxon Hill. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Statewide) 1,750,000
- (G) Port Discovery. Provide a grant equal to the lesser of (i) \$225,000 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 the current location of Port Discovery, to include replacing windows, replacing the roof, and reconfiguring the stairways and doorways to improve the flow of traffic through the museum, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Statewide) 225,000
- (H) Therapeutic Pool for People with Disabilities. Provide a grant equal to the lesser of (i) \$225,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The League for People with Disabilities, Inc. for the design, construction, repair, renovation, reconstruction, and capital equipping of the Accessible Therapeutic Pool for The League for People with Disabilities, located in Baltimore City (Statewide)..... 225,000
- (I) Allegany Museum. 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 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) 125,000
- (J) Aleph Bet Jewish Day School. Provide a grant equal to the lesser of (i) \$45,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Aleph Bet Jewish Day School for the planning, design, construction, and site development and improvements of the Aleph Bet Jewish Day School, 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)..... 45,000
- (K) Coordinating Center for Home and Community Care Building Facilities. 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 Coordinating Center for Home and Community Care, Inc. for the acquisition, planning, design, repair, and renovation of the building facilities of the Coordinating Center for Home and Community Care, located in Hanover (Anne Arundel County)..... 30,000
- (L) Light House Shelter. 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 Annapolis Area Ministries, Inc. for the construction of the Light House Shelter, located in Annapolis. 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 (Anne Arundel County)..... 50,000
- (M) MTR Education and Rehabilitation Center. 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 Maryland Therapeutic Riding, Inc. for the acquisition, design, and construction of the MTR Education and Rehabilitation Center, located in Annapolis. 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 (Anne Arundel County) 25,000
- (N) Academy of Success Community Empowerment 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 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)..... 50,000
- (O) Center for Urban Families. 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 for the Center for Urban Families Fund, Inc. on behalf of the Center for Urban Families, Inc. for the construction of the Center for Urban Families, located in Baltimore City (Baltimore City)..... 75,000
- (P) Fine Arts Center for Archbishop Curley High School. 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 Archbishop Curley High School for the construction of a fine arts center for Archbishop Curley High School, located in Baltimore City (Baltimore City)..... 200,000
- (Q) Garrett–Jacobs Mansion. 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 Garrett–Jacobs Mansion Endowment Fund, Inc. for the design, repair, renovation, and reconstruction of the Garrett–Jacobs Mansion, located in Baltimore City, subject to a requirement that the grantee grant

- and convey a historic easement to the Maryland Historical Trust. 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) 50,000
- (R) Girl Scout Urban Program and Training 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 Girl Scouts of Central Maryland, Inc. for the acquisition and renovation of the Girl Scout Urban Training Center, 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) 50,000
- (S) Iota Phi Theta Love/Action Center. Provide a grant equal to the lesser of (i) \$15,000 or (ii) the amount of the matching fund provided, to the Iota Phi Theta Fraternity, Inc. PSI Omega Alumni Chapter for the acquisition, planning, design, repair, and renovation of a building to serve as a youth center, located in Baltimore City (Baltimore City) 15,000
- (T) Parks and People Headquarters at Auchentoroly Terrace. 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 Parks and People, the Foundation of Baltimore Recreation and Parks, Inc. for the construction, renovation, and reconstruction of the Parks and People Headquarters at Auchentoroly Terrace, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Baltimore City).... 50,000
- (U) Roland Park Fire Station Rehabilitation. Provide a grant of \$110,000, to the Baltimore City Fire Department for the repair and renovation of the Roland Park Fire Station, located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$20,000. 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) 110,000
- (V) Southwest Senior and Community Multipurpose 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 Communities Organized to Improve Life, Inc. for the acquisition, planning, design, construction, renovation, and capital equipping of the Southwest Senior and

- Community Multipurpose Center, 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) 125,000
- (W) Women’s Industrial Exchange. 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 Women’s Industrial Exchange of Baltimore City, Inc. for the construction, repair, renovation, and capital equipping of the Women’s Industrial Exchange, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. 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) 125,000
- (X) Automotive Vocational Training 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 National Center 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 real property or in kind contributions (Baltimore County) 125,000
- (Y) Good Shepherd Center. 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 for the House of the Good Shepherd, Inc. for the design, construction, renovation, and capital equipping, including residential bathroom renovations at the Good Shepherd Center, located in Baltimore (Baltimore County) 75,000
- (Z) HopeWell Cancer Support Facility. 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 HopeWell Cancer Support, Inc. for the planning, design, construction, and renovation of the HopeWell Cancer Support Facility, located in Brooklandville (Baltimore County) 50,000
- (AA) Owings Mills Jewish Community Center. 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 ASSOCIATED Jewish Charities, Inc. for the capital equipping and acquisition of an electric generator for an emergency

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| | <u>shelter at the Jewish Community Center, located in Owings Mills. 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>(AB)</u> | <u>Todd's Inheritance. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the renovation, reconstruction, and capital equipping of Todd's Inheritance, located in Edgemere (Baltimore County)...</u> | <u>50,000</u> |
| <u>(AC)</u> | <u>North Beach Boardwalk. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Town of North Beach for the planning, design, construction, and capital equipping of the North Beach Boardwalk, located in North 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>250,000</u> |
| <u>(AD)</u> | <u>Adkins Arboretum Native Garden Gateway. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Adkins Arboretum, Ltd. for the construction, restoration, capital equipping, and site improvements of the Adkins Arboretum Native Garden Gateway, located in Ridgely (Caroline County)</u> | <u>25,000</u> |
| <u>(AE)</u> | <u>Hospice House. Provide a grant equal to the lesser of (i) \$145,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Hospice of Charles County, Inc. for the acquisition, planning, design, construction, and capital equipping of a residential hospice house, located in La Plata. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Charles County).....</u> | <u>145,000</u> |
| <u>(AF)</u> | <u>Jaycees Field of Dreams. 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 Greater Waldorf Jaycees Foundation, Inc. for the design, construction, and capital equipping of the Jaycees Field of Dreams, located in Laurel Springs Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Charles County).....</u> | <u>30,000</u> |
| <u>(AG)</u> | <u>Mental Health Association Building. 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 Mental Health Association of Frederick County, Inc. for the acquisition, planning, design, renovation, and reconstruction of a building for the Mental Health Association, located in Frederick. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Frederick County) 50,000
- (AH) The John Hanson Memorial. 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 John Hanson Memorial for the design, construction, and sculpture of the John Hanson Memorial, located in Adamstown (Frederick County)..... 50,000
- (AI) Former Ellicott City Post Office. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the design, construction, renovation, and facade enhancement of the former Ellicott City Post Office, located in Ellicott City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Howard County).. 150,000
- (AJ) Troy Regional Park. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the planning and design of active and passive recreation facilities at the Troy Regional Park, located in the Elkridge Planning Area (Howard County)..... 150,000
- (AK) Black Rock Center for the 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 Germantown Cultural Arts Center, Inc. d/b/a Black Rock Center for the Arts, Inc. for the planning, design, construction, and capital equipping of the Black Rock Center for the Arts, located in Germantown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County) 50,000
- (AL) Dance Exchange. 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 Dance Exchange, Inc. for the planning, design, construction, renovation, and capital equipping of the Dance Exchange, located in Takoma Park. Notwithstanding Section 1(5) of this Act, the matching fund

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| | <i>may consist of in kind contributions (Montgomery County)</i> | <u>50,000</u> |
| <u>(AM)</u> | <i><u>Imagination Stage. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Imagination Stage, Inc. for the planning, design, construction, reconstruction, repair, and capital equipping of Imagination Stage, located in Bethesda. 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></i> | <u>125,000</u> |
| <u>(AN)</u> | <i><u>Lake Whetstone Facilities. 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 Montgomery Village Foundation, Inc. for the design, construction, repair, renovation, and capital equipping, including the installation of lighting, of the Lake Whetstone boat house, dock, and related facilities, located in Montgomery Village (Montgomery County).....</u></i> | <u>80,000</u> |
| <u>(AO)</u> | <i><u>LEDC Facility. 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 Latino Economic Development Corporation for the acquisition, design, renovation, and capital equipping of a facility for the Latino Economic Development Corporation, located in Wheaton. 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></i> | <u>175,000</u> |
| <u>(AP)</u> | <i><u>Northgate Homes Lighting Upgrade. 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 Northgate Homes Corporation for the design, construction, repair, renovation, reconstruction, and capital equipping, including environmental and safety upgrades to street lights, located in Olney (Montgomery County)</u></i> | <u>40,000</u> |
| <u>(AQ)</u> | <i><u>Olney Theatre Center Campus. 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 Olney Theatre Center for the Arts, Inc. for the acquisition, construction, and capital equipping of the Olney Theatre Center for the Arts, located in Olney. 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></i> | <u>150,000</u> |

- (AR) Poolsville Skate Park. Provide a grant of \$75,000, to the Town of Poolsville for the planning, design, and construction of a skate park, located in Poolsville, subject to a requirement that the grantee provide and expend a matching fund of \$30,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Montgomery County)..... 75,000
- (AS) RCI Group Home Renovations. 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 Residential Continuum, Inc. for the renovation, reconstruction, and capital equipping of group homes for autistic individuals, located in Montgomery Village (Montgomery County)..... 30,000
- (AT) Renovation of “Falling Green” at OBG Park. 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 Olney Boys and Girls Community Sports Association, Inc. for the construction, repair, and renovation of the historic “Falling Green”, including related infrastructure improvements, at the Olney Boys and Girls Community Park, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. 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)..... 50,000
- (AU) Rockville Historic Post Office Renovation. 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 design, construction, and renovation of the Rockville Historic Post Office, located in Rockville, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. 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)..... 100,000
- (AV) African–American History Museum. 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 Prince George’s African American Museum and Cultural Center at North Brentwood, Inc. for the acquisition, planning, design, construction, and capital equipping of the African–American

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| | <u>History Museum, located in North Brentwood (Prince George's County).....</u> | <u>50,000</u> |
| (AW) | <u>Bowie Police Dispatch Center. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Bowie for the construction and capital equipping of the Bowie Police Dispatch Center, located in Bowie. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County)</u> | <u>25,000</u> |
| (AX) | <u>Chosen Youth Group Basketball Court. Provide a grant of \$25,000 to the Board of Trustees of the Gethsemane UMC Chosen Youth Group, Inc. for the repair, renovation, and resurfacing of the Chosen Youth Group Basketball Court, located in Capitol Heights (Prince George's County).....</u> | <u>25,000</u> |
| (AY) | <u>Concord Historic Site. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Maryland-National Capital Park and Planning Commission for the planning, design, repair, and renovation of the Concord Historic Mansion and improvements to the surrounding site, located in Capitol Heights, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Prince George's County).....</u> | <u>100,000</u> |
| (AZ) | <u>District Heights Field Renovation. 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 Commissioners of the City of District Heights for the design, construction, renovation, and capital equipping of recreational fields, located in District Heights. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County).....</u> | <u>100,000</u> |
| (BA) | <u>Elizabeth Seton High School Sports Facilities. Provide a grant of \$50,000, to the Board of Directors of Elizabeth Seton High School for the planning, design, construction, renovation, reconstruction, and capital equipping of the Elizabeth Seton High School sports facilities, located in Bladensburg, subject to a requirement that the grantee provide and expend a matching fund of \$25,000 (Prince George's County)</u> | <u>50,000</u> |
| (BB) | <u>Greenbelt Consumer Cooperative 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</u> | |

- Greenbelt Consumer Cooperative, Inc. for the repair, renovation, reconstruction, and capital equipping of the Greenbelt Consumer Cooperative, located in Greenbelt (Prince George's County)..... 100,000
- (BC) Harmony Hall Manor. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the National Parks Service and the Board of Directors of the Broad Creek Historic District Association for the repair and renovation of Harmony Hall Manor, located in Oxon Hill (Prince George's County)..... 100,000
- (BD) Kappa Alpha Psi Playground Equipment. 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 Kappa Alpha Psi Foundation of Maryland, Inc. for the acquisition, construction, and capital equipping of playgrounds at Bowie High School and Pointer Ridge Elementary School, located in Bowie. 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)..... 10,000
- (BE) Laurel Boys and Girls Club. 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 Boys and Girls Club, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Laurel Boys and Girls Club, located in Laurel, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. 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)..... 100,000
- (BF) Lincoln Vista Neighborhood Park Recreation Building. Provide a grant equal to the lesser of (i) \$15,000 or (ii) the amount of the matching fund provided, to the Maryland-National Capital Park and Planning Commission for the planning, design, and construction of a recreational building and related park improvements, located in Lanham. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County)..... 15,000
- (BG) Olde Mill Community and Teaching Center. 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 Olde

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| | <u>Mill Foundation, Inc. for the design and renovation of the Olde Mill Community and Teaching Center, located in Upper Marlboro. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County).....</u> | <u>25,000</u> |
| <u>(BH)</u> | <u>Palmer Park Boys and Girls Club. Provide a grant of \$100,000 to the Board of Directors of the Palmer Park Boys and Girls Club, Inc. for the planning, design, repair, renovation, and capital equipping of the Palmer Park Boys and Girls Club, located in Palmer Park (Prince George's County)</u> | <u>100,000</u> |
| <u>(BI)</u> | <u>Shabach Adult Day Care and Senior Center. 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 SHABACH! Ministries, Inc. for the planning, design, and construction of the Shabach Adult Day Care and Senior Center, located in Upper Marlboro. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County)</u> | <u>25,000</u> |
| <u>(BJ)</u> | <u>Whitemarsh Turf Field. 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 Bowie Boys and Girls Club, Inc. for the construction of the Whitemarsh Turf Field, located in Bowie. 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> |
| <u>(BK)</u> | <u>Kennard High School Restoration. 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 Kennard Alumni Association, Inc. for the repair, renovation, reconstruction, and capital equipping of Kennard High School, located in Centreville, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. 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 (Queen Anne's County).....</u> | <u>100,000</u> |
| <u>(BL)</u> | <u>Cedar Lane Apartment Renovations. 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 Friends of Cedar Lane, Inc. for the renovation, reconstruction, and capital equipping of the community areas of the Cedar Lane Apartments, including replacement of the roof, roof top HVAC unit, and emergency generator, located in Leonardtown (St.</u> | |

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| | <u>Mary's County)</u> | <u>125,000</u> |
| <u>(BM)</u> | <u>Oxford Community Center. 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 the Oxford Community Center, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Oxford Community Center, located in Oxford. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Talbot County)</u> | <u>75,000</u> |
| <u>(BN)</u> | <u>YMCA Fire Safety System Upgrade. 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 Young Men's Christian Association of Talbot County, Inc. for the construction and renovation of the fire safety system, located in Easton (Talbot County)</u> | <u>25,000</u> |
| <u>(BO)</u> | <u>Barbara Ingram School for the Arts. 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 Hagerstown Neighborhood Development Partnership, Inc. for the repair, renovation, reconstruction, and capital equipping of the Barbara Ingram School, located in Hagerstown, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. 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 (Washington County)</u> | <u>150,000</u> |
| <u>(BP)</u> | <u>Doleman Black Heritage Museum. 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 Doleman Black Heritage Museum, Inc. for the acquisition, planning, and design of the Doleman Black Heritage Museum, located in Hagerstown (Washington County)</u> | <u>25,000</u> |
| <u>(BQ)</u> | <u>Senior Training Center for the Blind. 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 Blind Industries and Services of Maryland, Inc. for the planning, design, construction, and capital equipping of the Senior Training Center , located in Salisbury (Wicomico County)</u> | <u>150,000</u> |

ZB02 LOCAL JAILS AND DETENTION CENTERS

(A) Cecil County Correctional Facility. Provide a grant to the

County Commissioners of Cecil County to assist in the construction of additions and alterations to the Cecil County Correctional Facility, 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 (Cecil County)..... 9,857,000

(B) Prince George’s County Detention Center. Provide a grant to the County Executive and County Council of Prince George’s County to assist in the expansion of the Prince George’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 (Prince George’s County) 7,635,000

(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 equipment 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~~
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(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 ZB02 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, 2011, 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, 2011, 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 ZB02 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, 2011, 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) ~~When an historical easement is specified in Section 1(3) of this Act:~~

(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 ZA02 and ZA03 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, 2016. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2016, 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 and 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, 2011. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2011, 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 133 of the Acts of 2001

~~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 Montgomery County – Hillandale Center Loan of 2001 in a total principal amount equal to the lesser of (i) [\$100,000] \$0 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. 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.~~

Chapter 297 of the Acts of 2001

~~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 Baltimore City – New Shiloh Multipurpose Center Loan of 2001 in a total principal amount equal to the lesser of (i) [\$1,000,000] \$0 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. 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.~~

Chapter 508 of the Acts of the General Assembly of 2000

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

(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(F) Silver Spring Redevelopment. Provide a grant to the County Executive and County Council of Montgomery County to construct, restore, renovate facilities; to relocate utilities; and to construct miscellaneous site improvements for the Silver Spring Redevelopment project and to secure third party construction management services to construct, restore, and renovate facilities; to relocate utilities; and to construct miscellaneous site improvements for the Silver Spring Redevelopment project, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County)..... [5,000,000]
3,603,090

Chapter 508 of the Acts of 2000, as amended by Chapter 204 of the Acts of 2003 and Chapter 445 of the Acts of 2005

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 2000 in the total principal amount of [\\$428,145,000] \$426,748,090. 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 103 of the Acts of 2001, as amended by Chapter 46 of the Acts of 2006

SECTION 9. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the general obligation bonds authorized in Sections 1 through 7 of this Act not be included as part of the annual general obligation debt limit recommended by the Capital Debt Affordability Committee, in accordance with § 8-112 of the State Finance and Procurement Article, for each of the seven years; provided, however, that the bonds may not be issued if issuance will increase the total outstanding State tax-supported debt above [3.2%] 4.0% of personal income.

Chapter 290 of the Acts of 2002

Section 1(3)

RM00

MORGAN STATE UNIVERSITY
(Baltimore City)

(C) Science Research Facility and Greenhouse. Provide additional funds to equip the new Science Research Building and Greenhouse..... [2,600,000]
1,824,000

ZA00

MISCELLANEOUS GRANT PROGRAMS

(A) Allegheny Highlands Trail. Provide a grant to the County Commissioners of Allegany County to assist in completing the construction of the Allegheny Highlands Trail (Allegany County) [1,000,000]
688,000

(J) Eastern Shore Higher Education Center. Provide a grant to the Board of Trustees of Chesapeake College to equip the Eastern Shore Higher Education Center (Queen Anne’s County) [600,000]
369,000

(R) Maryland Museum of African American History and Culture. Provide a grant to the Board of Directors of the Maryland Museum of African American History and Culture Corporation for additional design, construction, and capital equipping of the Maryland Museum of African American History and Culture (Baltimore City) [9,242,000]
9,115,000

ZC01

MARYLAND HOSPITAL ASSOCIATION

(I) Peninsula Regional Medical Center. Provide a grant equal to the lesser of (i) [\$445,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of Peninsula Regional Medical Center for the planning, design, renovation, repair, construction, and capital equipping of the emergency and trauma departments, to be located at 100 East Carroll Street in Salisbury (Wicomico County)..... [445,000]
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Section 1(3)

RD00 ST. MARY'S COLLEGE OF MARYLAND

- (A) New Academic Building. Provide funds to prepare detailed design for the new Academic Building and the extension of utilities to other campus facilities. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THIS AUTHORIZATION SHALL NOT TERMINATE PRIOR TO JUNE 1, 2011** (St. Mary's County) 1,443,000

Chapter 290 of the Acts of 2002, as amended by Chapter 488 of the Acts of 2007

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

- (C) ~~Baltimore~~ **MARYLAND** Zoo Redevelopment Projects. Provide a grant to the Maryland Zoological Society to assist in the construction of redevelopment projects at the ~~Baltimore~~ **MARYLAND** Zoo.[, subject to the requirement that the grantee provide an equal and matching fund for this purpose. The grantee may provide the matching fund and the Board of Public Works may certify the matching fund in installments during the period beginning with the effective date of this Act and ending on June 1, 2009. Each installment of the matching fund that the grantee provides shall be at least \$1,000,000. Except as specifically provided herein, the matching fund shall be subject to Section 1(5) of this Act] **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** (Baltimore City)..... 4,750,000

Chapter 290 of the Acts of 2002, as amended by Chapter 432 of the Acts of 2004, Chapter 445 of the Acts of 2005, Chapter 46 of the Acts of 2006, and Chapter 336 of the Acts of 2008

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 2002 in the total principal amount of

[\$728,963,000] ~~\$727,517,000~~ **\$727,072,000**. 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 204 of the Acts of 2003

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

(3)

ZA00

MISCELLANEOUS GRANT PROGRAMS

(X) Strathmore Hall Performing Arts Center. Provide a grant to the County Executive and County Council of Montgomery County to assist in the construction and capital equipping of a multi-use performing arts center and educational facility on the grounds of the Strathmore Hall in Bethesda, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County).....

[6,400,000]
6,187,809

ZC01

MARYLAND HOSPITAL ASSOCIATION

(D) Maryland General Hospital. Provide a grant equal to the lesser of (i) [\$385,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of Maryland General Hospital, Inc. for the planning, design, renovation, repair, construction, and capital equipping of a radiation therapy suite and Cancer Resource Center, located in Baltimore. 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).....

[385,000]
0

(I) Washington Adventist Hospital. Provide a grant equal to the lesser of (i) [\$700,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of Adventist HealthCare, d/b/a Washington Adventist Hospital for the planning, design, renovation, expansion, repair, construction, and capital equipping of the hospital’s emergency department, located in Takoma Park. 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)

[700,000]

0

~~SECTION 12. 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 Community Based Regional Initiatives Loan of 2004 in the total principal amount of [\$12,700,000.] \$12,300,000. 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 §§ 8-117 through 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.~~

~~(3)~~

~~(M) Boys and Girls Club of Washington County. Provide a grant equal to the lesser of (i) [\$100,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Boys and Girls Club of Washington County, Inc. for the acquisition, planning, design, construction, capital equipping, testing, and site preparation of a new boys and girls club unit, located in Hagerstown (Washington County) \$100,000~~
0

~~(U) Dr. Bob's Place. Provide a grant equal to the lesser of (i) [\$200,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Trustees of Joseph Richey Hospice, Inc. for the renovation, reconstruction, and capital equipping of 832-838 North Eutaw Street in Baltimore, for use as a children's hospice facility to be known as Dr. Bob's Place, and which will adjoin and share facilities with the Joseph Richey Hospice, subject to the requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust (Baltimore City) \$200,000~~
0

~~(AK) Old Schoolhouse Redevelopment. Provide a grant equal to the lesser of (i) [\$100,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Denton Development Corporation, Inc. for the acquisition, planning, design, construction, repair, renovation, and reconstruction of the old schoolhouse property located on Franklin Street in Denton for use as a small business facility to promote startup businesses, subject to the requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust. Notwithstanding the provisions of Section 12(5) of this~~

~~Act, the matching fund may include real property or funds expended prior to the effective date of this Act (Caroline County)~~

~~[100,000]~~

~~0~~

Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of 2004

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 Legislative Community Initiatives Loan of 2004 in the total principal amount of [\$17,700,000.] \$14,700,000. 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 §§ 8-117 through 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.~~

~~(3) (i) [\$15,200,000] \$12,300,000 for the following projects initially approved by the Senate:~~

~~(A) Eastport Fire Station and Paramedic Unit. Provide a grant equal to the lesser of (i) [\$250,000] \$0 or (ii) the amount of the matching fund provided, to the Mayor and City Council of Annapolis for the planning, design, repair, renovation, reconstruction, and capital equipping of the Eastport Fire Station Building, located in Eastport. Notwithstanding Section 13(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).....~~

~~[250,000]~~

~~0~~

~~(S) Polish Home Cultural Center. Provide a grant equal to the lesser of (i) [\$150,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Brooklyn and Curtis Bay Coalition, Inc. for the planning, design, construction, renovation, and capital equipping of the Polish Home Hall, located in Baltimore City, subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust. Notwithstanding Section 13(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).....~~

~~[150,000]~~

~~0~~

~~(X) Recreation Facilities Revitalization. Provide a grant equal to~~

~~the lesser of (i) [\$800,000] \$0 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the following eight athletic fields in Baltimore County: Seminary Park, Woodlawn Memorial Park, Double Rock Park, Merritt Point Park, Banneker Community Center, Fleming Community Center, Hannah More Park, and Arbutus Middle School Recreation Field (Baltimore County)...~~

~~[\$800,000]
0~~

~~(AH) Blandair Mansion. Provide a grant equal to the lesser of (i) [\$500,000] \$0 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the planning, design, repair, renovation, reconstruction, capital equipping, and utility upgrade of the historic Blandair Mansion and its outbuildings, located in Columbia, subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust (Howard County).....~~

~~[\$500,000]
0~~

~~(AI) Boys and Girls Club Gymnasium. Provide a grant equal to the lesser of (i) [\$500,000] \$0 or (ii) the amount of the matching fund provided, to the Metropolitan Board of Directors of the Boys and Girls Clubs of Greater Washington, Inc. for the construction and capital equipping of a gymnasium for the Germantown branch of the Boys and Girls Clubs of Greater Washington, located in Germantown. Notwithstanding Section 13(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).....~~

~~[\$500,000]
0~~

~~(BA) Concorde Mansion. Provide a grant equal to the lesser of (i) [\$700,000] \$0 or (ii) the amount of the matching fund provided, to the Maryland National Capital Park and Planning Commission for the design, repair, and renovation of the historic Concorde Mansion, located in Capitol Heights, subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust (Prince George's County)~~

~~[\$700,000]
0~~

~~(ii) [\$2,500,000] \$2,400,000 for the following projects initially approved by the House:~~

~~(L) Historic Tome School. Provide a grant equal to the lesser of (i) ~~[\$100,000]~~ \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Bainbridge Development Corporation, Inc. for the planning, design, renovation, stabilization, and repair of the Historic Tome School, located at the former Bainbridge Naval Training Center in Cecil County, subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust (Cecil County) ~~100,000~~~~
~~0~~

Chapter 204 of the Acts of 2003, as amended by Chapter 176 of the Acts of 2005 and Chapter 219 of the Acts of 2008

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(B) ~~Baltimore~~ **MARYLAND** Zoo Redevelopment Projects. Provide a grant to the Maryland Zoological Society to assist in the construction of redevelopment projects at the ~~Baltimore~~ **MARYLAND** Zoo, subject to the requirement that the grantee provide an equal and matching fund for this purpose. The grantee may provide the matching fund and the Board of Public Works may certify the matching fund in installments during the period beginning with the effective date of this Act and ending on June 1, 2012. Each installment of the matching fund that the grantee provides shall be at least \$250,000. Except as specifically provided herein, the matching fund shall be subject to Section 1(5) of this Act] (Baltimore City)..... 3,500,000

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, and Chapter 336 of the Acts of 2008

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 ~~[\$735,260,875.]~~ ~~\$734,175,875~~ **\$733,963,684**. 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 306 of the Acts of 2004

[SECTION 11. AND BE IT FURTHER ENACTED, That in 2005, and each year thereafter, the Capital Debt Affordability Committee shall review the additional school construction funding needs as identified in the 2004 Task Force to Study Public School Facilities report and shall make a specific recommendation regarding additional funding for school construction when recommending the State’s annual debt limit. The recommendation by the Capital Debt Affordability Committee shall include a multiyear funding recommendation that will provide stability in the annual funding for school construction.]

Chapter 307 of the Acts of 2004

[SECTION 11. AND BE IT FURTHER ENACTED, That in 2005, and each year thereafter, the Capital Debt Affordability Committee shall review the additional school construction funding needs as identified in the 2004 Task Force to Study Public School Facilities report and shall make a specific recommendation regarding additional funding for school construction when recommending the State’s annual debt limit. The recommendation by the Capital Debt Affordability Committee shall include a multiyear funding recommendation that will provide stability in the annual funding for school construction.]

Chapter 432 of the Acts of 2004

Section 1(3)

DEPARTMENT OF NATURAL RESOURCES

KA05 LAND AND WATER CONSERVATION SERVICE
OFFICE OF THE SECRETARY

- (C) State Capital Improvements. Contingent upon the enactment of legislation reducing the amount of property transfer tax allocated to Program Open Space and related purposes, provide funds for the items listed below [3,572,000]
3,430,000
- (1) Gunpowder Falls State Park. Provide funds to demolish existing facilities and construct and equip a new Beach Services Building at the Hammerman Area of Gunpowder Falls State Park (Baltimore County)2,350,000

- (2) Calvert Cliffs State Park. Provide funds to construct road and parking improvements at Calvert Cliffs State Park (Calvert County).....[722,000]
580,000
- (3) Dam Rehabilitation Program. Provide funds to construct improvements to dams on State-owned property (Statewide)500,000

RQ00

UNIVERSITY OF MARYLAND MEDICAL SYSTEM
(Baltimore City)

- (B) Diagnostic and Treatment Facilities and Related Improvements – Phase IV. Provide a grant to the University of Maryland Medical System to assist in the design of an ambulatory care facility and renovation of the North Hospital and related improvements [5,000,000]
0

ZA00

MISCELLANEOUS GRANT PROGRAMS

- (R) Strathmore Hall Performing Arts Center. Provide a grant to the County Executive and County Council of Montgomery County to assist in the construction and capital equipping of a multi-use performing arts center and educational facility on the grounds of the Strathmore Hall in Bethesda, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County) [2,000,000]
0

ZB02

LOCAL JAILS AND DETENTION CENTERS

- (B) Charles County Detention Center. Provide a grant to the County Commissioners of Charles County to assist in designing an addition and renovations at the Charles 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 [336,000]
0

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 [~~\$617,501,592~~] ~~\$617,023,592~~ ~~\$615,023,592~~ ~~\$617,023,592~~ \$612,023,592. 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)

RC00 BALTIMORE CITY COMMUNITY COLLEGE
(Baltimore City)

- (A) Main Building Renovation – Liberty Campus. Provide funds to equip the Student Services Wing [675,000]
458,184
- (B) **MAIN BUILDING RENOVATION – LIBERTY CAMPUS. PROVIDE FUNDS TO DESIGN, CONSTRUCT, AND EQUIP AN ADDITION TO, AND THE RENOVATION OF, THE FINE ARTS AND ADMINISTRATIVE WING** **216,816**

RM00 MORGAN STATE UNIVERSITY
(Baltimore City)

- (D) Montebello E-Wing/Old Power Plant/Morgue/**NORTHWOOD SHOPPING CENTER** Demolition. Provide funds for the design and demolition of the E-Wing, Old Power Plant, and Morgue at the Montebello Complex on the Morgan State University campus **AND FOR THE DEMOLITION OF THE NORTHWOOD SHOPPING CENTER** 920,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

- (AF) Strathmore Hall Performing Arts Center. Provide a grant to the County Executive and County Council of Montgomery County to assist in the construction and capital equipping of a multi-use performing arts center and educational facility on the grounds of the Strathmore Hall in Bethesda, 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 (Montgomery County).....

[750,000]
0

ZA01

LOCAL HOUSE OF DELEGATES INITIATIVES

(T) The Metro Delta Community Outreach Center. Provide a grant equal to the lesser of (i) [\$150,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Metro Delta Torchbearer Foundation, Inc. for the planning, design, repair, renovation, and reconstruction of a building to be used as a community outreach center, located in Baltimore City, subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust. 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)

[150,000]
0

(W) Calvert Hospice House. Provide a grant equal to the lesser of (i) [\$150,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Calvert Hospice, Inc. for the acquisition, construction, and capital equipping of the Calvert Hospice House, located in Prince Frederick. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Calvert County)

[150,000]
0

(AI) Blandair Mansion. Provide a grant equal to the lesser of (i) [\$300,000] \$0 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the renovation, reconstruction, and capital equipping of the historic manor house known as Blandair Mansion and its outbuildings, located on 300 acres on Maryland Route 175 in Columbia, subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust (Howard County)

[300,000]
0

(AS) Olde Towne Gaithersburg Youth Center. Provide a grant equal to the lesser of (i) [\$200,000] \$0 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Gaithersburg for the planning, design, and

~~construction of the Gaithersburg Olde Towne Youth Center, located in Gaithersburg. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Montgomery County)~~

~~[200,000]~~
~~0~~

~~(AT) Red Wiggler Community Farm. Provide a grant equal to the lesser of (i) [\\$100,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Red Wiggler Community Farm for the renovation, repair, construction, and reconstruction of the Red Wiggler Community Farm, located in Montgomery 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 (Montgomery County)~~

~~[100,000]~~
~~0~~

~~(AU) Rockville Arts Place. Provide a grant equal to the lesser of (i) [\\$200,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of Rockville Arts Place, Inc. for the construction and capital equipping of a new visual arts center to house the Rockville Arts Place, located in Rockville (Montgomery County)~~

~~[200,000]~~
~~0~~

~~(AV) Seneca Schoolhouse Museum. Provide a grant equal to the lesser of (i) [\\$100,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of Historic Medley District, Inc. for the design, repair, renovation, addition of handicapped access, and historic preservation of the Seneca Schoolhouse Museum, located in Montgomery County, subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust. 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)~~

~~[100,000]~~
~~0~~

~~(BC) Colmar Manor Municipal Center. Provide a grant equal to the lesser of (i) [\\$100,000] \$0 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Colmar Manor for the planning, design, and construction of the Colmar Manor Municipal Center, located in Colmar Manor (Prince George's County)~~

~~[100,000]~~
~~0~~

ZA02

LOCAL SENATE INITIATIVES

(I) ~~Robert A. Pascal Youth Counseling Clinic. Provide a grant equal to the lesser of (i) ~~[\$100,000]~~ ~~\$0~~ or (ii) the amount of the matching fund provided, to the Board of Directors of the Robert A. Pascal Youth and Family Services, Inc. for the planning, design, construction, renovation, and capital equipping of a clinic to provide comprehensive counseling services to high-risk youth and families, located in Severna Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Anne Arundel County)~~

~~100,000~~
~~0~~

(AA) ~~Town of Chesapeake Beach Water Quality Improvement Project. Provide a grant equal to the lesser of (i) ~~[\$250,000]~~ ~~\$0~~ or (ii) the amount of the matching fund provided, to the Mayor and Town Council of Chesapeake Beach for conducting systems engineering and design related to land application of effluent from the wastewater treatment plant, design of related enhanced nutrient removal infrastructure, investigation of sites for land application, and integrated engineering and design of enhanced nutrient removal improvements and land application techniques for a water quality improvement project within the Town of 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)~~

~~250,000~~
~~0~~

(AF) ~~Camp Winona. Provide a grant equal to the lesser of (i) ~~[\$50,000]~~ ~~\$0~~ 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 planning, design, and construction of various structures and facilities throughout Camp Winona, including a dining hall, located in Hughesville (Charles County)~~

~~50,000~~
~~0~~

(AF) ~~Melwood Nanjemoy Capital Improvement. Provide a grant of ~~[\$175,000]~~ ~~\$0~~ to the Board of Directors of Melwood Horticultural Training Center, Inc. subject to a requirement that the grantee provide and expend a matching fund of ~~\$87,500~~, for the design, construction, and capital equipping of a septic system to service the Melwood Retreat Center, which~~

~~is used to provide services to individuals with developmental disabilities, located in Nanjemoy City (Charles County) [175,000]
0~~

~~(AR) Camp Brighton Woods. Provide a grant equal to the lesser of (i) [\$75,000] \$0 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 planning and construction of two troop lodges, four glen shelter units, and associated roadway improvements, located in Brookville (Montgomery County) [75,000]
0~~

~~(AW) Olde Towne Gaithersburg Youth Center. Provide a grant equal to the lesser of (i) [\$200,000] \$0 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Gaithersburg for the planning, design, and construction of the Olde Towne Gaithersburg Youth Center, located in Gaithersburg. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Montgomery County) [200,000]
0~~

~~(AZ) Red Wiggler Community Farm. Provide a grant equal to the lesser of (i) [\$50,000] \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Red Wiggler Community Farm for the renovation, repair, construction, and reconstruction of the Red Wiggler Community Farm, located in Montgomery County (Montgomery County) [50,000]
0~~

~~(BN) Universal Network of Aquaculture Products. Provide a grant equal to the lesser of (i) [\$110,000] \$0 or (ii) the amount of the matching fund provided to the Board of Directors of the Economic Development and Training Institute, Inc. for the design, construction, renovation, capital equipping, and purchase of equipment for an aquaculture facility, located in Suitland. 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) [110,000]
0~~

(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 [\$650,465,700.] ~~\$647,405,700~~ \$649,715,700. 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 1(3)

RE01 MARYLAND SCHOOL FOR THE DEAF

(A) New Elementary, Family Education, and Student Support Services Complex – Frederick Campus. Provide funds to complete design and to construct a new Elementary, Family Education, and Student Support Services Complex on the Frederick Campus (Frederick County)..... [24,605,000]
21,005,000

RM00 MORGAN STATE UNIVERSITY
 (Baltimore City)

(A) Campuswide Utilities Upgrade. Provide funds to construct the **MORGAN COMMONS UTILITY UPGRADE**, Academic Quad Chiller Plant and upgrade a fuel storage tank on the Morgan State University campus..... 7,010,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(L) National Aquarium in Baltimore – [Center for Aquatic Life and Conservation.] **INFRASTRUCTURE IMPROVEMENTS.** Provide a grant to the Board of Governors of the National Aquarium in Baltimore, Inc. to assist in [the acquisition, design, construction, and equipping of the Center for Aquatic Life and Conservation] **INFRASTRUCTURE IMPROVEMENTS**, 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 (Baltimore City) 1,500,000

ZA01 LOCAL SENATE INITIATIVES

(A) Site Utilities Upgrade. Provide funds to design the upgrade of the underground utility systems serving the Baltimore City Correctional Complex, provided that no funds may be expended on this project until a Part I program plan has been submitted and approved by the Department of Budget and Management. The budget committees shall have 45 days to review and comment on the plan..... [840,000]
0

RM00 MORGAN STATE UNIVERSITY
 (Baltimore City)

(B) Campuswide Site Improvements. Provide funds to construct the landscaping of the Hillen Road/Perring Parkway edge, **THE ACADEMIC QUAD, THE UPGRADE OF THE ATHLETIC FIELD JOINTLY USED BY THE NORTHWOOD BASEBALL LEAGUE AND MORGAN STATE UNIVERSITY**, and to design improvements to the exterior campus signage 3,723,000

~~RQ00 UNIVERSITY OF MARYLAND MEDICAL SYSTEM
 (Baltimore City)~~

~~(A) [New Ambulatory Care Center. Provide a grant to the University of Maryland Medical System to assist in the acquisition of a site, including reimbursement of prior acquisition costs, site preparation, design, construction and equipping of an ambulatory care facility] **R ADAMS COWLEY SHOCK TRAUMA CENTER ADDITION. PROVIDE FUNDS FOR THE DESIGN, CONSTRUCTION, AND EQUIPPING OF AN ADDITION TO THE SHOCK TRAUMA CENTER IN BALTIMORE**..... 5,000,000
0~~

ZA03 MARYLAND HOSPITAL ASSOCIATION

(C) Bon Secours Hospital. Provide a grant equal to the lesser of (i) ~~[\$1,000,000]~~ **\$0** or (ii) the amount of the matching fund provided, **OF \$770,000** to the Board of Directors of Bon Secours Hospital, Baltimore, Inc. for the planning, design, renovation, expansion, repair, construction, and capital equipping of the intensive care unit **A LOCKED UNIT FOR USE BY THE DIVISION OF CORRECTION AND INCREASED HOLDING CAPACITY FOR PATIENTS FROM THE DIVISION OF CORRECTION** at Bon Secours Hospital, 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).....~~ [1,000,000]
~~0~~
770,000

ZB02 LOCAL JAILS AND DETENTION CENTERS

(A) Garrett County Detention Center. Provide a grant to the County Commissioners of Garrett County to assist in the construction of a new Garrett 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..... [4,800,000]
0

Chapter 488 of the Acts of 2007, as amended by Chapter 336 of the Acts of 2008

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 [~~\$825,528,000~~ ~~\$819,788,000~~ ~~\$813,788,000~~ ~~\$814,018,000~~ **\$819,018,000**]. 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. BE IT FURTHER 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 [~~\$893,870,000.~~ **\$883,870,000**]. 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.

~~Section 1(3)~~

DEPARTMENT OF NATURAL RESOURCES

KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION

(B) [Rural Legacy Program.] **CAPITAL DEVELOPMENT PROJECTS.** Provide funds for Department of Natural Resources (DNR) Capital Development Projects initially funded in fiscal 2008. Provided that this authorization may only be used to fund the following projects: North Point State Park – Stone Revetment, Seawall, Fishing Platform; Cedarville Fish Hatchery Pipe Replacement/Pond Relining; Deep Creek Lake Bathhouse; Susquehanna State Park – Bathhouse Renovations; Jane’s Island State Park – Nature Center Renovations/Improvements; Point Lookout State Park – Administration Building Renovations; Black Walnut Point Natural Resources Management Area – Shore Erosion Control; Assateague State Park – Nature Center Replacement; and Pocomoke River State Park – Milburn Landing Bathhouse Replacement.

Further provided that prior to any expenditure of these funds DNR shall provide the budget committees with a letter indicating the amount of each project intended to be funded with this authorization. The budget committees shall have 45 days to review and comment upon receipt of the letter.....

5,000,000

RQ00 UNIVERSITY OF MARYLAND MEDICAL SYSTEM
(Baltimore City)

(A) ~~¶New Ambulatory Care Center. Provide a grant to the University of Maryland Medical System to assist in site preparation, design, construction, and equipping of an ambulatory care facility.] R ADAMS COWLEY SHOCK TRAUMA CENTER ADDITION. PROVIDE FUNDS FOR THE DESIGN, CONSTRUCTION, AND EQUIPPING OF AN ADDITION TO THE SHOCK TRAUMA CENTER IN BALTIMORE.....~~

~~10,000,000~~

0

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 Rockville District Court Loan of 2009 in the total principal amount of ~~[\$23,828,000]~~ **\$17,990,000** and on behalf of the State of Maryland through a State loan to be known

as the New Hagerstown Barrack and Garage Loan of 2009 in the total principal amount of [~~\$14,820,000~~ ~~\$15,050,000~~ **\$10,050,000**]. 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

JUDICIARY/MULTISERVICE CENTERS
(Montgomery County)

- (I) Rockville District Court. Provide funds to design, construct, and equip a new District Court facility in Rockville..... [23,828,000]
17,990,000

WA01

DEPARTMENT OF STATE POLICE
(Washington County)

- (A) New Hagerstown Barrack and Garage. Provide funds to construct and equip a new Hagerstown Barrack and Garage, **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**..... [14,820,000]
~~15,050,000~~
10,050,000

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:

(a) 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

(b) 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 ~~Morgan State University – New Center for Built Environment and Infrastructure Studies Loan of 2010 in the total principal amount of \$26,935,000 and on behalf of the State of Maryland through a State loan to be known as the Towson University – New College of Liberal Arts Complex Loan of 2010 in the total principal amount of \$35,750,000 and on behalf of the State of Maryland through a State loan to be known as the Bowie State University – New Fine and Performing Arts Building Loan of 2010 in the total principal amount of \$34,050,000~~ Maryland Consolidated Capital Bond Loan of 2010 in the total principal amount of \$154,089,500 \$164,089,500 \$172,103,500. 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

2017. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2017, 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) Notwithstanding § 8-125(c) of the State Finance and Procurement Article, up to \$6,108,986 in premiums, if any, from the sale of State general obligation bonds in March 2009 or from the sale of State general obligation bonds in fiscal 2010 may remain in the State and Local Facilities Loan fund and, on approval by the Board of Public Works, may be expended by the Comptroller only to provide fiscal year 2010 grants to the Aging Schools Program administered by the Interagency Committee for School Construction. The grants shall be allocated proportionally in accordance with § 5-206 of the Education Article.~~

~~(2) Notwithstanding § 8-125(c) of the State Finance and Procurement Article, up to \$6,450,000 in premiums from the sale of State general obligation bonds in fiscal 2009 may remain in the State and Local Facilities Loan Fund and, on approval by the Board of Public Works, may be expended by the Comptroller only to provide funds for predevelopment and design costs related to the construction of a new public health laboratory for the Department of Health and Mental Hygiene.~~

~~(3) The Comptroller shall make any transfers or accounting adjustments and reconciliations necessary to implement the provisions of this Section.~~

SECTION 13. AND BE IT FURTHER ENACTED, That notwithstanding any other provision of law, except for the Seagirt terminal and the State Center transit oriented development project, for fiscal 2010 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, an 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, an 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 non-budgeted 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, the Comptroller and bond rating agencies as to whether the capital project represents a capital lease and is subject to State debt affordability limits.

SECTION ~~14~~ ~~13~~ 14. AND BE IT FURTHER ENACTED, That the net new debt to be authorized by legislation in fiscal year 2010 may not exceed \$1,110,000,000, as evidenced by the following:

| | |
|--|--|
| FY 2010 debt to be authorized by this Act | 1,068,124,000 1,108,464,235 <u>1,107,793,101</u> |
| FY 2010 debt authorized by separate legislation for the Rockville District Court in Rockville | 17,990,000 |
| FY 2010 debt authorized by separate legislation for the New Hagerstown Barrack and Garage in Hagerstown..... | 15,050,000 <u>10,050,000</u> |
| FY 2010 debt authorized by separate legislation for the Tobacco Transition Program | 5,000,000 |
| FY 2010 debt authorized by separate legislation for projects of political subdivisions and nonprofit organizations..... | 15,000,000 |
| Subtotal..... | 53,040,000 1,146,504,235 <u>1,140,833,101</u> |
| Reductions in Previously Authorized State Debt Made in This Bill..... | (11,164,000) (36,504,235) <u>(30,833,101)</u> |
| Net new debt to be authorized in FY 2010 | 1,110,000,000 |

SECTION ~~15~~ ~~14~~ 15. AND BE IT FURTHER ENACTED, That Section 12 of this Act shall take effect June 1, 2010.

SECTION ~~16~~ ~~15~~ 16. AND BE IT FURTHER ENACTED, That, except as provided in Section ~~15~~ ~~14~~ 15 of this Act, this Act shall take effect June 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 486

(House Bill 1382)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

FOR the purpose of authorizing ~~a certain State or federal agency to access juvenile court records and fingerprints of a certain child; authorizing an officer or employee of any State or local government agency to access juvenile court records and fingerprints of a certain child for certain purposes and under certain circumstances;~~ authorizing the Department of Juvenile Services to provide access to and the confidential use of a certain treatment plan of a child by an agency in the District of Columbia or a state agency in Virginia under certain circumstances; providing that a certain shared record may only provide certain information; providing that the Department of Juvenile Services is liable for an unauthorized release of a certain court record; requiring the Department of Juvenile Services to adopt certain regulations; establishing that certain provisions do not prohibit access to certain court records by the Department of Human Resources under certain circumstances; providing that the Department of Human Resources shall be liable for the unauthorized release of certain information; and generally relating to juvenile records.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 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–27.

(b) (1) A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as provided in § 7–303 of the Education Article.

(2) This subsection does not prohibit access to and the use of the court record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure Article in a proceeding in the court involving the child, by personnel of the court, the State's Attorney, counsel for the child, a court-appointed special advocate for the child, or authorized personnel of the Department of Juvenile Services.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, this subsection does not prohibit access to and confidential use of the court record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure Article by:

~~1. [the] THE Department of Juvenile Services, OR A STATE OR FEDERAL AGENCY THAT PERFORMS THE SAME FUNCTIONS IN ITS JURISDICTION AS DESCRIBED IN § 9-216(A) OF THE HUMAN SERVICES ARTICLE;~~

~~2. AN OFFICER OR EMPLOYEE OF ANY STATE OR LOCAL GOVERNMENT AGENCY IF THE OFFICER OR EMPLOYEE IS ACTING IN AN OFFICIAL CAPACITY AND THE DISCLOSURE IS NECESSARY TO ADMINISTER PUBLIC ASSISTANCE, MEDICAL ASSISTANCE, SOCIAL SERVICES, JUVENILE SERVICES, OR OTHER CHILD WELFARE SERVICES PROGRAMS; or~~

~~3. [in] IN an investigation and prosecution by a law enforcement agency. the Department of Juvenile Services or in an investigation and prosecution by a law enforcement agency.~~

(ii) The court record or fingerprints of a child described under §§ 10-215(a)(21) and (22), 10-216, and 10-220 of the Criminal Procedure Article may not be disclosed to:

1. A federal criminal justice agency or information center; or

2. Any law enforcement agency other than a law enforcement agency of the State or a political subdivision of the State.

(4) (I) THE DEPARTMENT OF JUVENILE SERVICES MAY PROVIDE ACCESS TO AND THE CONFIDENTIAL USE OF A TREATMENT PLAN OF A CHILD DESCRIBED UNDER TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE BY AN AGENCY IN THE DISTRICT OF COLUMBIA OR A STATE AGENCY IN VIRGINIA, IF THE AGENCY:

1. PERFORMS THE SAME FUNCTIONS IN THE JURISDICTION OF THE AGENCY AS DESCRIBED IN § 9-216(A) OF THE HUMAN SERVICES ARTICLE; AND

2. HAS A RECIPROCAL AGREEMENT WITH THE STATE THAT PROVIDES THAT THE SPECIFIC INFORMATION TO BE SHARED BY THE STATE IS THE SAME TYPE OF INFORMATION THAT WILL BE SHARED BY THE AGENCY; AND

3. HAS CUSTODY OF THE CHILD.

(II) A RECORD THAT IS SHARED UNDER THIS PARAGRAPH MAY ONLY PROVIDE INFORMATION THAT IS RELEVANT TO THE SUPERVISION, CARE, AND TREATMENT OF THE CHILD.

(III) THE DEPARTMENT OF JUVENILE SERVICES SHALL BE LIABLE FOR AN UNAUTHORIZED RELEASE OF A COURT RECORD UNDER THIS PARAGRAPH.

(IV) THE DEPARTMENT OF JUVENILE SERVICES SHALL ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.

~~(4)~~ **(5)** (i) This subsection does not prohibit access to and use of a court record by a judicial officer who is authorized under the Maryland Rules to determine a defendant's eligibility for pretrial release, counsel for the defendant, or the State's Attorney if:

1. The individual who is the subject of the court record is charged as an adult with an offense;

2. The access to and use of the court record is strictly limited for the purpose of determining the defendant's eligibility for pretrial release; and

3. The court record concerns an adjudication of delinquency that occurred within 3 years of the date the individual is charged as an adult.

(ii) The Court of Appeals may adopt rules to implement the provisions of this paragraph.

~~(5)~~ **(6)** (i) This subsection does not prohibit access to and confidential use of a court record by the Baltimore City Health Department:

1. If the Baltimore City Health Department is providing treatment or care to a child who is the subject of the record, for a purpose relevant to the provision of the treatment or care;

2. If the record concerns a child convicted of a crime or adjudicated delinquent for an act that caused a death or near fatality; or

3. If the record concerns a victim of a crime of violence, as defined in § 14-101 of the Criminal Law Article, who is a child residing in Baltimore City for the purpose of developing appropriate programs and policies aimed at reducing violence against children in Baltimore City.

(ii) 1. The Baltimore City Health Department shall be liable for the unauthorized release of a court record under this paragraph.

2. Within 180 days after the Baltimore City Health Department accesses a court record under this paragraph, the Baltimore City Health Department shall submit a report to the court detailing the purposes for which the record was used.

(7) (I) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND CONFIDENTIAL USE OF A COURT RECORD BY THE DEPARTMENT OF HUMAN RESOURCES FOR THE PURPOSE OF CLAIMING FEDERAL TITLE IV-E FUNDS.

(II) THE DEPARTMENT OF HUMAN RESOURCES SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A COURT RECORD UNDER THIS PARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 487

(House Bill 101)

AN ACT concerning

Budget Reconciliation and Financing Act of 2009

FOR the purpose of altering or repealing certain required appropriations; altering the amount of a certain Drinking Driver Monitor Program fee and removing a certain limitation on authorization for the fee; altering the calculation of certain State aid to local governments; altering the amount of certain State payments for certain local school employees; altering the calculation of certain local sharing of costs of educating certain children; altering the calculation of certain State aid to community colleges, Baltimore City Community College, and

nonpublic institutions of higher education; delaying the applicability of certain provisions relating to the transfer to the State Department of Education of responsibility for educational programs at certain facilities of the Department of Juvenile Services; repealing certain provisions regarding the administration of certain child welfare programs; requiring that certain federal funds relating to certain previously disallowed claims be deposited in the General Fund of the State; altering the calculation of certain State funding for library resource centers and county libraries; authorizing the use of certain funds for certain purposes under certain circumstances; ~~altering certain provisions relating to certain requirements that certain nonprofit health service plans use certain funds for certain purposes under certain circumstances;~~ altering a certain definition under a certain program to subsidize health insurance for medically uninsurable individuals; providing a certain exception to a requirement that certain funding for Program Open Space be allocated in a certain manner; requiring that certain allocations of certain funds distributed to Program Open Space be adjusted in a certain manner for certain fiscal years under certain circumstances; requiring that a certain amount be allocated from certain transfer tax revenues to the General Fund of the State for certain fiscal years under certain circumstances; requiring that certain allocations from certain transfer tax revenues be adjusted in a certain manner for certain fiscal years under certain circumstances; authorizing the transfer of certain funds to the General Fund, subject to certain contingencies; providing that certain balances in a certain fund at the end of certain fiscal years revert to the General Fund; altering for a certain fiscal year certain provisions relating to the use of certain funds for certain purposes; altering the maximum amount of a certain contingency fund; altering a certain audit requirement; altering the distribution of certain federal subsidies received by the State for certain fiscal years; requiring the Comptroller to distribute a certain amount to the General Fund from a certain account; limiting for certain fiscal years the amounts of certain distributions required to be made to certain counties and Baltimore City based on per capita yield of county income taxes; requiring the Comptroller for certain fiscal years to distribute certain amounts from the income tax revenue from individuals to a certain account; requiring the Comptroller to adjust the amount distributed to the counties from the income tax revenue to allocate certain reductions among the counties in a certain manner; *altering the distribution of the income tax revenue from corporations for a certain fiscal year;* altering the distribution of certain motor fuel tax revenue; altering the distribution of certain sales and use tax revenues from short-term rental vehicles; ~~requiring the counties and Baltimore City to share certain costs of administering the Department of Assessments and Taxation; authorizing the Comptroller to withhold the distribution of certain local income tax revenue to a county or Baltimore City under certain circumstances;~~ *altering certain provisions relating to the funding of a certain highway;* *altering certain provisions relating to the funding of a certain highway;* repealing a certain audit requirement; repealing a requirement that the State provide funds for a certain survey; altering the calculation of the regular commissions of a licensed agent under the State lottery *for certain fiscal years;* clarifying a certain modification required under

the Maryland income tax relating to the carryover of net operating losses under certain circumstances; providing certain modifications to federal adjusted gross income of an individual or federal taxable income of a corporation for Maryland income tax purposes relating to certain income from the discharge of indebtedness; providing that a certain limitation on the effect of certain amendments of the Internal Revenue Code on the Maryland income tax under certain circumstances does not apply to certain amendments of the Internal Revenue Code enacted under a certain federal act; providing for the application of certain provisions of law; ~~altering the calculation of certain State reimbursement to the counties for inmates confined at local correctional facilities; repealing certain requirements that the State reimburse the counties for certain inmates confined at local correctional facilities; requiring the State to provide certain grants to the counties for certain inmates confined at local correctional facilities; altering the allocation of certain funds received by the Maryland Strategic Energy Investment Fund; authorizing the Governor to transfer to the General Fund certain amounts from certain special funds for certain fiscal years; authorizing the Governor to transfer a certain amount~~ certain amounts by budget amendment from ~~a certain special fund~~ certain funds for ~~a certain purpose~~ certain purposes; ~~reducing certain funding subject to a certain contingency; requiring counties to pay certain employer contributions for certain members of the Employees' Retirement System, Employees' Pension System, and Law Enforcement Officers' Pension System; prohibiting or limiting certain pay increases for certain providers for a certain fiscal year; deferring certain payments for certain private donation incentives; eliminating or altering certain required payments for certain purposes for a certain fiscal year; prohibiting the payment of certain deferred compensation bonuses, merit increases, or cost-of-living adjustments for certain State employees, except under certain circumstances; ~~repealing~~ altering certain limits on the total amount of certain credits allowed against certain taxes for the purchase of Maryland-mined coal that the Department of Assessments and Taxation may approve for certain calendar years; requiring that certain salary or hours lost due to a mandatory furlough or salary reduction plan be included in certain calculations for retirement benefits and member contributions; providing for certain compensation for unused annual leave for employees on termination during a mandatory temporary salary reduction plan; requiring certain highway user revenues to be distributed to the General Fund for certain fiscal years; altering the distribution of certain highway user revenues; ~~reducing certain amounts due the counties under certain circumstances; requiring the Comptroller to withhold certain amounts from income tax attributable to the county income tax and crediting those amounts to the General Fund; altering the distribution of certain funds; reducing the amount of certain highway user revenues to be distributed to certain local jurisdictions for certain fiscal years; reducing, and providing for the reversion to the~~ certain funds of, certain unexpended appropriations; ~~providing for a payment of~~ requiring the Governor to appropriate a certain amount to a certain county and providing for recoupment of certain amounts from certain counties and libraries relating to an error in the application of a certain aid formula for certain fiscal years;~~

stating the findings of the General Assembly that a certain fund cannot operate as originally contemplated and authorizing the transfer of certain amounts from the fund to be used for a certain purpose; restricting the use of certain funds to certain purposes; requiring the Department of Budget and Management to take certain actions in the development of a new statewide personnel management system; requiring that certain costs be allocated and charged back to State agencies for certain fiscal years in a certain manner; requiring the Governor to include a certain charge back in the State budget for a certain fiscal year; authorizing a county to request a waiver from certain maintenance of education spending requirements for a certain fiscal year under certain circumstances; providing for the calculation of certain maintenance of education spending requirements under certain circumstances; stating certain intent of the General Assembly that certain legislation be enacted under certain circumstances; requiring the Maryland Higher Education Commission to incorporate into a certain plan and implement certain recommendations to a certain extent; specifying the distribution of certain corporate income tax revenues; reducing certain funds to be disbursed to the Prince George's County Board of Education, subject to a certain contingency; authorizing certain departments and a certain federal agency to share certain information and records for certain purposes; defining certain terms; making the provisions of this Act severable; providing for the termination of certain provisions of this Act; 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 – Agriculture
Section 8–405(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 6–115(b) and (c) and 9–402
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–216(b) and 10–523(a)
Annotated Code of Maryland
(2008 Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(a)(13) and (e)(3), 5–205(c)(3), 5–202(e), 5–206(f), 6–306(b),
8–415(d)(3), 15–106.6(b)(9), 16–305(e)(1)(i), 16–512(a)(1), 17–104(a)

16-305(c)(1), 16-512(a), 17-104(a) and (d), 22-303(a)(1) and (b), 23-205(c) and (d), and 23-503(b)(1)

Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to

Article – Education

Section 5-202(d)(7)(v)

Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9-275

Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 2-104(j)(2), 13-1015(a), 13-1116(a)(1), 13-1117(a)(1), 13-1118(a)(1),
15-701(i), and 19-214(d)(5)

Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing

Article – Human Services

Section 9-216(c)

Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section ~~14-106(d) and (e)~~ and 14-501(h)(2)

Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 5-902(c), 5-903(a) and (g)(1), and 5-903.1(c)

Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing

Article – Natural Resources

Section 8-707(d)

Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–709(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section ~~7–512.1(f)~~ 7–512.1(c)(4) and (f)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section ~~7–325(a)~~ 3–306
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–516(c) and 34–101(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 21–307(n) and (o)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–606, 2–608, ~~2–613.1~~, 2–1104, ~~and~~ 2–1302.1, 8–406(b)(2)(iv), and
10–210.1(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–310
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section ~~2–106~~ 13–209(d)

Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to

Article – Tax – Property
Section 13–209(d–1)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 4–321(e) *and* 8–403
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,

Chapter 306 of the Acts of the General Assembly of 2004
Section 8

BY repealing and reenacting, with amendments,

Chapter 307 of the Acts of the General Assembly of 2004
Section 8

BY repealing

Chapter 487 of the Acts of the General Assembly of 2004
Section 6

BY repealing and reenacting, with amendments,

Chapter 535 of the Acts of the General Assembly of 2004
Section 2 and 3

BY repealing and reenacting, with amendments,

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–117(a)(1) and 9–20B–05(g) *and* (j)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to

Article – State Government
Section 9–20B–05(g–1)
Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Chapter 245 of the Acts of the General Assembly of 2008
Section 3

~~BY repealing~~

~~Article – Tax – General~~

~~Section 8–406(b) and 10–704.1~~

~~Annotated Code of Maryland~~

~~(2004 Replacement Volume and 2008 Supplement)~~

BY repealing and reenacting, with amendments,
Chapter 62 of the Acts of the General Assembly of 1992
Section 8

BY repealing

Article – Correctional Services

Section 9–401, 9–403, and 9–404

Annotated Code of Maryland

(2008 Replacement Volume and 2008 Supplement)

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

~~Article – Agriculture~~

~~§ 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) (1) For fiscal year 2009, \$9,200,000;~~

~~[(iii) (2) For fiscal year 2010, [\$9,600,000; and] \$9,200,000;~~

~~[(iv) (3) For fiscal year 2011 [and each fiscal year thereafter, \$10,000,000], \$9,200,000;~~

~~(4) FOR FISCAL YEAR 2012, \$9,600,000; AND~~

~~(5) FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR THEREAFTER,
\$10,000,000.~~

Article – Correctional Services

6–115.

(b) All supervisees placed in the Drinking Driver Monitor Program by the Division shall be:

(1) subject to a monthly supervision fee in accordance with § 6–226 of the Criminal Procedure Article; and

(2) [for fiscal years 2006 through 2010 only,] assessed a monthly program fee of [45] **\$55** by the Division.

(c) (1) The Program fee imposed under this section shall be paid to the Division by all supervisees in the Drinking Driver Monitor Program [from July 1, 2005 through June 30, 2010].

(2) The Division shall pay the Program fees collected under this section into the Drinking Driver Monitor Program Fund.

Article – Economic Development

4–216.

(b) ~~(1) [The] FOR FISCAL YEARS 2010 AND 2011~~ **FISCAL YEAR 2011 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]~~ **\$4,900,000** for each fiscal year.

~~(2) FOR FISCAL YEAR 2012, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL A PROPOSED GENERAL FUND APPROPRIATION TO THE FUND IN AN AMOUNT NOT LESS THAN \$5,500,000.~~

~~(3) FOR FISCAL YEAR 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.~~

10–523.

(a) (1) The Corporation may receive annual funding through an appropriation in the State budget.

(2) The Corporation may also receive money for projects included in the budgets of State units.

(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 [through 2020] **AND 2011** in the amount of [\$4,000,000] **\$2,750,000 AND FOR EACH OF FISCAL YEARS 2012 THROUGH 2020, IN THE AMOUNT OF \$4,000,000.**

(ii) In addition to any money provided under subparagraph (i) of this paragraph, the Governor may include each year in the State budget bill an appropriation to the Corporation in an amount not exceeding \$5,000,000 for rural land acquisition and easement programs, including programs to assist young and beginning farmers.

Article – Education

5-202.

(a) (13) “Target per pupil foundation amount” means:

(i) In fiscal years 2008, 2009, and 2010, \$6,694; [and]

(ii) [In] 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 [previous] 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 [previous] PRIOR fiscal year, the target per pupil foundation amount for the prior fiscal year; AND

(III) IN FISCAL YEAR 2012:

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.

(d) (7) (v) IF THE STATE BOARD OF EDUCATION GRANTS A COUNTY A TEMPORARY WAIVER OR PARTIAL WAIVER FROM THE PROVISIONS OF THIS SUBSECTION FOR ANY FISCAL YEAR, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE COUNTY TO BE ELIGIBLE TO RECEIVE THE STATE SHARE OF THE FOUNDATION PROGRAM FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR OR THE SECOND PRIOR FISCAL YEAR, WHICHEVER IS GREATER.

(e) (3) For fiscal year 2011, and each fiscal year thereafter, a county board shall receive a supplemental grant equal to the amount the county board received under paragraph (2) of this subsection in THE PRIOR fiscal year [2010].

5-205.

(c) (3) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) 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 percent nor more than 8 percent of the amount of the grant for the previous year.

(II) FOR FISCAL YEAR 2012, 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.

~~5-202.~~

~~(e) (1) In this subsection, "State financial assistance for public education" means the total financial assistance provided by the State to a county board under the following programs:~~

- ~~(i) Funding for the foundation program under this section;~~
 - ~~(ii) In fiscal year 2009, [50%] 100% of the funding received under the GCEI adjustment grant program under subsection (f) of this section and in fiscal year 2010, [60%] 100% of the funding received under the GCEI adjustment grant program under subsection (f) of this section;~~
 - ~~(iii) Transportation aid under § 5-205 of this subtitle;~~
 - ~~(iv) Funding for compensatory education under § 5-207 of this subtitle;~~
 - ~~(v) Funding for students with limited English proficiency under § 5-208 of this subtitle;~~
 - ~~(vi) Funding for special education students under § 5-209 of this subtitle;~~
 - ~~(vii) Funding for the guaranteed tax base program under § 5-210 of this subtitle;~~
 - ~~(viii) [50%] 100% of the State payments for retirement contributions for employees of a local school system in accordance with the provisions of Division II of the State Personnel and Pensions Article; and~~
 - ~~(ix) Funding for supplemental grants under this subsection.~~
- ~~(2) (i) For fiscal years 2009 and 2010 only, the State shall provide a supplemental grant to a county board that does not receive at least [a 1% increase in] THE SAME AMOUNT OF State financial assistance for public education [over] AS the amount received by the county board in the previous fiscal year.~~
- ~~(ii) The supplemental grant under this paragraph shall be the amount necessary to [increase] ENSURE THAT a county board's State financial~~

~~assistance for public education [by 1% over] EQUALS AT LEAST the amount received by the county board in the previous fiscal year.~~

~~(3) For fiscal year 2011 and each fiscal year thereafter, a county board shall receive a supplemental grant equal to the amount the county board received under paragraph (2) of this subsection in fiscal year 2010.~~

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;

[(i)] (II) In fiscal year [2007] 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

[(ii)] (III) Except as provided in paragraph (3) of this subsection, in fiscal year [2008] **2013** 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.

6–306.

(b) (1) For fiscal year 2000 and each subsequent fiscal year, the Governor shall include in each year's operating budget funding for the stipends and bonuses provided in this subsection.

(2) A classroom teacher or other nonadministrative school-based employee **IN A PUBLIC SCHOOL IDENTIFIED BY THE STATE BOARD AS HAVING COMPREHENSIVE NEEDS** who holds a standard professional certificate

or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards shall receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of \$2,000 per qualified individual.

(3) [(i) An individual who graduates from an accredited institution of higher education with a grade point average of at least 3.5 on a 4.0 scale or its equivalent, becomes employed by a county board, and remains employed as a classroom teacher in the public school system for a minimum of 3 consecutive years shall receive a salary signing bonus of \$1,000.

(ii) If the individual leaves employment with the public school system before the end of the 3-year commitment, the individual shall reimburse the State in the amount of \$1,000] **A CLASSROOM TEACHER OR OTHER NONADMINISTRATIVE SCHOOL-BASED EMPLOYEE IN A SCHOOL NOT IDENTIFIED BY THE STATE BOARD AS HAVING COMPREHENSIVE NEEDS WHO HOLDS A STANDARD PROFESSIONAL CERTIFICATE OR AN ADVANCED PROFESSIONAL CERTIFICATE WHO IS EMPLOYED BY A COUNTY BOARD AND WHO HOLDS A CERTIFICATE ISSUED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS SHALL RECEIVE A STIPEND FROM THE STATE IN AN AMOUNT EQUAL TO THE COUNTY GRANT FOR NATIONAL CERTIFICATION, UP TO A MAXIMUM OF \$1,000 PER QUALIFIED INDIVIDUAL.**

(4) A classroom teacher who holds an advanced professional certificate and teaches in a public school identified by the State Board as a school [in corrective action, a school in restructuring, or a challenge school] **HAVING COMPREHENSIVE NEEDS** shall receive a stipend from the State in the amount of [\$2,000] **\$1,500** for each year that the teacher performs satisfactorily in the classroom.

8-415.

(d) (3) (i) Subject to the limitation under subparagraph (ii) of this paragraph, for each of these children domiciled in the county, the county shall contribute for each placement the sum of:

1. The local share of the basic cost;
2. An additional amount equal to 200 percent of the basic cost; and
3. A. For [fiscal year 2005 and fiscal year 2006 only, an additional amount equal to 25 percent of the approved cost or reimbursement in excess of the sum of items 1 and 2 of this subparagraph; and

B. For] fiscal year [2007] **2009**, [and each subsequent fiscal year,] an additional amount equal to 20 percent of the approved cost or reimbursement in excess of the sum of items 1 and 2 of this subparagraph; **AND**

B. FOR FISCAL YEAR 2010 AND EACH SUBSEQUENT FISCAL YEAR THEREAFTER, AN ADDITIONAL AMOUNT EQUAL TO ~~50~~ 30 PERCENT OF THE APPROVED COST OR REIMBURSEMENT IN EXCESS OF THE SUM OF ITEMS 1 AND 2 OF THIS SUBPARAGRAPH.

(ii) The amount that a county is required to contribute under subparagraph (i) of this paragraph may not exceed the total cost or reimbursement amount approved by the Department.

15-106.6.

(b) (9) Money in the Fund may be expended only:

(i) To supplement General Fund appropriations to public senior higher education institutions **AND RESEARCH INSTITUTES OF THE UNIVERSITY SYSTEM OF MARYLAND;**

(ii) For [public senior higher education] capital projects **FOR PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS AND RESEARCH INSTITUTES OF THE UNIVERSITY SYSTEM OF MARYLAND;**

(iii) For workforce development initiatives administered by the Commission; and

(iv) For initiatives to address higher education needs related to the United States Department of Defense Base Realignment and Closure process.

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 2007, not less than an amount equal to 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 2008, not less than an amount equal to 25.5% 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 previous fiscal year;

3.] 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;

[4.] 2. In fiscal year 2010, ~~not less than an amount equal to 27% 23.4% 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 ~~previous~~ SAME fiscal year ~~]~~ **\$194,454,853;**

[5.] 3. In fiscal year 2011, not less than an amount equal to [28%] ~~20.9%~~ 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 ~~previous~~ SAME fiscal year;

[6.] 4. In fiscal year 2012, not less than an amount equal to [29%] ~~24%~~ ~~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~~ SAME fiscal year; [and]

[7.] 5. In fiscal year 2013 [and in each fiscal year thereafter], not less than an amount equal to [30%] ~~26%~~ ~~28%~~ 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 ~~previous~~ SAME fiscal year; AND

~~6. IN FISCAL YEAR 2014, 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 PREVIOUS FISCAL YEAR; AND~~

~~7. 6. IN FISCAL YEAR 2015 2014 AND IN EACH FISCAL YEAR THEREAFTER, NOT LESS THAN AN AMOUNT EQUAL TO 30% 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 ~~PREVIOUS~~ 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 [the previous] A fiscal year shall [:

1. ~~Include] INCLUDE noncapital appropriations from the Higher Education Investment Fund]; and~~

2. ~~Reflect any amendments or reductions to the appropriation for the previous fiscal year].~~

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 2007, 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 previous fiscal year;

(ii) In fiscal year 2008, 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 previous fiscal year;

(iii)] 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;

[(iv)] (II) In fiscal year 2010, ~~not less than an amount equal to 68% 64.6% 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 ~~previous~~ SAME fiscal year] ~~\$42,005,078;~~

[(v)] (III) In fiscal year 2011, not less than an amount equal to [69%] ~~63%~~ ~~65%~~ 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 ~~previous~~ SAME fiscal year;

[(vi)] (IV) In fiscal year 2012, not less than an amount equal to [70%] ~~65%~~ ~~67%~~ 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 ~~previous~~ SAME fiscal year; [and]

[(vii)] (V) In fiscal year 2013 [and in each fiscal year thereafter], not less than an amount equal to [71%] ~~67%~~ ~~69%~~ 67% 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~~ SAME fiscal year; AND

~~(VI) IN FISCAL YEAR 2014, NOT LESS THAN AN AMOUNT EQUAL TO 69% 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; AND~~

~~(VII) (VI) IN FISCAL YEAR 2015 2014 AND EACH FISCAL YEAR THEREAFTER, NOT LESS THAN AN AMOUNT EQUAL TO 71% 68.5% 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 PREVIOUS 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 [the previous] A fiscal year shall[:

(i) Include] INCLUDE noncapital appropriations from the Higher Education Investment Fund [; and

(ii) Reflect any amendments or reductions to the appropriation for the previous fiscal year].

(a) The Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying:

(1) ~~The~~ **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 [~~times~~]; ~~TIMES BY:~~

(2) ~~(1)~~ **(1)** [In each of fiscal years 2003 and 2004, an amount not less than 14.3% 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;

(ii) In fiscal year 2005, an amount not less than 15.2% 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 preceding fiscal year; and

(iii) In fiscal year [2006 and each fiscal year thereafter] **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) 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;

~~(II) IN FISCAL YEAR 2010, \$50,445,958;~~

~~(III) (II) (3) IN FISCAL YEAR EACH OF FISCAL YEARS 2010 AND FISCAL YEAR 2011, AN AMOUNT NOT LESS THAN 11.7% 11.2% 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 PRECEDING SAME FISCAL YEAR;~~

~~(IV) (III) (4) IN FISCAL YEAR 2012, AN AMOUNT NOT LESS THAN 12.7% 13.5% 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 PRECEDING SAME FISCAL YEAR;~~

~~(V) (IV) (5) IN FISCAL YEAR 2013, AN AMOUNT NOT LESS THAN 13.7% 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 ~~PRECEDING~~ SAME FISCAL YEAR;

~~(VI) (V)~~ **(6)** IN FISCAL YEAR 2014, AN AMOUNT NOT LESS THAN ~~14.7%~~ 14.5% 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 ~~PRECEDING~~ SAME FISCAL YEAR; AND

~~(VII) (VI)~~ **(7)** IN FISCAL YEAR 2015 AND EACH FISCAL YEAR THEREAFTER, AN AMOUNT NOT LESS THAN ~~16%~~ 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 ~~PRECEDING~~ SAME FISCAL YEAR.

(d) For purposes of this section, the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for [the previous] A fiscal year shall[:

(1) Include] INCLUDE noncapital appropriations from the Higher Education Investment Fund [; and

(2) Reflect any amendments or reductions to the appropriation for the previous fiscal year].

22-303.

(a) (1) The Department shall develop and implement juvenile services educational programs at all residential facilities of the Department of Juvenile Services by July 1, [2012] 2014.

(b) On or before February 1, 2006, and every other year thereafter until [2012] 2014, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the Department's implementation of this subtitle, including:

(1) The identification of all residential facilities for which the Department has assumed responsibility for the educational services; and

(2) All facilities for which the Department plans to assume responsibility during the next calendar year.

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 2006.....\$4.50 per each resident of the area served;

(ii) For fiscal year 2007.....\$5.50 per each resident of the area served;

(iii) For fiscal year 2008.....\$6.50 per each resident of the area served;

(iv)] For fiscal year 2009..... \$6.50 per each resident of the area served;

[(v)] (II) For fiscal year 2010.....[\$7.50] **\$6.75** per each resident of the area served; [and]

[(vi)] (III) For fiscal year 2011 [and each fiscal year thereafter].....[\$8.50] **\$6.75** per each resident of the area served;

(IV) FOR FISCAL YEAR 2012.....\$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 2001.....\$1.35 per State resident;

(ii) For fiscal year 2002.....\$1.55 per State resident;

(iii) For fiscal year 2003.....\$1.70 per State resident; and

(iv)] For fiscal year [2004 and each fiscal year thereafter] **2009**.....\$1.85 per State resident;

(II) FOR EACH OF FISCAL YEARS 2010 AND 2011.....\$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 county public library system that participates in the minimum library program shall be provided for each resident of the county, to be used for operating and capital expenses:

(i) [For fiscal year 2006 – \$12.00;

(ii) For fiscal year 2007 – \$13.00;

(iii) For fiscal year 2008 – \$14.00;

(iv)] For fiscal year 2009 – \$14.00;

[(v)] (II) For fiscal year 2010 – [\$15.00; and] ~~\$13.50~~ \$14.00;

[(vi)] (III) For fiscal year 2011 [and each fiscal year thereafter] – [\$16.00] ~~\$13.50~~ \$14.00;

(IV) FOR FISCAL YEAR 2012 – \$15.00; AND

(V) FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR THEREAFTER – \$16.00.

Article - Environment

9-275.

(a) FOR FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER, UP TO 50% OF THE REVENUES RECEIVED BY THE STATE USED TIRE CLEANUP AND RECYCLING FUND MAY BE USED FOR ADMINISTRATIVE EXPENSES OF THE DEPARTMENT.

(B) Subject to the appropriation process in the annual operating budget AND SUBJECT TO SUBSECTION (A) OF THIS SECTION, the Department shall use THE REMAINDER OF the State Used Tire Cleanup and Recycling Fund solely:

(1) For removal, restoration, emergency, or remedial action, including the restoration of natural resources where feasible, site maintenance and monitoring.

and fire cessation, if requested by a local government, not to exceed \$100,000 for each fire cessation emergency action in that jurisdiction, in response to the disposal or storage of scrap tires in violation of this subtitle, including:

(i) All costs incurred by the State in inspecting and monitoring any site where scrap tires are processed, stored, or disposed of in violation of this subtitle and assessing the threat to the public health and the environment of the site, the costs of investigations conducted for the purpose of defining necessary remedial action, and the costs of litigation expenses incurred in obtaining reimbursement for expenditures; and

(ii) All costs incurred in providing public information concerning a site where scrap tires are processed, stored, or disposed of;

(2) For activities related to scrap tire recycling programs, including research, planning, monitoring, public education, and market development, and for associated administrative costs; and

(3) With the approval of the Board of Public Works, to provide financial assistance:

(i) Through the service for projects approved by the Department to reduce, recover, and recycle scrap tires; and

(ii) To the service for costs related to the implementation of scrap tire recycling systems, including the costs of:

1. Preparation of a scrap tire recycling system under § 9-228(e) of this subtitle;

2. Implementation of any program established by the service as a part of a scrap tire recycling system; and

3. Assisting in funding the establishment of a private or public scrap tire collection, processing, or recycling facility.

[(b)] (C) Subject to § 2-1246 of the State Government Article, the Department shall provide the standing committees of the Maryland General Assembly with primary jurisdiction over this section with a status report on the Fund on or before November 1 of each year. The report shall include an accounting of all moneys expended for each of the purposes specified in subsection (a) of this section.

Article - Health - General

(j) (2) Any rebates received by the Department from the Maryland AIDS Drug Assistance Program shall be distributed to a special nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article, to be used only to fund the Maryland AIDS Drug Assistance Program AND THE MARYLAND AIDS INSURANCE ASSISTANCE PROGRAM.

~~13-1015.~~

~~[(a) For fiscal year [2007] 2010 and each fiscal year thereafter, the Governor shall include at least [\$21,000,000] \$7,000,000 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 2006, 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.]~~

15-701.

(i) (1) Subject to paragraph (2) of this subsection, **IN FISCAL YEAR 2010, \$12,000,000, AND** in fiscal years 2011 through 2013, up to \$10,000,000 may be transferred annually from the Fund to the Department for the purpose of providing a special fund operating grant to an independent entity with authority over the facilities currently operated and health care services currently provided by Dimensions Healthcare System until the facilities and obligation to provide the services are transferred to a new owner or operator.

(2) The Department may not provide a special fund operating grant until a long-term, comprehensive solution to the control and operation of the facilities and provision of health care services currently operated and provided by Dimensions Healthcare System is reached through:

(i) An Act of the General Assembly; or

(ii) A memorandum of understanding between the State and Prince George's County.

(3) The long-term, comprehensive solution under paragraph (2) of this subsection shall address issues related to health care needs in Prince George's County and the surrounding region, including:

(i) The transfer to a new owner or operator of the facilities currently operated and the obligation to provide the health care services currently provided by Dimensions Healthcare System;

(ii) A plan for the assets currently held by Prince George's County related to the facilities currently operated by Dimensions Healthcare System;

(iii) A mechanism to provide a steady revenue stream to help support ongoing operations of the facilities currently operated by Dimensions Healthcare System and to retire the long-term bond indebtedness and satisfy the unfunded pension liability of Dimensions Healthcare System; and

(iv) A mechanism to assure equitable and sustainable funding from Prince George's County and the State.

(4) Moneys transferred from the Maryland Health Insurance Plan Fund or collected from an assessment by the State Health Services Cost Review Commission on hospitals may not be used for the purpose of this subsection.

19-214.

(d) (5) Funds generated from the assessment under this subsection may be used only [to] **AS FOLLOWS:**

(i) [Supplement] **TO SUPPLEMENT** coverage under the Medical Assistance Program beyond the eligibility requirements in existence on January 1, 2008; [and]

(ii) [Provide] **TO PROVIDE** funding for the operation and administration of the Maryland Health Insurance Plan, **INCLUDING REIMBURSING THE DEPARTMENT FOR SUBSIDIZING THE PLAN COSTS OF MEMBERS OF THE MARYLAND HEALTH INSURANCE PLAN UNDER A MEDICAID WAIVER PROGRAM; AND**

(III) ANY FUNDS REMAINING AFTER EXPENDITURES UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH HAVE BEEN MADE MAY BE USED FOR THE GENERAL OPERATIONS OF THE MEDICAID PROGRAM.

Article - Human Services

9-216.

[(c) The Department may not administer any child welfare program of the Department of Human Resources, including the Family Investment Program and the Foster Care Program.]

Article - Insurance

14-106.

~~(d) (1) Notwithstanding subsection (e) 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] **PRIMARY ADULT CARE PROGRAM** under [§ 15-124.1 of the Health General Article] **THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE**; 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 support provided under paragraph (1)(v)1, 3, and 4 of this subsection to the Community Health Resources Commission shall be limited to:~~

~~1. \$2,000,000 in fiscal year 2006; [and]~~

~~2. in EACH OF fiscal [year 2007 and annually thereafter] YEARS 2007, 2008, AND 2009, the value of the premium tax exemption less:~~

~~A. the subsidy required under this subsection for the Senior Prescription Drug Assistance Program; AND~~

~~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; AND~~

~~3. IN FISCAL YEAR 2010 AND ANNUALLY THEREAFTER, \$3,000,000 LESS 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] IN FISCAL YEAR 2010 AND EVERY FISCAL YEAR THEREAFTER shall be [limited to] THE VALUE OF THE PREMIUM TAX EXEMPTION LESS:~~

~~1. [\$500,000 in fiscal year 2006] THE SUBSIDY REQUIRED UNDER THIS SUBSECTION FOR THE SENIOR PRESCRIPTION DRUG ASSISTANCE PROGRAM; and~~

~~2. [\$300,000 in fiscal year 2007 and annually thereafter] THE SUBSIDIES REQUIRED UNDER THIS SUBSECTION FOR THE MARYLAND COMMUNITY HEALTH RESOURCES COMMISSION AND THE UNIFIED DATA INFORMATION SYSTEM.~~

~~(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] AND FISCAL YEAR 2008; AND~~

~~3. IN FISCAL YEAR 2009 AND ANNUALLY THEREAFTER, AN AMOUNT, NOT TO EXCEED \$3,000,000, TO BE DETERMINED BY THE COMMUNITY HEALTH RESOURCES COMMISSION UNDER TITLE 19, SUBTITLE 21 OF THE HEALTH GENERAL ARTICLE.~~

~~(3) For any year, the subsidy and funding required under this subsection by a nonprofit health service plan subject to this section may not exceed the value of the nonprofit health service plan's premium tax exemption under § 6-101(b) of this article.~~

~~(e) The subsidy required under **SUBSECTION (D) OF THIS SECTION FOR the Senior Prescription Drug Assistance Program** [may not exceed] **SHALL BE THE LESSER OF:**~~

~~(1) **THE VALUE OF THE NONPROFIT HEALTH SERVICE PLAN'S PREMIUM TAX EXEMPTION UNDER § 6-101(B) OF THIS ARTICLE; AND**~~

~~[(1)] (2) (I) for the period of January 1, 2006 through June 30, 2006, \$8,000,000; AND~~

~~[(2)] (II) for fiscal years 2008 through 2010, \$14,000,000; and~~

~~(3) for any year, the value of the nonprofit health service plan's premium tax exemption under § 6-101(b) of this article].~~

14-501.

(h) (2) "Medically uninsurable individual" does not include an individual who is eligible for coverage under:

(i) the federal Medicare program;

(ii) **UNLESS THE INDIVIDUAL IS ELIGIBLE FOR A SUBSIDY OF PLAN COSTS PROVIDED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER A MEDICAID WAIVER PROGRAM,** the Maryland Medical Assistance Program;

(iii) the Maryland Children's Health Program; or

(iv) an employer-sponsored group health insurance plan that includes benefits comparable to Plan benefits, unless the individual is eligible for the tax credit for health insurance costs under § 35 of the Internal Revenue Code.

Article - Natural Resources

5-902.

(c) (1) To effectuate the purposes of this section, the General Assembly has established a funding program under Chapter 403 of the Acts of the General Assembly of 1969.

(2) In any fiscal year [in] FOR which funding for Program Open Space is provided through the State Consolidated Capital Bond Funding Program or other bond enabling act, [the] EXCEPT AS OTHERWISE EXPRESSLY PROVIDED UNDER THE BOND ENABLING ACT THROUGH WHICH THE FUNDING IS PROVIDED:

(I) THE debt allocations shall be provided to the Department of Natural Resources and the Department shall allocate funds among local governing bodies according to the apportionment formula described in § 5-903 of this subtitle; AND

(II) ~~THE~~ FOR FISCAL YEARS 2011 THROUGH 2013 ONLY, THE ALLOCATIONS PROVIDED UNDER § 5-903 OF THIS SUBTITLE OF THE FUNDS DISTRIBUTED TO PROGRAM OPEN SPACE UNDER § 13-209 OF THE TAX - PROPERTY ARTICLE SHALL BE ADJUSTED TO REDUCE THE AMOUNT THAT WOULD OTHERWISE BE ALLOCATED FOR ANY PURPOSE BY THE AMOUNT OF FUNDING PROVIDED FOR THAT PURPOSE UNDER THE BOND ENABLING ACT.

5-903.

(a) (1) Of the funds distributed to Program Open Space under § 13-209 of the Tax - Property Article, up to \$3,000,000 may be transferred by an appropriation in the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be used for the purposes provided in that subtitle.

(2) (i) 1. Of the remaining funds not appropriated under paragraph (1) of this subsection:

A. One half of the funds shall be used for recreation and open space purposes by the Department and the Historic St. Mary's City Commission; and

B. 20% of the funds or \$21,000,000, whichever is greater, shall be appropriated to the Forest and Park Service in the Department to operate State forests and parks.

2. Except as otherwise provided in this section, any funds the General Assembly appropriates to the State under this subsection shall be used only for land acquisition projects.

(ii) At least \$1,500,000 of the State's share of funds available under subparagraph (i)1A of this paragraph for this program shall be utilized to make grants to Baltimore City for projects which meet park purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive under subsection (b) of this section, and may be used for acquisition or development. In order for Baltimore City to

be eligible for a State grant, the Department shall review projects or land to be acquired within Baltimore City, and upon the Department's recommendation, the Board of Public Works may approve projects and land including the cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore City. The State is not responsible for costs involved in the development or maintenance of the land.

(iii) 1. A portion of the State's share of funds available under subparagraph (i)1A of this paragraph for this Program not to exceed \$8,000,000 for each fiscal year may be transferred by an appropriation in the State budget to the Rural Legacy Program under Subtitle 9A of this title.

2. In each fiscal year, up to \$2 million of the funds transferred under this subparagraph to the Rural Legacy Program may be used to purchase zero coupon bonds for easements.

3. Sums allocated to the Rural Legacy Program may not revert to the General Fund of the State.

(IV) FOR EACH OF FISCAL YEARS ~~2011 AND 2012~~ 2010 AND 2011, \$1,217,000 OF THE STATE'S SHARE OF FUNDS AVAILABLE UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH MAY BE APPROPRIATED IN THE BUDGETS OF THE DEPARTMENT, THE DEPARTMENT OF GENERAL SERVICES, AND THE DEPARTMENT OF PLANNING FOR EXPENSES NECESSARY TO ADMINISTER THIS PROGRAM.

(g) (1) [For the fiscal year commencing July 1, 1990, any] ANY amount appropriated in the State budget, and for each subsequent fiscal year, up to 25 percent of the State's share of funds that would be available under the program if 100 percent of the funds not required under § 13-209(b) of the Tax – Property Article were available for distribution as provided in § 13-209(d)(3) of the Tax – Property Article may be used for capital improvements on land owned by the State for the use of the Department, THE MARYLAND HISTORICAL TRUST FOR MUSEUMS OPERATED BY THE TRUST, OR THE HISTORIC ST. MARY'S COMMISSION, if the improvements are:

(i) Approved in the State budget; and

(ii) Compatible with:

1. Any master plan developed for the land; and

2. The natural features of the land.

(c) The Fund is a continuing, nonlapsing, revolving fund not to exceed [\$250,000] **\$1,000,000** that consists of the amount of appropriations for a capital project:

- (1) In excess of the amount needed for the capital project; and
- (2) Allocated to the Fund by the Governor.

8-707.

[(d) The Governor shall include in the budget bill for each fiscal year a General Fund appropriation to the Waterway Improvement Fund of not less than \$1,794,000.]

8-709.

(d) Notwithstanding the provisions of subsection (a) of this section:

(1) [For each of fiscal years 2003 through 2005, as provided in the State budget, the Department may use the moneys in the Waterway Improvement Fund for administrative expenses directly relating to implementing the purposes of the Waterway Improvement Fund;

(2)] For fiscal year 2006 through fiscal year 2009, as provided in the State budget, the Department may use up to the following percentage of the moneys in the Waterway Improvement Fund for administrative expenses directly relating to implementing the purposes of the Waterway Improvement Fund:

- (i) In fiscal year 2006, 8%;
- (ii) In fiscal year 2007, 6%;
- (iii) In fiscal year 2008, 4%; and
- (iv) In fiscal year 2009, 2%; and

[(3)] **(2)** For fiscal years after fiscal year 2009, the Department may [not use the moneys in the Waterway Improvement Fund for administrative expenses] **USE UP TO \$750,000 IN THE WATERWAY IMPROVEMENT FUND FOR ADMINISTRATIVE EXPENSES DIRECTLY RELATING TO IMPLEMENTING THE PURPOSES OF THE WATERWAY IMPROVEMENT FUND.**

Article – Public Utility Companies

7-512.1.

(c) (4) [(i)] The Office of Legislative Audits shall conduct [a performance] AN audit of the electric universal service program AT LEAST once every 3 years [or at another interval as directed by the Joint Audit Committee] and shall report the results of the audit [to the General Assembly] IN ACCORDANCE WITH § 2-1224 OF THE STATE GOVERNMENT ARTICLE.

[(ii) The cost of the performance audit under this paragraph shall be included in the costs of administering the electric universal service program, and funded through the electric universal service program fund under subsection (f) of this section.]

(f) (1) In this subsection, “fund” means the electric universal service program fund.

(2) There is an electric universal service program fund.

(3) (i) 1. The Comptroller shall collect the revenue collected by electric companies under subsection (b) of this section and place the revenue into the fund.

2. The General Assembly may appropriate funds supplemental to the funds collected under subparagraph 1 of this subparagraph.

(ii) The fund is a continuing, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(iii) The purpose of the fund is to assist electric customers as provided in subsection (a)(1) of this section.

(4) The Department of Human Resources, with oversight by the Commission, shall disburse the bill assistance and arrearage retirement funds in accordance with the provisions of this section.

(5) The Comptroller annually shall disburse **UP TO \$1,000,000** of low-income weatherization funds to the Department of Housing and Community Development, **AS PROVIDED IN THE STATE BUDGET.**

(6) (i) At the end of a given fiscal year, any unexpended bill assistance and arrearage retirement funds that were collected for that fiscal year shall be retained in the fund and shall be made available for disbursement through the first 3 months of the next fiscal year to customers who:

1. qualify for assistance from the fund during the given fiscal year;

2. apply for assistance from the fund before the end of the given fiscal year; and
3. remain eligible for assistance at the time services are provided.

(ii) If the Commission determines that an extension is needed, the Commission may extend up to an additional 3 months the period in which unexpended bill assistance and arrearage retirement funds may be made available for disbursement under subparagraph (i) of this paragraph.

(iii) Any bill assistance and arrearage retirement funds collected for a given fiscal year that are retained under subparagraph (i) of this paragraph and that remain unexpended at the end of the period allowed under subparagraphs (i) and (ii) of this paragraph shall be returned to each customer class in the proportion that the customer class contributed charges to the fund for the given fiscal year in the form of a credit toward the charge assessed in the following fiscal year.

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) **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% OF THE ACTUAL EXPENSES OF OPERATING THE CENTRAL COLLECTION UNIT FOR THAT FISCAL YEAR REVERTS TO THE GENERAL FUND OF THE STATE.**

~~7-325.~~

~~(a) (1) FOR EACH OF FISCAL YEARS 2010 AND 2011, 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 \$10,545,740.~~

~~(2) FOR FISCAL YEAR 2012, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL OF NOT LESS THAN \$13,545,740.~~

~~(3) FOR FISCAL YEAR 2013, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL OF NOT LESS THAN \$16,545,740.~~

~~(4) For [each] fiscal year 2014 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 Personnel and Pensions

2-516.

(c) (1) Notwithstanding any other provision of law, ~~for fiscal years 2006 and 2007~~ **2010 THROUGH 2012** only, there shall be credited to the Fund any subsidy received by the State that is provided to employers as a result of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, or similar federal subsidy received as a result of the State's prescription drug program.

(2) The Fund also consists of moneys appropriated for State Employee and Retiree Health Insurance or authorized to be transferred to that purpose in the State budget.

21-307.

(N) (1) IN THIS SECTION, "ELECTED OR APPOINTED OFFICIAL" MEANS AN INDIVIDUAL WHO IS EMPLOYED AS:

- (I) A STATE'S ATTORNEY;
- (II) A SHERIFF;
- (III) A COUNTY TREASURER;
- (IV) A COUNTY COMMISSIONER;
- (V) AN ORPHANS' COURT JUDGE;
- (VI) A BINGO BOARD MEMBER; OR
- (VII) A LIQUOR AND LICENSE BOARD MEMBER.

(2) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND EACH SUBSEQUENT FISCAL YEAR, ON BEHALF OF THE ELECTED OR APPOINTED OFFICIALS OF EACH COUNTY WHO ARE MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM, THE EMPLOYEES' PENSION SYSTEM, OR THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, THE COUNTY WHERE EACH ELECTED OR APPOINTED OFFICIAL IS EMPLOYED SHALL PAY THE EMPLOYER CONTRIBUTIONS OTHERWISE REQUIRED TO BE MADE BY THE STATE ON BEHALF OF THE MEMBER.

(O) 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.

34-101.

(d) ~~[Beginning in fiscal year 2008~~ FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR THEREAFTER, the following funds shall be deposited into the ~~the~~ Postretirement Health Benefits Trust Fund ~~SHALL CONSIST OF:~~

(1) any ~~[subsidy received by the State that is provided to employers]~~ ~~FUNDS DEPOSITED IN THE POSTRETIREMENT HEALTH BENEFITS TRUST FUND BEFORE JUNE 1, 2009~~, as a result of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, or similar federal subsidy received as a result of the State's prescription drug program; and

(2) any funds appropriated to the Postretirement Health Benefits Trust Fund, whether directly or through the budgets of any State agency.

Article - Tax - General

2-606.

(a) After making the distributions required under §§ 2-604 and 2-605 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to an unallocated individual revenue account the income tax revenue:

(1) with respect to which an income tax return is not filed; and

(2) that is attributable to:

(i) income tax withheld from salary, wages, or other compensation for personal services under Title 10 of this article; or

(ii) estimated income tax payments by individuals.

(b) (1) In June of each year, from current collections, the Comptroller shall reserve an amount of unallocated revenue that the Comptroller estimates will be claimed on returns and refunded to taxpayers within 3 years of the date the income tax return was due to be filed, and distribute to each county, municipal corporation, and special taxing district a pro rata share of the balance of the unallocated individual income tax revenue.

(2) The Comptroller shall adjust the amount distributed under paragraph (1) of this subsection to a county, municipal corporation, or special taxing district to allow for the proportionate part of tax claim payments for a prior calendar year made after a distribution is made to the county, municipal corporation, or special taxing district for that year.

(c) (1) To compute the pro rata share for a county, the Comptroller shall:

(i) compute the amount equal to the product of multiplying the unallocated individual income tax revenue by a fraction:

1. the numerator of which is the income tax for the county collected for a calendar year; and

2. the denominator of which is the total income tax from individuals collected for that year; and

(ii) reduce the amount computed under item (i) of this paragraph by the pro rata share computed under paragraph (2) of this subsection for municipal corporations and special taxing districts that are located in the county.

(2) To compute the pro rata share for a municipal corporation or special taxing district, the Comptroller shall compute the amount equal to the product of multiplying the pro rata share for a calendar year for the county where the municipal corporation or district is located by a fraction:

(i) the numerator of which is the amount distributed under § 2-607 of this subtitle to that municipal corporation or special taxing district for that year; and

(ii) the denominator of which is the total income tax for that county collected for that year.

(D) ON OR BEFORE JUNE 30, 2009, THE COMPTROLLER SHALL DISTRIBUTE \$366,778,631 FROM THE LOCAL RESERVE ACCOUNT ESTABLISHED TO COMPLY WITH THIS SECTION TO THE GENERAL FUND OF THE STATE.

2-608.

(a) After making the distributions required under §§ 2-604 through 2-607 of this subtitle, the Comptroller shall distribute to each county the remaining income tax revenue from individuals attributable to the county income tax for that county.

(b) The Comptroller shall adjust the amount distributed under subsection (a) of this section to a county to allow for a proportionate part of refund and interest payments made for a prior calendar year after a distribution is made to the county for that year.

(C) FOR EACH OF FISCAL YEARS ~~2010 THROUGH 2019~~ 2013 THROUGH 2022, INCLUSIVE:

(1) THE COMPTROLLER SHALL DISTRIBUTE \$36,677,863 OF THE REMAINING INCOME TAX REVENUE FROM INDIVIDUALS TO THE LOCAL RESERVE ACCOUNT ESTABLISHED TO COMPLY WITH § 2-606 OF THE TAX - GENERAL ARTICLE; AND

(2) THE TOTAL AMOUNT DISTRIBUTED TO THE COUNTIES FOR EACH FISCAL YEAR UNDER SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY \$36,677,863.

(D) THE COMPTROLLER SHALL ADJUST THE AMOUNT DISTRIBUTED UNDER SUBSECTION (A) OF THIS SECTION TO A COUNTY TO ALLOW FOR A

PROPORTIONATE PART OF THE REDUCTION MADE UNDER SUBSECTION (C) OF THIS SECTION.

(E) TO DETERMINE THE PRO RATA SHARE FOR A COUNTY UNDER SUBSECTION (D) OF THIS SECTION, THE COMPTROLLER SHALL COMPUTE THE AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING \$36,677,863 BY A FRACTION:

(1) THE NUMERATOR OF WHICH IS THE AMOUNT OF COUNTY INCOME TAX FROM INDIVIDUALS COLLECTED AND ATTRIBUTABLE TO RESIDENTS OF THE COUNTY, CALCULATED USING TAX RETURNS FILED WITH THE COMPTROLLER FOR THE MOST RECENT PRECEDING TAX YEAR; AND

(2) THE DENOMINATOR OF WHICH IS THE TOTAL AMOUNT OF COUNTY INCOME TAXES COLLECTED FROM INDIVIDUALS, CALCULATED USING TAX RETURNS FILED WITH THE COMPTROLLER FOR THE MOST RECENT PRECEDING TAX YEAR.

(F) THE PRO RATA SHARE CALCULATED UNDER SUBSECTION (E) OF THIS SECTION SHALL BE USED FOR THE QUARTERLY DISTRIBUTIONS OF LOCAL INCOME TAX REVENUE BEGINNING IN NOVEMBER AND ENDING IN AUGUST.

2-613.1.

After making the distribution required under § 2-613 of this subtitle:

(1) of the remaining income tax revenue from corporations, the Comptroller shall distribute:

(i) for fiscal year 2008 only:

1. \$16,000,000 to the Higher Education Investment Fund established under § 15-106.6 of the Education Article; and

2. the amount by which 15.15% of the remaining income tax revenue from corporations exceeds \$16,000,000 to the General Fund; and

(ii) for [fiscal year] EACH OF FISCAL YEARS 2009 AND 2010 only:

1. 6% to the Higher Education Investment Fund established under § 15-106.6 of the Education Article; and

2. 9.15% to the General Fund; and

(2) for fiscal year [2010] 2011 and subsequent fiscal years, the Comptroller shall distribute 15.15% of the remaining income tax revenue from corporations to the General Fund of the State.

2-1104.

(a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** 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) ~~\$2,554,000~~ \$8,385,845 TO THE GENERAL FUND OF THE STATE; AND

(2) THE BALANCE TO THE CHESAPEAKE BAY 2010 TRUST FUND.

2-1302.1.

(a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** 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) ~~\$3,933,556~~ \$13,100,711 TO THE GENERAL FUND OF THE STATE; AND**
- (2) THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST FUND.**

8-406.

(b) (2) (iv) Subject to subparagraph (vi) of this paragraph, the total amount of credits approved by the Department under this paragraph for any calendar year may not exceed:

1. [\$9,000,000] ~~\$3,000,000~~ \$4,500,000 for a calendar year beginning after December 31, [2006] **2008**, but before January 1, ~~2011~~ **2013**;
2. \$6,000,000 for a calendar year beginning after December 31, ~~2010~~ **2012**, but before January 1, 2015; or
3. \$3,000,000 for a calendar year beginning after December 31, 2014, but before January 1, 2021.

~~Article - Tax - Property~~

~~2-106.~~

~~(A) Each county shall provide the supervisor of the county with an office in the county seat or in Baltimore City, for the supervisor of Baltimore City. The Department is responsible for providing each supervisor with clerical staff, equipment, and other facilities and assistance that the Department considers necessary and as provided in the State budget.~~

~~(B) EACH COUNTY AND BALTIMORE CITY SHALL BE RESPONSIBLE FOR REIMBURSING THE STATE FOR THE COSTS OF ADMINISTERING THE DEPARTMENT AS FOLLOWS:~~

- ~~(1) 90% OF THE COSTS OF REAL PROPERTY VALUATION;~~
- ~~(2) 90% OF THE COSTS OF BUSINESS PROPERTY VALUATION; AND~~
- ~~(3) 75% OF THE COSTS OF THE OFFICE OF INFORMATION TECHNOLOGY WITHIN THE DEPARTMENT, INCLUDING ANY FUNDING FOR DEPARTMENTAL PROJECTS IN THE MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND ESTABLISHED UNDER § 3A-309 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(C) COSTS UNDER SUBSECTION (B) OF THIS SECTION SHALL BE ALLOCATED AMONG THE COUNTIES AND BALTIMORE CITY AS FOLLOWS:~~

- ~~(1) COSTS UNDER SUBSECTION (B)(1) AND (3) OF THIS SECTION WILL BE ALLOCATED BASED ON THE NUMBER OF REAL PROPERTY ACCOUNTS OF A COUNTY OR BALTIMORE CITY AS A PERCENTAGE OF THE TOTAL NUMBER OF REAL PROPERTY ACCOUNTS STATEWIDE AS OF JULY 1 OF THE PRECEDING FISCAL YEAR; AND~~
- ~~(2) COSTS UNDER SUBSECTION (B)(2) OF THIS SECTION WILL BE ALLOCATED BASED ON THE BUSINESS PERSONAL PROPERTY ASSESSABLE BASE OF A COUNTY OR BALTIMORE CITY AS A PERCENTAGE OF THE TOTAL BUSINESS PERSONAL PROPERTY ASSESSABLE BASE STATEWIDE AS OF JULY 1 OF THE PRECEDING FISCAL YEAR.~~

~~(D) EACH COUNTY AND BALTIMORE CITY SHALL REMIT A QUARTERLY PAYMENT TO THE COMPTROLLER FOR 25% OF THE JURISDICTION'S SHARE OF COSTS ON OR BEFORE THE FOLLOWING DATES:~~

- ~~(1) JULY 1;~~
- ~~(2) OCTOBER 1;~~
- ~~(3) JANUARY 1; AND~~
- ~~(4) APRIL 1.~~

~~(E) THE COMPTROLLER MAY WITHHOLD A PORTION OF A LOCAL INCOME TAX DISTRIBUTION OF A COUNTY OR BALTIMORE CITY THAT FAILS TO MAKE TIMELY PAYMENT IN ACCORDANCE WITH THIS SECTION.~~

Article - Tax - Property

13-209.

(d) Subject to [subsection (e)] SUBSECTIONS (D-1) AND (E) of this section, for the fiscal year beginning July 1, 2002 and for each subsequent fiscal year, the balance of the revenue in the special fund, not required under subsection (b) of this section and not allocated to the General Fund under subsection (c)(1) of this section shall be allocated in the State budget as follows:

(1) (i) 75.15% for the purposes specified in Title 5, Subtitle 9 of the Natural Resources Article (Program Open Space); and

(ii) an additional 1% for Program Open Space, for land acquisition purposes as specified in § 5-903(a)(2) of the Natural Resources Article;

(2) 17.05% for the Agricultural Land Preservation Fund established under § 2-505 of the Agriculture Article;

(3) 5% for the Rural Legacy Program established under § 5-9A-01 of the Natural Resources Article; and

(4) 1.8% for the Heritage Conservation Fund established under § 5-1501 of the Natural Resources Article.

(D-1) (1) IN THIS SUBSECTION, "ELIGIBLE PURPOSE" MEANS A PURPOSE, PROGRAM, OR FUND TO WHICH REVENUE IN THE SPECIAL FUND IS REQUIRED TO BE ALLOCATED UNDER SUBSECTION (D) OF THIS SECTION.

(2) FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2010, BUT BEFORE JULY 1, 2013, FOR WHICH FUNDING IS PROVIDED FOR AN ELIGIBLE PURPOSE THROUGH THE STATE CONSOLIDATED CAPITAL BOND FUNDING PROGRAM OR OTHER BOND ENABLING ACT:

(I) FROM THE BALANCE OF THE SPECIAL FUND, BEFORE THE ALLOCATIONS UNDER SUBSECTION (D) OF THIS SECTION ARE MADE, AN AMOUNT SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE EQUAL TO THE TOTAL AMOUNT OF FUNDING PROVIDED FOR ELIGIBLE PURPOSES THROUGH THE BOND ENABLING ACT; AND

(II) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED UNDER THE BOND ENABLING ACT THROUGH WHICH THE FUNDING IS PROVIDED, THE ALLOCATIONS PROVIDED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE ADJUSTED TO REDUCE THE AMOUNT THAT WOULD OTHERWISE BE ALLOCATED

FOR EACH ELIGIBLE PURPOSE BY THE AMOUNT OF FUNDING PROVIDED FOR THAT PURPOSE UNDER THE BOND ENABLING ACT.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A TRANSFER UNDER THIS SUBSECTION MAY NOT BE TAKEN INTO ACCOUNT FOR PURPOSES OF DETERMINING ANY ALLOCATION OR APPROPRIATION REQUIRED UNDER SUBSECTION (F) OR (G) OF THIS SECTION.

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 equal to \$264,913,000, as follows:

(i) \$53,000,000 for fiscal year 2007;

(ii) [~~\$85,000,000~~ for fiscal year 2009;

(iii) \$63,000,000] ~~\$146,900,000~~ ~~\$98,000,000~~ **\$55,000,000** for fiscal year 2010; and

[(iv)] (III) [~~\$63,913,000~~] ~~\$65,013,000~~ **\$113,913,000** **\$156,913,000** for fiscal year 2011; and

(3) At least \$10,000,000 federal aid from any source in amounts as deemed prudent.

Chapter 306 of the Acts of 2004

SECTION 8. AND BE IT FURTHER ENACTED, That the State Department of Education shall adopt regulations that provide for periodic surveys of the condition of public school facilities in Maryland at least every 4 years. The surveys should be similar to the Facility Assessment Survey that the State Department conducted, at the direction of the Task Force to Study Public School Facilities, in 2003. [The State shall provide funds necessary to conduct the survey.]

Chapter 307 of the Acts of 2004

SECTION 8. AND BE IT FURTHER ENACTED, That the State Department of Education shall adopt regulations that provide for periodic surveys of the condition of

public school facilities in Maryland at least every 4 years. The surveys should be similar to the Facility Assessment Survey that the State Department conducted, at the direction of the Task Force to Study Public School Facilities, in 2003. [The State shall provide funds necessary to conduct the survey.]

Chapter 487 of the Acts of 2004

[SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) The Office of Legislative Audits shall conduct a performance audit of the Maryland Renewable Energy Fund which includes, for each year since the creation of the Fund, an assessment of:

- (1) the amount of funds received in the Fund;
- (2) the uses of the funds; and
- (3) the administrative expenses related to the Fund for project review and oversight.

(b) The Office shall report the results of the audit to the General Assembly, in accordance with § 2-1246 of the State Government Article, on or before December 1, 2009.

(c) The cost of the performance audit shall be included in the administrative expenses under § 7-707(f)(4) of the Public Utility Companies Article, as enacted by this Act.]

Chapter 535 of the Acts of 2004

SECTION 2. AND BE IT FURTHER ENACTED, That the Director of Juvenile Services Educational Programs and the Coordinating Council for Juvenile Services shall assume the control and general management for the education service for all residential facilities on or before July 1, [2012] 2014.

SECTION 3. AND BE IT FURTHER ENACTED, That all appropriations held by the Department of Juvenile Services to carry out the exclusive functions of the Juvenile Services Education Program under this Act shall be transferred to the State Department of Education on the day the State Department of Education assumes control over the educational programs of the Department of Juvenile Services, but not later than July 1, [2012] 2014.

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

9-1101.

(a) (1) [For] 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 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.

(c) 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 UNDER THIS SECTION MAY NOT EXCEED THE AMOUNT DISTRIBUTED TO THE COUNTY OR BALTIMORE CITY FOR FISCAL YEAR 2010.

Article - Correctional Services

9-402.

(A) IN THIS SECTION, "SENTENCED INMATES" MEANS THOSE INMATES CONFINED IN A LOCAL CORRECTIONAL FACILITY AFTER BEING SENTENCED TO THE CUSTODY OF THE LOCAL CORRECTIONAL FACILITY FOR MORE THAN 12 MONTHS AND NOT MORE THAN 18 MONTHS.

[(a)] (B) Subject to subsection [(b)] (D) of this section, FOR EACH FISCAL YEAR the State shall [reimburse] PROVIDE each county [according to the following formula so that each county receives the greater of:

(1) for sentenced inmates who are sentenced on or after January 1, 1987, the State shall reimburse a county for each day from the 91st day through the 365th day that sentenced inmates are confined in a local correctional facility at a rate of reimbursement of 50% of the rate set forth in § 9-403 of this subtitle; or

(2) for each fiscal year, the Secretary shall determine for each county the difference between the actual number of inmate days for the previous fiscal year and the average number of inmate days and multiply this number of inmate days, if positive, by 85% of the rate of reimbursement set forth in § 9-403 of this subtitle] A GRANT EQUAL TO AT LEAST \$45 FOR EACH DAY FROM THE END OF THE 12TH

MONTH THROUGH THE END OF THE 18TH MONTH THAT A SENTENCED INMATE WAS CONFINED IN A LOCAL CORRECTIONAL FACILITY DURING THE SECOND PRECEDING FISCAL YEAR.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, FOR EACH FISCAL YEAR THE STATE SHALL PROVIDE EACH COUNTY A GRANT EQUAL TO AT LEAST \$45 FOR EACH DAY AFTER THE FIRST DAY THROUGH THE DAY OF RELEASE THAT AN INMATE WHO HAS BEEN SENTENCED TO THE JURISDICTION OF THE DIVISION OF CORRECTION WAS CONFINED IN A LOCAL CORRECTIONAL FACILITY DURING THE SECOND PRECEDING FISCAL YEAR.

[(b)] (D) (1) [Each] ON OR BEFORE OCTOBER 1 OF EACH YEAR, EACH county shall submit to the Department[:

(i) on or before December 1 of the fiscal year, closeout data for the previous fiscal year;

(ii) on or before October 1 of the fiscal year,] inmate days reports for the previous fiscal year.

(2) If a county fails to submit the information required under paragraph (1) of this subsection when due, the Department shall deduct an amount equal to 20% of the [total reimbursement otherwise due the county] GRANT under [the] SUBSECTION (B) OF THIS section for each 30 days or part of 30 days after the due date that the information has not been submitted.

Article – State Government

9–117.

(a) (1) (I) ~~During a calendar year, a~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A licensed agent shall receive regular commissions of ~~[5.5%]~~ 5.0% of the licensed agent's gross receipts from ticket sales ~~made during that year.~~

(II) FOR FISCAL YEARS 2010 THROUGH 2012 ONLY, A LICENSED AGENT SHALL RECEIVE REGULAR COMMISSIONS OF 5.0% OF THE LICENSED AGENT'S GROSS RECEIPTS FROM TICKET SALES.

Article – Tax – General

10–210.1.

(b) In addition to the modifications under §§ 10–204 through 10–210 of this subtitle, to determine Maryland adjusted gross income of an individual:

(1) an amount is added to or subtracted from federal adjusted gross income to reflect the determination of the depreciation deduction provided under § 167(a) of the Internal Revenue Code and the adjusted basis of property without regard to the additional allowance under § 168(k) of the Internal Revenue Code;

(2) an amount is added to or subtracted from federal adjusted gross income to determine the net operating loss deduction allowed under § 172 of the Internal Revenue Code without regard to [the special 5-year carryback period provided] **AN ELECTION** under § 172(b)(1)(H) of the Internal Revenue Code **FOR A CARRYBACK PERIOD OF UP TO 5 YEARS;**

(3) an amount is added to or subtracted from federal adjusted gross income to reflect the determination of the maximum aggregate costs that the taxpayer may treat as an expense under § 179 of the Internal Revenue Code for any taxable year without regard to any changes made to that section after December 31, 2002:

(i) increasing above \$25,000 the dollar limitation set forth in § 179(b)(1) of the Internal Revenue Code; or

(ii) increasing above \$200,000 the phase-out threshold set forth in § 179(b)(2) of the Internal Revenue Code; ~~and~~

(4) AN AMOUNT IS ADDED TO OR SUBTRACTED FROM FEDERAL ADJUSTED GROSS INCOME TO REFLECT THE RECOGNITION OF INCOME FROM DISCHARGE OF INDEBTEDNESS AND THE ALLOWANCE OF ANY DEDUCTION WITH RESPECT TO ORIGINAL ISSUE DISCOUNT WITHOUT REGARD TO § 108(I) OF THE INTERNAL REVENUE CODE; AND

~~(4)~~ (5) an amount is added to or subtracted from federal adjusted gross income to reflect the determination of the depreciation deduction with respect to any heavy duty SUV as if the heavy duty SUV were subject to the limitations of § 280F of the Internal Revenue Code in the same manner as it would be if the vehicle were rated at 6,000 pounds gross vehicle weight or less.

10-310.

In addition to the modifications under §§ 10-305 through 10-309 of this subtitle, to determine Maryland modified income the federal taxable income of a corporation shall be adjusted as provided for an individual under § 10-210.1 of this title.

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article—Correctional Services~~

~~9-402.~~

~~(a) Subject to subsection (b) of this section, the State shall reimburse each county according to the following formula so that each county receives the greater of:~~

~~(1) for sentenced inmates who are sentenced on or after January 1, 1987, the State shall reimburse a county for each day from the 91st day through the 365th day that sentenced inmates are confined in a local correctional facility at a rate of reimbursement of ~~[50%]~~ **34%** of the rate set forth in § 9-403 of this subtitle; or~~

~~(2) for each fiscal year, the Secretary shall determine for each county the difference between the actual number of inmate days for the previous fiscal year and the average number of inmate days and multiply this number of inmate days, if positive, by ~~[85%]~~ **50%** of the rate of reimbursement set forth in § 9-403 of this subtitle.~~

~~(b) (1) Each county shall submit to the Department:~~

~~(i) on or before December 1 of the fiscal year, closeout data for the previous fiscal year;~~

~~(ii) on or before October 1 of the fiscal year, inmate days reports for the previous fiscal year.~~

~~(2) If a county fails to submit the information required under paragraph (1) of this subsection when due, the Department shall deduct an amount equal to 20% of the total reimbursement otherwise due the county under the section for each 30 days or part of 30 days after the due date that the information has not been submitted.~~

Article - State Government

9-20B-05.

(g) [Moneys] **PROCEEDS EXCEPT AS PROVIDED IN SUBSECTION (G-1) OF THIS SECTION, PROCEEDS** received ~~each year~~ by the Fund **FROM THE SALE OF ALLOWANCES UNDER § 2-1002(G) OF THE ENVIRONMENT ARTICLE** shall be allocated ~~each year as follows~~ **TO THE FOLLOWING ACCOUNTS:**

(1) ~~[17%]~~ **UP TO 50%** shall be ~~transferred to the Department of Human Resources~~ **CREDITED TO AN ENERGY ASSISTANCE ACCOUNT** to be used for the Electric Universal Service Program and other electricity assistance programs in the Department of Human Resources;

(2) **23% SHALL BE CREDITED TO A RATE RELIEF ACCOUNT** to provide rate relief by offsetting electricity rates of residential customers, including an

offset of surcharges imposed on ratepayers under § 7-211 of the Public Utility Companies Article, on a per customer basis and in a manner prescribed by the Public Service Commission;

(3) at least ~~46%~~ **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 for energy efficiency and conservation programs, projects, or activities and demand response programs, of which at least one-half shall be targeted to THE LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT FOR:

(i) the low-income residential sector at no cost to the participants of the programs, projects, or activities; and

(ii) the moderate-income residential sector;

(4) ~~up to 10.5%~~ **AT LEAST 6.5%** SHALL BE CREDITED TO A RENEWABLE AND CLEAN ENERGY PROGRAMS ACCOUNT for:

(i) subject to subsection (i) of this section, renewable and clean energy programs and initiatives;

(ii) energy-related public education and outreach; and

(iii) climate change programs; and

(5) up to ~~3.5%~~ **3.0%**, but not more than \$4,000,000, SHALL BE CREDITED TO AN ADMINISTRATIVE EXPENSE ACCOUNT for costs related to the administration of the Fund, including the review of electric company plans for achieving electricity savings and demand reductions that the electric companies are required under law to submit to the Administration.

(G-1) THE PROCEEDS DESCRIBED IN SUBSECTION (G) OF THIS SECTION FROM THE ALLOWANCES SOLD BETWEEN MARCH 1, 2009, AND JUNE 30, 2011, SHALL BE ALLOCATED IN FISCAL YEARS 2010 AND 2011 AS FOLLOWS:

(1) UP TO 50% SHALL BE ~~TRANSFERRED TO THE DEPARTMENT OF HUMAN RESOURCES~~ 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.

(j) (1) The 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 AN ADMINISTRATIVE EXPENSE ACCOUNT WITHIN the Fund.

(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.

(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Health - General

13-1015.

(a) For fiscal year [2007] 2010 and [each] fiscal year [thereafter] 2011, the Governor shall include at least [\$21,000,000] \$7,000,000 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;

and

(4) Promotion and implementation of smoking cessation programs;

(5) Implementation of school-based tobacco education programs.

13-1116.

(a) (1) For fiscal year [2007] **2010** and [each subsequent] fiscal year **2011**, the Governor shall include at least [\$10,400,000] **\$6,700,000** in the annual budget in appropriations for the Statewide Academic Health Center Cancer Research Grants under this section.

13-1117.

(a) (1) For fiscal year [2007] **2010** and [each subsequent] fiscal year **2011**, the Governor shall include at least [\$2,000,000] **\$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) For fiscal year [2007] **2010** and [each subsequent] fiscal year **2011**, the Governor shall include at least [\$3,000,000] **\$1,900,000** in the annual budget in appropriations for the Statewide Academic Health Center Network Grant under this section.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2009, the Governor may transfer to the General Fund:

\$73,000,000 of the funds in the Dedicated Purpose Account of the State Reserve Fund established under § 7-310 of the State Finance and Procurement Article;

~~\$51,500,000~~ \$52,700,000 of the funds in the State Police Helicopter Replacement Fund established under § 2-801 of the Public Safety Article;

~~\$20,000,000~~ ~~\$30,000,000~~ \$29,000,000 of the funds in the accounts of the University System of Maryland;

~~\$18,000,000~~ \$28,000,000 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;

\$17,000,000 of the funds in the Maryland Trauma Physician Services Fund established under § 19-130 of the Health - General Article;

~~\$14,000,000~~ \$12,100,000 of the funds in the Community Health Resources Commission Fund established under § 19–2201 of the Health – General Article;

\$10,000,000 of the funds in the State Insurance Trust Fund established under § 9–103 of the State Finance and Procurement Article;

\$7,000,000 of the funds in the Uninsured Account of the Maryland Automobile Insurance Fund established under § 20–201 of the Insurance Article;

\$5,000,000 of the funds remaining in the Central Collection Fund established under § 3–306 of the State Finance and Procurement Article, after the transfer of funds authorized under § 5 of Chapter 417 of the Acts of 2008;

\$5,000,000 of the funds in the Economic Development Opportunities Program Account of the State Reserve Fund established under § 7–314 of the State Finance and Procurement Article;

~~\$5,000,000~~ ~~\$10,000,000~~ \$6,000,000 of the funds in the Maryland Economic Development Assistance Authority Fund established under § 5–310 of the Economic Development Article;

~~\$3,000,000~~ \$3,200,000 of the funds in the Board of Physicians Fund established under § 14–207 of the Health Occupations Article;

\$2,006,000 of the funds in the Oil Disaster Containment, Clean-Up and Contingency Fund established under § 4–411 of the Environment Article;

\$2,000,000 of the funds in the Maryland Health Care Commission Fund established under § 19–111 of the Health – General Article;

\$1,000,000 of the funds in the Vehicle Theft Prevention Fund established under § 2–703 of the Public Safety Article;

~~\$1,000,000~~ \$3,000,000 of the funds in the State Used Tire Cleanup and Recycling Fund established under § 9–273 of the Environment Article;

\$900,000 of the funds in the School Bus Safety Enforcement Fund established under § 4–202 of the Public Safety Article;

~~\$605,035~~ ~~\$1,656,101~~ \$1,605,035 of the funds in the Insurance Regulation Fund established under § 2–505 of the Insurance Article;

\$435,721 of the funds in the special fund established under § 1–203.3 of the Corporations and Associations Article;

\$5,000,000 from the Universal Service Trust Fund established under § 3A–506 of the State Finance and Procurement Article;

\$10,000,000 from the reserve account established by the State to pay unemployment compensation benefits for State employees;

\$500,000 of the funds in the Board of Nursing Fund established under § 8-206 of the Health Occupations Article; ~~and~~

\$277,785 of the funds in the Small Business Pollution Compliance Loan Fund established under § 2-802 of the Environment Article; ~~and~~

All funds remaining from the Senior Prescription Drug Program, after any transfers have been made pursuant to Chapter 453 of the Acts of 2008, including interest earned on these funds, that have accrued to the account of the Senior Prescription Drug Assistance Program of the Maryland Health Insurance Plan Fund established under § 14-504 of the Insurance Article.

SECTION 5. 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:

~~\$5,398,109~~ \$7,398,109 of the funds in the Catastrophic Event Account of the State Reserve Fund established under § 7-324 of the State Finance and Procurement Article;

~~\$5,000,000~~ ~~\$10,000,000~~ \$6,000,000 of the funds in the Maryland Economic Development Assistance Authority Fund established under § 5-310 of the Economic Development Article; *and*

~~\$5,000,000~~ ~~\$15,000,000~~ \$10,000,000 of the funds in the Central Collection Fund established under § 3-306 of the State Finance and Procurement Article; ~~and~~

~~\$500,000 from the Maryland Legal Services Corporation Fund established under § 11-402 of the Human Services Article.~~

~~\$100,000 of the funds in the State Board of Occupational Therapy Practice Fund established under § 10-206 of the Health Occupations Article; and~~

~~\$100,000 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.~~

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 3A-506 of the State Finance and Procurement Article, in fiscal year 2010 the Governor may transfer by budget amendment up to ~~\$1,000,000~~ \$5,000,000 from the Universal ~~Services~~ Service Trust Fund to the Maryland School for the Deaf. For 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 2011, the prior year

appropriation shall be deemed to include any General Fund appropriation for fiscal year 2010 for the Maryland School for the Deaf and any amount transferred to the Maryland School for the Deaf for fiscal year 2010 under this section.

~~SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 8-310.3 of the Education Article, in fiscal year 2010 funding for the Maryland School for the Deaf shall be reduced by \$507,189 in Other Post-Employment Benefits. Further, \$797,614 in merit increase or increment funding shall be reduced if legislation is enacted removing merit increases and increment funding from the budget for all State agencies.~~

SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, to the extent that general funds of the State have been appropriated previously to make up for the loss of federal funds relating to federal Title IV-E claims disallowed by the federal government in fiscal 2008 and fiscal 2009, any federal Title IV-E funds recovered by the Department of Juvenile Services for claims previously disallowed shall be deposited in the General Fund.

SECTION 8. AND BE IT FURTHER ENACTED, That no amounts may be expended in fiscal year 2010 to pay increases over the rates in effect on January 21, 2009, for providers with rates set by the Interagency Rates Committee under § 8-417 of the Education Article.

SECTION 9. AND BE IT FURTHER ENACTED, That for fiscal year 2010 payments to providers of nonpublic placements under § 8-406 of the Education Article may not increase by more than 1% over the rates in effect on January 21, 2009.

SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 17-302 of the Education Article, ~~no payments shall be made by the State on \$119,731 of the outstanding obligations of the Private Donation Incentive Program in fiscal year 2010. Deferred fiscal year 2010 payments shall be paid in fiscal year 2011~~ shall be deferred until, and paid in, fiscal year 2011.

SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 5-206 of the Education Article, funding for the Aging Schools Program shall be \$0 in fiscal year 2010, ~~and \$6,108,986 in fiscal year 2011. The grants for fiscal year 2011 shall be allocated proportionally in accordance with § 5-206 of the Education Article.~~

~~SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 10-652 of the Economic Development Article, no payment of \$2,400,000 shall be made from the Camden Yards Fund to the Public School Construction Fund in fiscal year 2010.~~

SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding § 8-403 of the Transportation Article or any other provision of law, for each of fiscal years 2010 and 2011 only:

(a) \$101,920,000 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; and

(b) The amount to be distributed to Baltimore City and the counties and municipalities under § 8-403(a) and (b) of the Transportation Article shall be reduced by the following amounts:

| | |
|------------------------|----------------------|
| <u>Allegany</u> | <u>\$ 1,831, 846</u> |
| <u>Anne Arundel</u> | <u>7,996,894</u> |
| <u>Baltimore City</u> | <u>19,871,424</u> |
| <u>Baltimore</u> | <u>10,757,194</u> |
| <u>Calvert</u> | <u>1,777,551</u> |
| <u>Caroline</u> | <u>1,272,303</u> |
| <u>Carroll</u> | <u>3,592,233</u> |
| <u>Cecil</u> | <u>1,990,712</u> |
| <u>Charles</u> | <u>2,578,168</u> |
| <u>Dorchester</u> | <u>1,406,739</u> |
| <u>Frederick</u> | <u>4,738,497</u> |
| <u>Garrett</u> | <u>1,592,885</u> |
| <u>Harford</u> | <u>4,171,792</u> |
| <u>Howard</u> | <u>3,960,732</u> |
| <u>Kent</u> | <u>714,961</u> |
| <u>Montgomery</u> | <u>11,235,610</u> |
| <u>Prince George's</u> | <u>9,788,358</u> |
| <u>Queen Anne's</u> | <u>1,472,251</u> |
| <u>St. Mary's</u> | <u>1,979,073</u> |
| <u>Somerset</u> | <u>849,884</u> |
| <u>Talbot</u> | <u>1,171,692</u> |
| <u>Washington</u> | <u>3,047,889</u> |
| <u>Wicomico</u> | <u>2,375,652</u> |
| <u>Worcester</u> | <u>1,745,660</u> |

(c) For purposes of determining a municipality's net share of highway user revenues under § 8-405 of the Transportation Article:

(1) 31.63% of the reduction specified under subsection (b) of this section shall be deducted from the gross share of highway user revenues allocated to the county within which the municipality is located;

(2) 68.37% of the reduction specified under subsection (b) of this section shall be deducted from the net share of highway user revenues allocated to the county within which the municipality is located; and

(3) the municipality's net share of highway user revenues shall be determined based on the gross share of highway user revenues allocated to the county

within which the municipality is located, calculated after the deduction under item (1) of this subsection but before the deduction under item (2) of this subsection.

SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 32–205 of the State Personnel and Pensions Article, in fiscal year 2010 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 14. AND BE IT FURTHER ENACTED, That, notwithstanding any provision of law, State employees employed by any entity ~~to which funds are appropriated in the State budget~~, including the University System of Maryland, Morgan State University, and St. Mary's College of Maryland, may not receive bonuses related to individual performance, merit increases, or cost-of-living adjustments in fiscal year 2010. This provision does not affect:

(1) salaries for constitutional officers or members of the General Assembly ~~or~~;

(2) increases necessary for the retention of faculty in the University System of Maryland, Morgan State University, or St. Mary's College of Maryland; or

(3) financial incentives awarded in accordance with § 21–118.1 of the State Personnel and Pensions Article.

SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 5–212 or § 5–212.1 of the Natural Resources Article, revenue sharing payments may not be made to counties in fiscal years 2010 or 2011, with the exception of those derived from the sale of timber.

SECTION 16. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Chapter 245 of the Acts of 2008

SECTION 3. AND BE IT FURTHER ENACTED, That notwithstanding § 19–214(d)(1), (2), and (5) of the Health – General Article, as enacted by Section 1 of this Act, § 15–701 of the Health – General Article, or a delay in the expansion of health care coverage beyond July 1, 2008, under Chapter 7 of the Acts of the General Assembly of the 2007 Special Session:

(1) funds generated from the assessment under § 19–214(d)(1)(i) of the Health – General Article, as enacted by Section 1 of this Act, may be used to pay:

(I) for the elimination of Medicaid day limits on hospital services for the period of July 1, 2008, through December 31, 2008; **AND**

(II) FOR MEDICAID PAYMENTS TO HOSPITALS BETWEEN JULY 1, 2009, AND JUNE 2010; and

(2) the Health Services Cost Review Commission shall ensure that the assessment under § 19-214(d)(1)(i) of the Health – General Article, as enacted by Section 1 of this Act, does not exceed the savings realized in averted hospital uncompensated care from:

(i) the health care coverage expansion; and

(ii) the elimination of Medicaid day limits on hospital services for the period of July 1, 2008, through December 31, 2008.

~~SECTION 17. AND BE IT FURTHER ENACTED, That Section(s) 8-406(b) and 10-704.1 of Article Tax General of the Annotated Code of Maryland be repealed.~~

SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding § 9-1605.2(h)(2) of the Environment Article or any other provision of law, for fiscal year 2010 only, the Comptroller shall disburse the funds described under § 9-1605.2(h)(1) of the Environment Article as follows:

(1) 22.4% of the funds shall be deposited in the separate account to be used as provided under § 9-1605.2(h)(2)(i) of the Environment Article; and

(2) 77.6% of the funds shall be transferred to the Maryland Agriculture Water Quality Cost Share Program in the Department of Agriculture in order to fund cover crop activities.

SECTION 18. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Chapter 62 of the Acts of 1992

SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) Any salary or hours lost due to a mandatory furlough **OR TEMPORARY SALARY REDUCTION** plan shall be included in the calculation of earnable compensation and service credits by the Maryland State Retirement and Pension Systems for the purpose of determining retirement benefits **AND MEMBER CONTRIBUTIONS**; and

(b) The Board of Trustees of Maryland State Retirement and Pension Systems may adopt any policies and procedures necessary to carry out the provisions of this section.

SECTION 19. AND BE IT FURTHER ENACTED, That, notwithstanding § 9–305 of the State Personnel and Pensions Article, 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 20. AND BE IT FURTHER ENACTED, That Section(s) 9–401, 9–403, and 9–404 of Article – Correctional Services of the Annotated Code of Maryland be repealed.

SECTION 21. AND BE IT FURTHER ENACTED, That, notwithstanding § 9–402 of the Correctional Services Article as in effect prior to the effective date of Section 2 of this Act or any other provision of law, the State is not required to reimburse the counties any amounts for sentenced inmates for any period through June 30, 2009, except to the extent provided for that purpose in the fiscal 2009 State budget.

SECTION 22. AND BE IT FURTHER ENACTED, That the unexpended General Fund appropriation for Program F10A02.08 Entitled Statewide Expenses that was included in the fiscal year 2009 operating budget (Chapter 335 of the Acts of 2008) is reduced by \$1,598,760 and shall revert to the State General Fund.

SECTION 23. AND BE IT FURTHER ENACTED, That the unexpended appropriation for the Small Business Health Insurance Partnership, within the Maryland Health Care Commission (M00R01.01), that was included in the fiscal year 2009 operating budget (Chapter 335 of the Acts of 2008) is reduced by \$13,500,000 and shall revert to the Health Care Coverage Fund.

SECTION 24. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, § 10–108(a) of the Tax – General Article does not apply to any amendment of the Internal Revenue Code that was enacted under the American Recovery and Reinvestment Act of 2009 (P.L. 111–5).

SECTION 25. AND BE IT FURTHER ENACTED, That, notwithstanding § 7–325 of the State Finance and Procurement Article or any other provision of law, the minimum General Fund appropriation that the Governor is required to include in the annual budget bill for fiscal year 2011 for the Maryland State Arts Council is ~~\$13,454,740~~ \$13,545,740 and the minimum General Fund appropriation that the Governor is required to include in the annual budget bill for fiscal year 2012 for the Maryland State Arts Council shall be as determined under § 7–325 of the State Finance and Procurement Article.

SECTION 26. 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 2010, the Governor may transfer by budget amendment up to \$9,100,000 from the Community Health Resources Commission Fund to the Primary Adult Care Program in the Medical Care Programs Administration.

SECTION 27. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) ~~The State shall make a payment of~~ *In addition to the appropriation required under the State Foundation Program, the Governor shall appropriate \$24,171,216 to Montgomery County Public Schools in fiscal year ~~2010~~ 2009 to compensate for underpayment of State education aid to Montgomery County in fiscal year 2009 due to an error in the application of the education aid formula.*

(b) The State shall recoup overpayments made to other local education agencies for fiscal year 2009 as a result of the error in the application of the education aid formula through ~~an intercept~~ *a reduction of the appropriation in the State Foundation Program (Budget Code RA02.01) in fiscal year 2010 in the following amounts:*

| | |
|------------------------|-------------------|
| <u>Allegany</u> | <u>\$ 878,978</u> |
| <u>Anne Arundel</u> | <u>5,154,362</u> |
| <u>Baltimore</u> | <u>5,991,962</u> |
| <u>Calvert</u> | <u>895,611</u> |
| <u>Caroline</u> | <u>356,786</u> |
| <u>Carroll</u> | <u>1,429,622</u> |
| <u>Cecil</u> | <u>975,906</u> |
| <u>Charles</u> | <u>2,545,208</u> |
| <u>Dorchester</u> | <u>337,509</u> |
| <u>Frederick</u> | <u>2,147,774</u> |
| <u>Harford</u> | <u>1,963,041</u> |
| <u>Howard</u> | <u>3,167,202</u> |
| <u>Prince George's</u> | <u>67,701</u> |
| <u>Queen Anne's</u> | <u>497,460</u> |
| <u>St. Mary's</u> | <u>1,417,905</u> |
| <u>Washington</u> | <u>1,770,294</u> |
| <u>Wicomico</u> | <u>1,241,172</u> |

(c) (1) The State shall recoup overpayments made to other local education agencies for fiscal year 2010 as a result of the error in the application of the education aid formula through ~~an intercept~~ *a reduction of the appropriation in the State Foundation Program – Supplemental Grants (Budget Code RA02.01) in fiscal year 2011 in the following amounts:*

| | |
|-----------------|-------------------|
| <u>Allegany</u> | <u>\$ 433,637</u> |
| <u>Caroline</u> | <u>360,353</u> |

| | |
|------------------------|------------------|
| <u>Carroll</u> | <u>619,714</u> |
| <u>Cecil</u> | <u>471,190</u> |
| <u>Dorchester</u> | <u>340,884</u> |
| <u>Harford</u> | <u>977,701</u> |
| <u>Prince George's</u> | <u>68,379</u> |
| <u>St. Mary's</u> | <u>1,432,084</u> |

(2) For fiscal year 2011, the supplemental grant to a county board required under § 5-202(e) of the Education Article shall equal the supplemental grant received by the county board in fiscal year 2010, as reduced by the amount specified under paragraph (1) of this subsection.

(d) The State shall recoup overpayments made to public libraries for fiscal year 2009 as a result of the error in the application of the library aid formula through ~~an intercept~~ a reduction of the appropriation in the Public Library Aid Program (Budget Code RA02.31) in fiscal year 2010 in the following amounts:

| | |
|------------------------|-----------------|
| <u>Allegany</u> | <u>\$ 4,719</u> |
| <u>Anne Arundel</u> | <u>96,963</u> |
| <u>Baltimore City</u> | <u>42,521</u> |
| <u>Baltimore</u> | <u>105,690</u> |
| <u>Calvert</u> | <u>15,039</u> |
| <u>Caroline</u> | <u>3,339</u> |
| <u>Carroll</u> | <u>25,382</u> |
| <u>Cecil</u> | <u>12,481</u> |
| <u>Charles</u> | <u>20,995</u> |
| <u>Dorchester</u> | <u>3,668</u> |
| <u>Frederick</u> | <u>37,477</u> |
| <u>Garrett</u> | <u>4,790</u> |
| <u>Harford</u> | <u>33,065</u> |
| <u>Kent</u> | <u>3,324</u> |
| <u>Prince George's</u> | <u>99,174</u> |
| <u>Queen Anne's</u> | <u>3,552</u> |
| <u>St. Mary's</u> | <u>13,683</u> |
| <u>Somerset</u> | <u>1,841</u> |
| <u>Washington</u> | <u>16,551</u> |
| <u>Wicomico</u> | <u>8,989</u> |

SECTION 28. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 15-701 of the Health – General Article or any other provision of law, in fiscal year 2010, up to \$53,500,000 of the funds in the Health Care Coverage Fund may be used to cover provider reimbursements in the Medical Care Programs Administration (M00Q01.03).

SECTION 29. AND BE IT FURTHER ENACTED, That, notwithstanding §§ 8-403 through 8-405 of the Transportation Article or any other provision of law, for fiscal year 2010 only:

~~(a) (1) The amounts due from the State to the counties and Baltimore City for fiscal year 2010 shall be reduced in a total amount equal to \$60,000,000, to be allocated among the counties and Baltimore City as specified below:~~

(a) \$60,000,000 of the amounts otherwise required to be distributed to Baltimore City and the counties under § 8-403 of the Transportation Article shall be distributed instead to the General Fund; and

(b) The amount to be distributed to Baltimore City under § 8-403(a) of the Transportation Article and each county's net share of highway user revenues shall be reduced by the following amounts:

| | |
|------------------------|-------------------|
| <u>Allegany</u> | <u>\$ 319,000</u> |
| <u>Anne Arundel</u> | <u>9,059,000</u> |
| <u>Baltimore City</u> | <u>2,963,000</u> |
| <u>Baltimore</u> | <u>8,901,000</u> |
| <u>Calvert</u> | <u>1,193,000</u> |
| <u>Caroline</u> | <u>304,000</u> |
| <u>Carroll</u> | <u>1,639,000</u> |
| <u>Cecil</u> | <u>1,004,000</u> |
| <u>Charles</u> | <u>1,551,000</u> |
| <u>Dorchester</u> | <u>320,000</u> |
| <u>Frederick</u> | <u>2,573,000</u> |
| <u>Garrett</u> | <u>350,000</u> |
| <u>Harford</u> | <u>2,150,000</u> |
| <u>Howard</u> | <u>3,202,000</u> |
| <u>Kent</u> | <u>239,000</u> |
| <u>Montgomery</u> | <u>12,088,000</u> |
| <u>Prince George's</u> | <u>5,600,000</u> |
| <u>Queen Anne's</u> | <u>682,000</u> |
| <u>St. Mary's</u> | <u>947,000</u> |
| <u>Somerset</u> | <u>108,000</u> |
| <u>Talbot</u> | <u>968,000</u> |
| <u>Washington</u> | <u>1,349,000</u> |
| <u>Wicomico</u> | <u>569,000</u> |
| <u>Worcester</u> | <u>1,921,000</u> |

(c) Each municipality's net share of highway user revenues under § 8-405 of the Transportation Article shall be determined based on the gross share of highway user revenues allocated under § 8-404 of the Transportation Article to the county within which the municipality is located, calculated before making the reductions specified under this section.

~~(2) Notwithstanding the provisions of § 2-608 of the Tax General Article, in lieu of reductions in specific appropriations for aid to the counties and Baltimore City, for ease in accounting and to provide the counties and Baltimore City~~

~~flexibility in managing their affairs, the Comptroller shall withhold from each county or Baltimore City an amount of the income tax from individuals attributable to the county or Baltimore City income tax equal to the amount specified in paragraph (1) of this subsection.~~

~~(b) The amounts withheld by the Comptroller under subsection (a)(2) of this section shall be credited to the General Fund of the State.~~

SECTION 30. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

8-403.

(a) (1) Subject to the limitation under paragraph (2) of this subsection and subject to §§ 3-307 and 3-308 of this article, during each fiscal year, of the total highway user revenues, an amount shall be distributed to Baltimore City equal to the sum of:

(i) The greater of \$157,500,000 or 11.5% of the total highway user revenues for the fiscal year; and

(ii) 11.5% of the amount by which:

1. [30%] 28.5% of the total highway user revenues for the fiscal year minus the greater of \$157,500,000 or 11.5% of total highway user revenues for the fiscal year; exceeds

2. [30%] 28.5% of the total highway user revenues for the fiscal year that began July 1, 1997 minus the greater of \$157,500,000 or 11.5% of the total highway user revenues for the fiscal year that began July 1, 1997.

[(2) If the amount distributed to Baltimore City under paragraph (1) of this subsection for any fiscal year is less than 12.25% of the total highway user revenues for the fiscal year, the amount distributed to Baltimore City for any subsequent fiscal year that begins before July 1, 2007 may not exceed 12.25% of the total highway user revenues for the fiscal year for which the distribution is made.]

[(3)] (2) The amount distributed under this subsection shall be distributed in monthly installments.

(b) Subject to §§ 3-307 and 3-308 of this article, during each fiscal year, [30%] 28.5% of the total highway user revenues, less the amount distributed to Baltimore City under subsection (a) of this section, shall be distributed to the counties and municipalities of this State at the times specified in § 8-407 of this subtitle.

SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) On or before June 30, 2009, the Governor may transfer to the General Fund \$70,000,000 of the unencumbered 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.

(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 ~~30~~ 32. AND BE IT FURTHER ENACTED, That, notwithstanding any other provisions of law:

(a) Subject to subsection (b) of this section, on or before June 30, 2009, in addition to amounts transferred under Section 31 of this Act, the Governor may transfer to the General Fund \$71,300,000 of the funds for State land acquisition 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 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 the taking effect of legislation authorizing the creation of State general obligation debt in the amount of \$71,300,000 for Program Open Space State land acquisition in fiscal year 2009, and if legislation authorizing the creation of State general obligation debt in the amount of \$71,300,000 for Program Open Space State land acquisition in fiscal year 2009 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 ~~31~~ 33. AND BE IT FURTHER ENACTED, That, notwithstanding any other provisions of law:

(a) Subject to subsection (b) of this section, on or before June 30, 2010, the Governor may transfer to the General Fund ~~\$46,955,634~~ \$30,971,139 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 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 the taking effect of legislation authorizing the creation of State general obligation debt totaling ~~\$46,955,634~~ \$30,971,139 for the following purposes:

Program Open Space – State Acquisition

\$ 9,835,419

| | |
|---|-----------------------------|
| <u>Rural Legacy</u> | <u>11,812,252</u> |
| <u>Program Open Space – Local Share</u> | <u>6,149,076</u> |
| <u>Program Open Space – Capital Improvements</u> | <u>6,159,107</u> |
| <u>Maryland Agricultural Land Preservation Foundation</u> | <u>12,999,780</u> |

If legislation authorizing the creation of State general obligation debt totaling ~~\$46,955,634~~ \$30,971,139 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 34. AND BE IT FURTHER ENACTED, That notwithstanding any provision of law that requires the Governor to include a certain level of funding in the annual budget bill for a specific program or item, and notwithstanding any other provision of law, for fiscal years 2011 and 2012 only:

(a) Except as provided in subsection (b) of this section and except as otherwise provided under 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 2010 appropriation for that item or program as approved in the State budget for fiscal year 2010 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 35. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2011 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).

SECTION 36. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that if the General Assembly determines it to be affordable and fiscally prudent to do so, legislation shall be enacted to:

(1) make permanent the distribution of corporate income tax revenues required under § 2-613.1 of the Tax – General Article to the Higher Education Investment Fund established in §15-106.6 of the Education Article; and

(2) adopt the recommendations of the Commission to Develop the Maryland Model for Funding Higher Education published in the December 2008 Final Report, which include establishing a funding model for higher education comprised of high State support of higher education institutions, moderate tuition levels for Maryland residents, high State need-based financial aid, and accountability that assesses the State's and institutions' progress in reaching the funding model's goals at least annually.

(b) Until legislation is enacted to adopt the recommendations of the Commission to Develop the Maryland Model for Funding Higher Education, the Maryland Higher Education Commission shall incorporate the recommendations of the Commission in the updated State Plan for Higher Education required under § 11-105(b) of the Education Article and implement those recommendations that do not require legislation, in collaboration with institutions of higher education, the P-20 Council, and other stakeholders, to the greatest extent possible as provided in the State budget.

SECTION 37. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 12 of Chapter 3 of the Acts of the General Assembly of the 2007 Special Session, for fiscal year 2010 and subsequent fiscal years, the distribution of the income tax revenue from corporations under §§ 2-613.1 through 2-615 of the Tax – General Article shall be made based on receipts from income tax revenue from corporations and without regard to the taxable years for which revenues are received.

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.

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.

SECTION 40. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2010 only, on or before May 1, 2009, a county may request from the State Board of Education a temporary or partial waiver from the provisions of § 5-202(d) of the Education Article. For a waiver requested by a county after April 1, 2009, the State Board of Education shall inform a county on or before June 1, 2009, whether the waiver for fiscal year 2010 is approved or denied in whole or in part. This section shall be construed to apply retroactively and shall apply to temporary or partial waivers requested on or before May 1, 2009. If a county requested a waiver from the provisions of § 5-202(d) of the Education Article on or before April 1, 2009, the county may make a request under this section to modify the earlier request or may withdraw the earlier request and make a new request under this section.

SECTION 41. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) Subject to subsection (b) of this section, \$36,000,000 of State Foundation Program funds (Budget Code R00A02.01) to be disbursed to the Prince George's County Board of Education in fiscal year 2010 shall be reduced, contingent upon the Board proceeding with the purchase or lease of a new administration building under or in connection with a lease entered into in June of 2008.

(b) Subsection (a) of this section is contingent on the failure of House Bill 960 prohibiting the expenditure of any funds by the Prince George's County Board of Education for the purpose of leasing, acquiring, or purchasing property under or in connection with a lease entered into in June of 2008 for consolidation of administrative offices of the Board, and if House Bill 960 becomes effective prohibiting the expenditure of any funds by the Prince George's County Board of Education for the purpose of leasing, acquiring, or purchasing property under or in connection with a lease entered into in June of 2008 for consolidation of administrative offices of the Board, subsection (a) of this section shall be null and void without the necessity of further action by the General Assembly.

SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Department of Juvenile Services, the Department of Human Resources, and the United States Department of Health and Human Services may share information and records as necessary to properly administer the federal Title IV-B and Title IV-E programs.

SECTION ~~20~~, ~~32~~, 43. 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 ~~21~~, ~~33~~, 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 ~~22~~, ~~34~~, 45. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2009, and shall be applicable to all fiscal years beginning on or after July 1, 2009.

SECTION 46. AND BE IT FURTHER ENACTED, That Section 30 of this Act shall take effect July 1, 2011, and shall be applicable to all fiscal years beginning on or after July 1, 2011.

SECTION ~~35~~, 47. AND BE IT FURTHER ENACTED, That the provisions of § 10-210(b) of the Tax – General Article, as amended by Section 2 of this Act, shall be applicable to any taxable year to which § 108(i), § 168(k), § 172(b)(1)(H), or § 179 of the

Internal Revenue Code, as amended by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), apply.

SECTION ~~36~~ 48. AND BE IT FURTHER ENACTED, That, notwithstanding the changes to § 10-210.1(b)(2) of the Tax – General Article as enacted by Section 2 of this Act, the provisions of former § 10-210.1(b)(2) of the Tax – General Article as in effect prior to the effective date of Section 2 of this Act shall continue to apply to net operating loss carryovers in the case of net operating losses for taxable years ending during 2001 or 2002, to which the provisions of former § 172(b)(1)(H) as in effect prior to the amendment of that section by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) applied.

SECTION ~~23~~ ~~37~~ 49. AND BE IT FURTHER ENACTED, That ~~Section 17~~ § 8-406(b)(2)(iv) of the Tax – General Article, as enacted by Section 1 of this Act, shall be applicable to all taxable years beginning after December 31, 2008.

SECTION ~~24~~ ~~38~~ 50. AND BE IT FURTHER ENACTED, That Section 18 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect the calculation of earnable compensation and service credits for the purpose of determining retirement benefits and member contributions on or after January 1, 2009.

SECTION ~~25~~ ~~39~~ 51. AND BE IT FURTHER ENACTED, That, except as provided in Sections ~~21 and 22~~ ~~33 and 34~~ 44 through 46 of this Act, this Act shall take effect June 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 488

(Senate Bill 267)

AN ACT concerning

Family Law – Protective Orders – Surrender of Firearms

FOR the purpose of ~~making it mandatory, rather than discretionary, for~~ requiring a final protective order to order the respondent to surrender certain firearms to law enforcement authorities and to refrain from possessing any firearm for a certain duration; requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances; making certain technical changes; and generally relating to ~~the issuance and contents of~~ protective orders and surrender of firearms.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506, 4–507(a), and 4–509(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
Section 4–506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Article – Family Law

4–506.

(a) A respondent under § 4–505 of this subtitle shall have an opportunity to be heard on the question of whether the judge should issue a final protective order.

(b) (1) (i) The temporary protective order shall state the date and time of the final protective order hearing.

(ii) Unless continued for good cause, the final protective order hearing shall be held no later than 7 days after the temporary protective order is served on the respondent.

(2) The temporary protective order shall include notice to the respondent:

(i) in at least 10–point bold type, that if the respondent fails to appear at the final protective order hearing, the respondent may be served by first–class mail at the respondent’s last known address with the final protective order and all other notices concerning the final protective order;

(ii) specifying all the possible forms of relief under subsection (d) of this section that the final protective order may contain;

(iii) that the final protective order shall be effective for the period stated in the order, not to exceed 12 months, unless the judge extends the term of the order, under § 4–507(a)(2) of this subtitle or the court issues a permanent order under subsection (i) of this section; and

(iv) in at least 10–point bold type, that the respondent must notify the court in writing of any change of address.

(c) (1) If the respondent appears before the court at a protective order hearing or has been served with an interim or temporary protective order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) may proceed with the final protective order hearing; and

(ii) if the judge finds by clear and convincing evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

(2) A final protective order may be issued only to a person who has filed a petition under § 4–504 of this subtitle.

(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, in cases where both parties file a petition under § 4–504 of this subtitle, the judge may issue mutual protective orders if the judge finds by clear and convincing evidence that mutual abuse has occurred.

(ii) The judge may issue mutual final protective orders only if the judge makes a detailed finding of fact that:

1. both parties acted primarily as aggressors; and

2. neither party acted primarily in self–defense.

(d) The final protective order may include any or all of the following relief:

(1) order the respondent to refrain from abusing or threatening to abuse any person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(3) order the respondent to refrain from entering the residence of any person eligible for relief;

(4) where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief

unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(5) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(6) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;

(7) award temporary custody of a minor child of the respondent and a person eligible for relief;

(8) establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief;

(9) award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

(10) award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the employment of the person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief;

(11) direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program;
OR

(12) [order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession for the duration of the protective order; or

(13)] order the respondent to pay filing fees and costs of a proceeding under this subtitle.

(E) THE FINAL PROTECTIVE ORDER SHALL ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARM IN THE

RESPONDENT'S POSSESSION, AND TO REFRAIN FROM POSSESSION OF ANY FIREARM, FOR THE DURATION OF THE PROTECTIVE ORDER.

[(e)] (F) If the judge awards temporary custody of a minor child under subsection (d)(7) of this section, the judge may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent at the time of service or as soon as possible after entry of the final protective order.

[(f)] (G) In determining whether to order the respondent to vacate the home under § 4-505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the judge shall consider the following factors:

- (1) the housing needs of any minor child living in the home;
- (2) the duration of the relationship between the respondent and any person eligible for relief;
- (3) title to the home;
- (4) pendency and type of criminal charges against the respondent;
- (5) the history and severity of abuse in the relationship between the respondent and any person eligible for relief;
- (6) the existence of alternative housing for the respondent and any person eligible for relief; and
- (7) the financial resources of the respondent and the person eligible for relief.

[(g)] (H) (1) A copy of the final protective order shall be served on the petitioner, the respondent, any affected person eligible for relief, the appropriate law enforcement agency, and any other person the judge determines is appropriate, in open court or, if the person is not present at the final protective order hearing, by first-class mail to the person's last known address.

(2) A copy of the final protective order served on the respondent in accordance with paragraph (1) of this subsection constitutes actual notice to the respondent of the contents of the final protective order. Service is complete upon mailing.

[(h)] (I) (1) Except as provided in paragraph (2) of this subsection, all relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 12 months.

(2) A subsequent circuit court order pertaining to any of the provisions included in the final protective order shall supersede those provisions in the final protective order.

[(i)] (J) (1) Notwithstanding any other provision of this section, the court shall issue a new final protective order against an individual if:

(i) the individual was previously a respondent under this subtitle against whom a final protective order was issued;

(ii) the individual was convicted and served a term of imprisonment of at least 5 years under § 2-205, § 2-206, § 3-202, § 3-303, § 3-304, § 3-305, § 3-306, § 3-309, § 3-310, § 3-311, or § 3-312 of the Criminal Law Article for the act of abuse that led to the issuance of the final protective order; and

(iii) the victim of the abuse who was the person eligible for relief in the original final protective order requests the issuance of a new final protective order.

(2) In a final protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under subsection (d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a final protective order issued under this subsection shall be permanent.

4-506.1.

(A) IF A RESPONDENT SURRENDERS A FIREARM UNDER § 4-506 OF THIS SUBTITLE, A LAW ENFORCEMENT OFFICER SHALL:

(1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS FOR RETAKING POSSESSION OF THE FIREARM; AND

(2) TRANSPORT AND STORE THE FIREARM IN A PROTECTIVE CASE, IF ONE IS AVAILABLE, AND IN A MANNER INTENDED TO PREVENT DAMAGE TO THE FIREARM DURING THE TIME THE PROTECTIVE ORDER IS IN EFFECT.

(B) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF THE FINAL PROTECTIVE ORDER UNLESS:

(1) THE PROTECTIVE ORDER IS EXTENDED UNDER § 4-507(A)(2) OF THIS SUBTITLE; OR

(2) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.

4-507.

(a) (1) A protective order may be modified or rescinded during the term of the protective order after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

(2) For good cause shown, a judge may extend the term of the protective order for 6 months beyond the period specified in § [4-506(h)] **4-506(I)** of this subtitle, after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

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), or (v) of this subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), **OR** (5), or [(12)] **(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 this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 489

(House Bill 296)

AN ACT concerning

Family Law – Protective Orders – Surrender of Firearms

FOR the purpose of ~~making it mandatory, rather than discretionary, for~~ requiring a final protective order to order the respondent to surrender certain firearms to law enforcement authorities and to refrain from possessing any firearm for a certain duration; requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances; making certain technical changes; and generally relating to ~~the issuance and contents of~~ protective orders and surrender of firearms.

BY repealing and reenacting, with amendments,
 Article – Family Law
 Section 4–506, 4–507(a), and 4–509(a)
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 (2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
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SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

4–506.

(a) A respondent under § 4–505 of this subtitle shall have an opportunity to be heard on the question of whether the judge should issue a final protective order.

(b) (1) (i) The temporary protective order shall state the date and time of the final protective order hearing.

(ii) Unless continued for good cause, the final protective order hearing shall be held no later than 7 days after the temporary protective order is served on the respondent.

(2) The temporary protective order shall include notice to the respondent:

(i) in at least 10–point bold type, that if the respondent fails to appear at the final protective order hearing, the respondent may be served by

first-class mail at the respondent's last known address with the final protective order and all other notices concerning the final protective order;

(ii) specifying all the possible forms of relief under subsection (d) of this section that the final protective order may contain;

(iii) that the final protective order shall be effective for the period stated in the order, not to exceed 12 months, unless the judge extends the term of the order, under § 4-507(a)(2) of this subtitle or the court issues a permanent order under subsection (i) of this section; and

(iv) in at least 10-point bold type, that the respondent must notify the court in writing of any change of address.

(c) (1) If the respondent appears before the court at a protective order hearing or has been served with an interim or temporary protective order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) may proceed with the final protective order hearing; and

(ii) if the judge finds by clear and convincing evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

(2) A final protective order may be issued only to a person who has filed a petition under § 4-504 of this subtitle.

(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, in cases where both parties file a petition under § 4-504 of this subtitle, the judge may issue mutual protective orders if the judge finds by clear and convincing evidence that mutual abuse has occurred.

(ii) The judge may issue mutual final protective orders only if the judge makes a detailed finding of fact that:

1. both parties acted primarily as aggressors; and
2. neither party acted primarily in self-defense.

(d) The final protective order may include any or all of the following relief:

(1) order the respondent to refrain from abusing or threatening to abuse any person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(3) order the respondent to refrain from entering the residence of any person eligible for relief;

(4) where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(5) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(6) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;

(7) award temporary custody of a minor child of the respondent and a person eligible for relief;

(8) establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief;

(9) award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

(10) award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the employment of the person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief;

(11) direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program;
OR

(12) [order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession for the duration of the protective order; or

(13)] order the respondent to pay filing fees and costs of a proceeding under this subtitle.

(E) THE FINAL PROTECTIVE ORDER SHALL ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARM IN THE RESPONDENT'S POSSESSION, AND TO REFRAIN FROM POSSESSION OF ANY FIREARM, FOR THE DURATION OF THE PROTECTIVE ORDER.

[(e)] **(F)** If the judge awards temporary custody of a minor child under subsection (d)(7) of this section, the judge may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent at the time of service or as soon as possible after entry of the final protective order.

[(f)] **(G)** In determining whether to order the respondent to vacate the home under § 4-505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the judge shall consider the following factors:

- (1) the housing needs of any minor child living in the home;
- (2) the duration of the relationship between the respondent and any person eligible for relief;
- (3) title to the home;
- (4) pendency and type of criminal charges against the respondent;
- (5) the history and severity of abuse in the relationship between the respondent and any person eligible for relief;
- (6) the existence of alternative housing for the respondent and any person eligible for relief; and
- (7) the financial resources of the respondent and the person eligible for relief.

[(g)] **(H)** (1) A copy of the final protective order shall be served on the petitioner, the respondent, any affected person eligible for relief, the appropriate law enforcement agency, and any other person the judge determines is appropriate, in

open court or, if the person is not present at the final protective order hearing, by first-class mail to the person's last known address.

(2) A copy of the final protective order served on the respondent in accordance with paragraph (1) of this subsection constitutes actual notice to the respondent of the contents of the final protective order. Service is complete upon mailing.

[(h)] (I) (1) Except as provided in paragraph (2) of this subsection, all relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 12 months.

(2) A subsequent circuit court order pertaining to any of the provisions included in the final protective order shall supersede those provisions in the final protective order.

[(i)] (J) (1) Notwithstanding any other provision of this section, the court shall issue a new final protective order against an individual if:

(i) the individual was previously a respondent under this subtitle against whom a final protective order was issued;

(ii) the individual was convicted and served a term of imprisonment of at least 5 years under § 2-205, § 2-206, § 3-202, § 3-303, § 3-304, § 3-305, § 3-306, § 3-309, § 3-310, § 3-311, or § 3-312 of the Criminal Law Article for the act of abuse that led to the issuance of the final protective order; and

(iii) the victim of the abuse who was the person eligible for relief in the original final protective order requests the issuance of a new final protective order.

(2) In a final protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under subsection (d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a final protective order issued under this subsection shall be permanent.

4-506.1.

(A) IF A RESPONDENT SURRENDERS A FIREARM UNDER § 4-506 OF THIS SUBTITLE, A LAW ENFORCEMENT OFFICER SHALL:

(1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS FOR RETAKING POSSESSION OF THE FIREARM; AND

(2) TRANSPORT AND STORE THE FIREARM IN A PROTECTIVE CASE, IF ONE IS AVAILABLE, AND IN A MANNER INTENDED TO PREVENT DAMAGE TO THE FIREARM DURING THE TIME THE PROTECTIVE ORDER IS IN EFFECT.

(B) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF THE FINAL PROTECTIVE ORDER UNLESS:

(1) THE PROTECTIVE ORDER IS EXTENDED UNDER § 4-507(A)(2) OF THIS SUBTITLE; OR

(2) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.

4-507.

(a) (1) A protective order may be modified or rescinded during the term of the protective order after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

(2) For good cause shown, a judge may extend the term of the protective order for 6 months beyond the period specified in § [4-506(h)] **4-506(I)** of this subtitle, after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

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), or (v) of this subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), **OR** (5), or [(12)] **(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 this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 490

(Senate Bill 268)

AN ACT concerning

Family Law – Temporary Protective Orders – Surrender of Firearms

FOR the purpose of authorizing a judge in entering a temporary protective order to order a certain person to surrender to law enforcement authorities any firearm in the person's possession and to refrain from possessing any firearm for a certain period of time under certain circumstances; requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to ~~provide for the safe storage of the firearm~~ transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances; making it a misdemeanor subject to certain penalties to fail to comply with a certain order to surrender firearms; and generally relating to protective orders and surrender of firearms.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 4–505 and 4–509

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

BY adding to

Article – Family Law

Section 4–506.1

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

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

Article – Family Law

4–505.

(a) (1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.

(2) The temporary protective order may order any or all of the following relief:

(i) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;

(ii) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(iii) order the respondent to refrain from entering the residence of a person eligible for relief;

(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(v) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(vi) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider; [and]

(vii) award temporary custody of a minor child of the person eligible for relief and the respondent; **AND**

(VIII) ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARM IN THE RESPONDENT'S POSSESSION, AND TO REFRAIN FROM POSSESSION OF ANY FIREARM, FOR THE DURATION OF THE TEMPORARY PROTECTIVE ORDER IF THE ABUSE CONSISTED OF:

1. THE USE OF A FIREARM BY THE RESPONDENT AGAINST A PERSON ELIGIBLE FOR RELIEF;

2. A THREAT BY THE RESPONDENT TO USE A FIREARM AGAINST A PERSON ELIGIBLE FOR RELIEF;

3. SERIOUS BODILY HARM TO A PERSON ELIGIBLE FOR RELIEF CAUSED BY THE RESPONDENT; OR

4. A THREAT BY THE RESPONDENT TO CAUSE SERIOUS BODILY HARM TO A PERSON ELIGIBLE FOR RELIEF.

(b) (1) Except as provided in paragraph (2) of this subsection, a law enforcement officer immediately shall serve the temporary protective order on the alleged abuser under this section.

(2) A respondent who has been served with an interim protective order under § 4-504.1 of this subtitle shall be served with the temporary protective order in open court or, if the respondent is not present at the temporary protective order hearing, by first-class mail at the respondent's last known address.

(3) There shall be no cost to the petitioner for service of the temporary protective order.

(c) (1) The temporary protective order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary protective order as needed, but not to exceed 30 days, to effectuate service of the order where necessary to provide protection or for other good cause.

(d) The judge may proceed with a final protective order hearing instead of a temporary protective order hearing, if:

(1) (i) the respondent appears at the hearing;

(ii) the respondent has been served with an interim protective order; or

(iii) the court otherwise has personal jurisdiction over the respondent; and

(2) the petitioner and the respondent expressly consent to waive the temporary protective order hearing.

(e) (1) Whenever a judge finds reasonable grounds to believe that abuse of a child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward to the local department a copy of the petition and temporary protective order.

(2) Whenever a local department receives a petition and temporary protective order from a court, the local department shall:

(i) investigate the alleged abuse as provided in:

1. Title 5, Subtitle 7 of this article; or
2. Title 14, Subtitle 3 of this article; and

(ii) by the date of the final protective order hearing, send to the court a copy of the report of the investigation.

4-506.1.

(A) IF A RESPONDENT SURRENDERS A FIREARM UNDER § 4-505 OR § 4-506 OF THIS SUBTITLE, A LAW ENFORCEMENT OFFICER SHALL:

(1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS FOR RETAKING POSSESSION OF THE FIREARM; AND

(2) ~~PROVIDE FOR THE SAFE STORAGE OF THE FIREARM TRANSPORT AND STORE THE FIREARM IN A PROTECTIVE CASE, IF ONE IS AVAILABLE, AND IN A MANNER INTENDED TO PREVENT DAMAGE TO THE FIREARM DURING THE TIME THE PROTECTIVE ORDER IS IN EFFECT.~~

(B) (1) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF A TEMPORARY PROTECTIVE ORDER UNLESS:

(I) THE RESPONDENT IS ORDERED TO SURRENDER THE FIREARM IN A PROTECTIVE ORDER ISSUED UNDER § 4-506 OF THIS SUBTITLE; OR

(II) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.

(2) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF A FINAL PROTECTIVE ORDER UNLESS:

(I) THE PROTECTIVE ORDER IS EXTENDED UNDER § 4-507(A)(2) OF THIS SUBTITLE; OR

(II) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.

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), ~~or (v)~~, **OR (VIII)** of this subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), (5), or (12) 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.

(b) An officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 491

(House Bill 302)

AN ACT concerning

Family Law - Temporary Protective Orders - Surrender of Firearms

FOR the purpose of authorizing a judge in entering a temporary protective order to order a certain person to surrender to law enforcement authorities any firearm in the person's possession and to refrain from possessing any firearm for a certain period of time under certain circumstances; requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to ~~provide for the safe storage of the firearm~~ transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances; making it a misdemeanor subject to certain penalties to fail to comply with a certain order

to surrender firearms; and generally relating to protective orders and surrender of firearms.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–505 and 4–509
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
Section 4–506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Article – Family Law

4–505.

(a) (1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.

(2) The temporary protective order may order any or all of the following relief:

(i) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;

(ii) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(iii) order the respondent to refrain from entering the residence of a person eligible for relief;

(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the

home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(v) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(vi) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider; [and]

(vii) award temporary custody of a minor child of the person eligible for relief and the respondent; AND

(VIII) ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARM IN THE RESPONDENT'S POSSESSION, AND TO REFRAIN FROM POSSESSION OF ANY FIREARM, FOR THE DURATION OF THE TEMPORARY PROTECTIVE ORDER IF THE ABUSE CONSISTED OF:

1. THE USE OF A FIREARM BY THE RESPONDENT AGAINST A PERSON ELIGIBLE FOR RELIEF;

2. A THREAT BY THE RESPONDENT TO USE A FIREARM AGAINST A PERSON ELIGIBLE FOR RELIEF;

3. SERIOUS BODILY HARM TO A PERSON ELIGIBLE FOR RELIEF CAUSED BY THE RESPONDENT; OR

4. A THREAT BY THE RESPONDENT TO CAUSE SERIOUS BODILY HARM TO A PERSON ELIGIBLE FOR RELIEF.

(b) (1) Except as provided in paragraph (2) of this subsection, a law enforcement officer immediately shall serve the temporary protective order on the alleged abuser under this section.

(2) A respondent who has been served with an interim protective order under § 4-504.1 of this subtitle shall be served with the temporary protective order in open court or, if the respondent is not present at the temporary protective order hearing, by first-class mail at the respondent's last known address.

(3) There shall be no cost to the petitioner for service of the temporary protective order.

(c) (1) The temporary protective order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary protective order as needed, but not to exceed 30 days, to effectuate service of the order where necessary to provide protection or for other good cause.

(d) The judge may proceed with a final protective order hearing instead of a temporary protective order hearing, if:

(1) (i) the respondent appears at the hearing;

(ii) the respondent has been served with an interim protective order; or

(iii) the court otherwise has personal jurisdiction over the respondent; and

(2) the petitioner and the respondent expressly consent to waive the temporary protective order hearing.

(e) (1) Whenever a judge finds reasonable grounds to believe that abuse of a child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward to the local department a copy of the petition and temporary protective order.

(2) Whenever a local department receives a petition and temporary protective order from a court, the local department shall:

(i) investigate the alleged abuse as provided in:

1. Title 5, Subtitle 7 of this article; or
2. Title 14, Subtitle 3 of this article; and

(ii) by the date of the final protective order hearing, send to the court a copy of the report of the investigation.

4-506.1.

(A) IF A RESPONDENT SURRENDERS A FIREARM UNDER § 4-505 OR § 4-506 OF THIS SUBTITLE, A LAW ENFORCEMENT OFFICER SHALL:

(1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS FOR RETAKING POSSESSION OF THE FIREARM; AND

(2) ~~PROVIDE FOR THE SAFE STORAGE OF THE FIREARM~~ TRANSPORT AND STORE THE FIREARM IN A PROTECTIVE CASE, IF ONE IS

AVAILABLE, AND IN A MANNER INTENDED TO PREVENT DAMAGE TO THE FIREARM DURING THE TIME THE PROTECTIVE ORDER IS IN EFFECT.

(B) (1) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF A TEMPORARY PROTECTIVE ORDER UNLESS:

(I) THE RESPONDENT IS ORDERED TO SURRENDER THE FIREARM IN A PROTECTIVE ORDER ISSUED UNDER § 4-506 OF THIS SUBTITLE; OR

(II) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.

(2) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF A FINAL PROTECTIVE ORDER UNLESS:

(I) THE PROTECTIVE ORDER IS EXTENDED UNDER § 4-507(A)(2) OF THIS SUBTITLE; OR

(II) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.

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), (5), or (12) 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.

(b) An officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 492**(Senate Bill 266)**

AN ACT concerning

**Public Safety – Department of State Police – Investigations Affecting First
Amendment Rights
Freedom of Association and Assembly Protection Act of 2009**

FOR the purpose of ~~requiring that a covert investigation of a certain person, group, or organization be based on a reasonable suspicion that the person, group, or organization is planning, or engaged in, criminal activity; authorizing that the investigation be conducted only under certain circumstances~~ prohibiting a law enforcement agency from conducting a covert investigation of a certain person, group, or organization unless a certain individual makes a written finding at a certain time that the covert investigation is justified for certain reasons; establishing that membership or participation in a certain group or organization does not alone establish reasonable, articulable suspicion of criminal activity; requiring the Department of State Police a law enforcement agency to conduct all investigations involving certain activities for a legitimate law enforcement objective; requiring the Department a law enforcement agency to safeguard certain rights of all persons; prohibiting the Department a law enforcement agency from conducting certain activities for certain purposes; requiring the Department a law enforcement agency to terminate a certain investigation under certain circumstances; prohibiting the Department a law enforcement agency from collecting or maintaining certain information under certain circumstances; requiring that information maintained in a criminal intelligence file be evaluated for the reliability of the source of the information and the validity and accuracy of the information; requiring the Department a law enforcement agency to classify accurately certain information; authorizing the Department a law enforcement agency to disseminate certain information in a certain manner; establishing that a certain provision may not be interpreted to diminish the rights of a person requesting certain information; prohibiting the Department a law enforcement agency from knowingly including certain information in certain files; providing for the construction of this Act; requiring the Department of State Police to adopt certain regulations on or before a certain date; requiring certain law enforcement agencies to adopt certain policies on or before a certain date; requiring the Department to report to certain committees of the General Assembly on certain matters on or before a certain date; defining certain terms; and generally relating to investigations affecting First Amendment rights conducted by the Department of State Police law enforcement agencies.

BY adding to

Article – Public Safety

Section ~~2-314~~ 3-701
 Annotated Code of Maryland
 (2003 Volume and 2008 Supplement)

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

Article - Public Safety

~~2-314~~ 3-701.

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

(2) “CHIEF” MEANS THE HEAD OF A LAW ENFORCEMENT AGENCY.

~~(2)~~ (3) (I) “COVERT INVESTIGATION” MEANS AN INFILTRATION OF OR ATTEMPT TO INFILTRATE A GROUP OR ORGANIZATION IN A MANNER THAT CONCEALS THE IDENTITY OF THE LAW ENFORCEMENT AGENCY OR THE IDENTITY OF AN OFFICER OR AGENT OF THE LAW ENFORCEMENT AGENCY.

(II) “COVERT INVESTIGATION” DOES NOT INCLUDE THE USE OF PLAINCLOTHES OFFICERS OR EMPLOYEES FOR CROWD CONTROL AND PUBLIC SAFETY PURPOSES AT PUBLIC EVENTS.

(4) “DEPARTMENT” MEANS THE DEPARTMENT OF STATE POLICE.

~~(3)~~ (5) “FIRST AMENDMENT ACTIVITIES” MEANS:

(I) ACTIVITIES INVOLVING CONSTITUTIONALLY PROTECTED SPEECH OR ASSOCIATION; OR

(II) CONDUCT RELATED TO FREEDOM OF SPEECH, FREE EXERCISE OF RELIGION, FREEDOM OF THE PRESS, THE RIGHT TO ASSEMBLE, OR THE RIGHT TO PETITION THE GOVERNMENT.

(6) ~~(4)~~ “LAW ENFORCEMENT AGENCY” MEANS A LAW ENFORCEMENT AGENCY OF A DEPARTMENT, COUNTY, OR A MUNICIPAL CORPORATION OF THE STATE.

~~(H)~~ “LAW ENFORCEMENT AGENCY” INCLUDES SHERIFFS POLICE OR SHERIFF’S DEPARTMENT OF THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION.

(7) "LEGITIMATE LAW ENFORCEMENT OBJECTIVE" MEANS THE DETECTION, INVESTIGATION, DETERRENCE, OR PREVENTION OF CRIME OR THE APPREHENSION AND PROSECUTION OF A SUSPECTED CRIMINAL.

(B) (1) THIS SECTION ESTABLISHES THE RESPONSIBILITIES OF ~~THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY RELATING TO INVESTIGATIONS AFFECTING FIRST AMENDMENT ACTIVITIES AND THE RIGHTS OF ~~INDIVIDUALS~~ PERSONS, GROUPS, AND ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES.

(2) THIS SECTION DOES NOT APPLY TO INVESTIGATIONS THAT DO NOT INVOLVE FIRST AMENDMENT ACTIVITIES.

(C) (1) ~~A~~ A LAW ENFORCEMENT AGENCY MAY NOT CONDUCT A COVERT INVESTIGATION OF A PERSON, A GROUP, OR AN ORGANIZATION ENGAGED IN FIRST AMENDMENT ACTIVITIES ~~SHALL BE~~ UNLESS THE CHIEF OR THE CHIEF'S DESIGNEE MAKES A WRITTEN FINDING IN ADVANCE OR AS SOON AS IS PRACTICABLE THAT THE COVERT INVESTIGATION IS JUSTIFIED BECAUSE:

~~(1)~~ (I) IT IS BASED ON A REASONABLE, ARTICULABLE SUSPICION THAT THE PERSON, GROUP, OR ORGANIZATION IS PLANNING OR ENGAGED IN CRIMINAL ACTIVITY; AND

~~(2)~~ (II) ~~SHALL BE CONDUCTED ONLY IF~~ A LESS INTRUSIVE METHOD OF INVESTIGATION IS NOT LIKELY TO YIELD ~~EQUIVALENT~~ SATISFACTORY RESULTS.

(2) MEMBERSHIP OR PARTICIPATION IN A GROUP OR ORGANIZATION ENGAGED IN FIRST AMENDMENT ACTIVITIES DOES NOT ALONE ESTABLISH REASONABLE, ARTICULABLE SUSPICION OF CRIMINAL ACTIVITY.

(D) ~~THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY SHALL:

(1) CONDUCT ALL INVESTIGATIONS INVOLVING FIRST AMENDMENT ACTIVITIES FOR A LEGITIMATE LAW ENFORCEMENT OBJECTIVE; AND

(2) IN THE PROCESS OF CONDUCTING AN INVESTIGATION, SAFEGUARD THE CONSTITUTIONAL RIGHTS AND LIBERTIES OF ALL PERSONS.

(E) ~~THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY MAY NOT INVESTIGATE, PROSECUTE, DISRUPT, INTERFERE WITH, HARASS, OR DISCRIMINATE AGAINST A PERSON ENGAGED IN A FIRST AMENDMENT ACTIVITY

FOR THE PURPOSE OF PUNISHING, RETALIATING, PREVENTING, OR HINDERING THE PERSON FROM EXERCISING CONSTITUTIONAL RIGHTS.

(F) AN INVESTIGATION INVOLVING FIRST AMENDMENT ACTIVITIES SHALL BE TERMINATED WHEN ~~LOGISTICAL~~ LOGICAL LEADS HAVE BEEN EXHAUSTED ~~AND OR~~ NO LEGITIMATE LAW ENFORCEMENT ~~PURPOSE~~ OBJECTIVE JUSTIFIES THE CONTINUANCE OF THE INVESTIGATION.

(G) ~~THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY MAY NOT COLLECT OR MAINTAIN INFORMATION ~~BASED SOLELY ON THE~~ ABOUT THE POLITICAL BELIEFS, ~~ACTIVITIES~~ IDEOLOGIES, AND ASSOCIATIONS OF ~~INDIVIDUALS, GROUPS, OR ORGANIZATIONS THAT IS NOT RELEVANT TO A CRIMINAL INVESTIGATION~~ A PERSON, GROUP, OR ORGANIZATION IF:

(1) THE INFORMATION IS NOT RELEVANT TO A CRIMINAL INVESTIGATION; OR

(2) THE LAW ENFORCEMENT AGENCY DOES NOT HAVE A REASONABLE ARTICULABLE SUSPICION THAT THE PERSON, GROUP, OR ORGANIZATION ADVOCATES, SUPPORTS, OR ENCOURAGES THE VIOLATION OF ANY FEDERAL, STATE, OR LOCAL CRIMINAL LAW THAT PROHIBITS ACTS OF TERRORISM, RACKETEERING ACTIVITY, AS DEFINED IN 18 U.S.C. § 1961, VIOLENCE, EXTORTION, DESTRUCTION OF PROPERTY, INTIMIDATION, HARASSMENT, OBSTRUCTION OF JUSTICE, OR FRAUD ~~OR THE GATHERING OF CRIMINAL INTELLIGENCE.~~

(H) INFORMATION MAINTAINED IN A CRIMINAL INTELLIGENCE FILE SHALL BE EVALUATED FOR THE RELIABILITY OF THE SOURCE OF THE INFORMATION AND THE VALIDITY AND ACCURACY OF THE INFORMATION.

~~(H)~~ (I) (1) THE DEPARTMENT A LAW ENFORCEMENT AGENCY SHALL CLASSIFY ACCURATELY INTELLIGENCE INFORMATION IN ITS DATABASES TO REFLECT PROPERLY THE PURPOSE FOR WHICH THE INFORMATION IS COLLECTED.

(2) WHEN THE DEPARTMENT A LAW ENFORCEMENT AGENCY LISTS IN A DATABASE A SPECIFIC CRIME FOR WHICH ~~AN INDIVIDUAL~~ A PERSON, A GROUP, OR AN ORGANIZATION IS UNDER SUSPICION, THE ~~DEPARTMENT~~ LAW ENFORCEMENT AGENCY SHALL ENSURE THAT THE CLASSIFICATION IS ACCURATE BASED ON THE INFORMATION AVAILABLE TO THE ~~DEPARTMENT~~ LAW ENFORCEMENT AGENCY AT THE TIME.

~~(I)~~ (J) (1) INFORMATION GATHERED AND MAINTAINED BY THE DEPARTMENT A LAW ENFORCEMENT AGENCY FOR INTELLIGENCE PURPOSES

MAY BE DISSEMINATED ONLY TO APPROPRIATE PERSONS FOR LEGITIMATE LAW ENFORCEMENT ~~PURPOSES~~ OBJECTIVES IN ACCORDANCE WITH THE LAW GOVERNING THE RELEASE OF POLICE RECORDS AND WITH PROCEDURES ESTABLISHED BY THE ~~DEPARTMENT~~ LAW ENFORCEMENT AGENCY.

(2) THIS SUBSECTION MAY NOT BE INTERPRETED TO DIMINISH THE RIGHTS OF A PERSON REQUESTING INFORMATION UNDER THE MARYLAND PUBLIC INFORMATION ACT.

~~(J)~~ (K) THE DEPARTMENT A LAW ENFORCEMENT AGENCY KNOWINGLY MAY NOT INCLUDE IN ANY CRIMINAL INTELLIGENCE FILE INFORMATION THAT HAS BEEN OBTAINED IN VIOLATION OF THIS SECTION.

~~(K) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT A DEPARTMENT EMPLOYEE, IN THE COURSE OF THE EMPLOYEE'S DUTIES, FROM VISITING ANY PLACE, OR ATTENDING ANY EVENT, THAT IS OPEN TO THE GENERAL PUBLIC, OR REVIEWING INFORMATION THAT IS IN THE PUBLIC DOMAIN, ON THE SAME TERMS AND CONDITIONS AS MEMBERS OF THE PUBLIC, IF THE DEPARTMENT EMPLOYEE HAS A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~

(L) ON OR BEFORE JANUARY 1, 2010, THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING:

(1) THE CONDUCT BY THE DEPARTMENT OF COVERT INVESTIGATIONS OF PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES; AND

(2) EACH DEPARTMENTAL COLLECTION, DISSEMINATION, RETENTION, DATABASE INCLUSION, PURGING, AND AUDITING OF INTELLIGENCE INFORMATION RELATING TO ~~INDIVIDUALS~~ PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES.

(M) ON OR BEFORE JANUARY 1, 2010, EACH LAW ENFORCEMENT AGENCY OTHER THAN THE DEPARTMENT SHALL ADOPT A WRITTEN, PUBLICLY AVAILABLE POLICY GOVERNING:

(1) THE CONDUCT BY THE AGENCY OF COVERT INVESTIGATIONS OF ~~INDIVIDUALS~~ PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES; AND

(2) EACH AGENCY COLLECTION, DISSEMINATION, RETENTION, DATABASE INCLUSION, PURGING, AND AUDITING OF INTELLIGENCE

INFORMATION RELATING TO ~~INDIVIDUALS~~ PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2010, the Department of State Police shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2-1246 of the State Government Article, on the status of the Department's efforts to:

(1) revise or discontinue use of the Case Explorer database in connection with the Department's intelligence-gathering activities; and

(2) ~~(i) contact each individual~~ all persons who ~~has~~ have been described in the Case Explorer database as being suspected of involvement in terrorism, or who ~~has~~ have been labeled in the Case Explorer database as a terrorist, but as to whom the Department has no reasonable, articulable suspicion of involvement in terrorism;

~~(ii) afford the individuals described in item (i) of this item~~ those persons an opportunity to review and obtain copies of the relevant database entries; and

~~(iii) subsequently purge the those entries relating to the individuals described in item (i) of this item.~~

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 493

(House Bill 311)

AN ACT concerning

Public Safety—Department of State Police—Investigations Affecting First Amendment Rights
Freedom of Association and Assembly Protection Act of 2009

FOR the purpose of ~~requiring that a covert investigation of a certain person, group, or organization be based on a reasonable suspicion that the person, group, or organization is planning, or engaged in, criminal activity; authorizing that the investigation be conducted only under certain circumstances~~ prohibiting a law enforcement agency from conducting a covert investigation of a certain person, group, or organization unless a certain chief or designee makes a written

finding at a certain time that the covert investigation is justified for certain reasons; establishing that membership or participation in a certain group or organization does not alone establish reasonable, articulable suspicion of criminal activity; requiring ~~the Department of State Police~~ a law enforcement agency to conduct all investigations involving certain activities for a legitimate law enforcement objective; requiring ~~the Department~~ a law enforcement agency to safeguard certain rights of all persons; prohibiting ~~the Department~~ a law enforcement agency from conducting certain activities for certain purposes; requiring ~~the Department~~ a law enforcement agency to terminate a certain investigation under certain circumstances; prohibiting ~~the Department~~ a law enforcement agency from collecting or maintaining certain information under certain circumstances; requiring that information maintained in a criminal intelligence file be evaluated for the reliability of the source of the information and the validity and accuracy of the information; requiring ~~the Department~~ a law enforcement agency to classify accurately certain information; authorizing ~~the Department~~ a law enforcement agency to disseminate certain information in a certain manner; establishing that a certain provision may not be interpreted to diminish the rights of a person requesting certain information; prohibiting ~~the Department~~ a law enforcement agency from knowingly including certain information in certain files; ~~providing for the construction of this Act;~~ requiring the Department of State Police to adopt certain regulations on or before a certain date; requiring certain law enforcement agencies to adopt certain policies on or before a certain date; requiring the Department to report to certain committees of the General Assembly on certain matters on or before a certain date; defining certain terms; and generally relating to investigations affecting First Amendment rights conducted by ~~the Department of State Police~~ law enforcement agencies.

BY adding to

Article – Public Safety

Section ~~2-314~~ 3-701

Annotated Code of Maryland

(2003 Volume and 2008 Supplement)

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

Article – Public Safety

~~2-314~~ 3-701.

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

(2) **“CHIEF” MEANS THE HEAD OF A LAW ENFORCEMENT AGENCY.**

~~(2)~~ (3) (I) “COVERT INVESTIGATION” MEANS AN INFILTRATION OF OR ATTEMPT TO INFILTRATE A GROUP OR ORGANIZATION IN A MANNER THAT CONCEALS THE IDENTITY OF THE LAW ENFORCEMENT AGENCY OR THE IDENTITY OF AN OFFICER OR AGENT OF THE LAW ENFORCEMENT AGENCY.

(II) “COVERT INVESTIGATION” DOES NOT INCLUDE THE USE OF PLAINCLOTHES OFFICERS OR EMPLOYEES FOR CROWD CONTROL AND PUBLIC SAFETY PURPOSES AT PUBLIC EVENTS.

(4) “DEPARTMENT” MEANS THE DEPARTMENT OF STATE POLICE.

~~(3)~~ (5) “FIRST AMENDMENT ACTIVITIES” MEANS:

(I) ACTIVITIES INVOLVING CONSTITUTIONALLY PROTECTED SPEECH OR ASSOCIATION; OR

(II) CONDUCT RELATED TO FREEDOM OF SPEECH, FREE EXERCISE OF RELIGION, FREEDOM OF THE PRESS, THE RIGHT TO ASSEMBLE, OR THE RIGHT TO PETITION THE GOVERNMENT.

(6) “LAW ENFORCEMENT AGENCY” MEANS A POLICE OR SHERIFF’S DEPARTMENT OF THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION.

(7) “LEGITIMATE LAW ENFORCEMENT OBJECTIVE” MEANS THE DETECTION, INVESTIGATION, DETERRENCE, OR PREVENTION OF CRIME, OR THE APPREHENSION AND PROSECUTION OF A SUSPECTED CRIMINAL.

(B) (1) THIS SECTION ESTABLISHES THE RESPONSIBILITIES OF ~~THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY RELATING TO INVESTIGATIONS AFFECTING FIRST AMENDMENT ACTIVITIES AND THE RIGHTS OF ~~INDIVIDUALS~~ PERSONS, GROUPS, AND ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES.

(2) THIS SECTION DOES NOT APPLY TO INVESTIGATIONS THAT DO NOT INVOLVE FIRST AMENDMENT ACTIVITIES.

(C) (1) A A LAW ENFORCEMENT AGENCY MAY NOT CONDUCT A COVERT INVESTIGATION OF A PERSON, A GROUP, OR AN ORGANIZATION ENGAGED IN FIRST AMENDMENT ACTIVITIES ~~SHALL BE~~ UNLESS THE CHIEF OR THE CHIEF’S DESIGNEE MAKES A WRITTEN FINDING IN ADVANCE OR AS SOON AS

IS PRACTICABLE AFTERWARDS THAT THE COVERT INVESTIGATION IS JUSTIFIED BECAUSE:

~~(1)~~ (1) IT IS BASED ON A REASONABLE, ARTICULABLE SUSPICION THAT THE PERSON, GROUP, OR ORGANIZATION IS PLANNING OR ENGAGED IN CRIMINAL ACTIVITY; AND

~~(2)~~ (II) ~~SHALL BE CONDUCTED ONLY IF~~ A LESS INTRUSIVE METHOD OF INVESTIGATION IS NOT LIKELY TO YIELD ~~EQUIVALENT~~ SATISFACTORY RESULTS.

(2) MEMBERSHIP OR PARTICIPATION IN A GROUP OR ORGANIZATION ENGAGED IN FIRST AMENDMENT ACTIVITIES DOES NOT ALONE ESTABLISH REASONABLE, ARTICULABLE SUSPICION OF CRIMINAL ACTIVITY.

(D) ~~THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY SHALL:

(1) CONDUCT ALL INVESTIGATIONS INVOLVING FIRST AMENDMENT ACTIVITIES FOR A LEGITIMATE LAW ENFORCEMENT OBJECTIVE; AND

(2) IN THE PROCESS OF CONDUCTING AN INVESTIGATION, SAFEGUARD THE CONSTITUTIONAL RIGHTS AND LIBERTIES OF ALL PERSONS.

(E) ~~THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY MAY NOT INVESTIGATE, PROSECUTE, DISRUPT, INTERFERE WITH, HARASS, OR DISCRIMINATE AGAINST A PERSON ENGAGED IN A FIRST AMENDMENT ACTIVITY FOR THE PURPOSE OF PUNISHING, RETALIATING, PREVENTING, OR HINDERING THE PERSON FROM EXERCISING CONSTITUTIONAL RIGHTS.

(F) AN INVESTIGATION INVOLVING FIRST AMENDMENT ACTIVITIES SHALL BE TERMINATED WHEN ~~LOGISTICAL~~ LOGICAL LEADS HAVE BEEN EXHAUSTED ~~AND~~ OR NO LEGITIMATE LAW ENFORCEMENT ~~PURPOSE~~ OBJECTIVE JUSTIFIES THE CONTINUANCE OF THE INVESTIGATION.

(G) ~~THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY MAY NOT COLLECT OR MAINTAIN INFORMATION ~~BASED SOLELY ON THE BELIEFS, ACTIVITIES, AND ASSOCIATIONS OF INDIVIDUALS THAT IS NOT RELEVANT TO A CRIMINAL INVESTIGATION OR THE GATHERING OF CRIMINAL INTELLIGENCE SOLELY ABOUT THE POLITICAL BELIEFS, IDEOLOGIES, AND ASSOCIATIONS OF AN INDIVIDUAL~~ A PERSON, GROUP, OR ORGANIZATION THAT IF:

~~(1)~~ (1) THE INFORMATION IS NOT RELEVANT TO A CRIMINAL INVESTIGATION; OR

~~(H)~~ (2) ~~IS WITHOUT THE LAW ENFORCEMENT AGENCY DOES NOT HAVE A REASONABLE ARTICULABLE SUSPICION THAT THE INDIVIDUAL PERSON, GROUP, OR ORGANIZATION ADVOCATES, SUPPORTS, OR ENCOURAGES THE VIOLATION OF ANY FEDERAL, STATE, OR LOCAL CRIMINAL LAW THAT PROHIBITS ACTS OF TERRORISM, RACKETEERING ACTIVITY, AS DEFINED IN 18 U.S.C. § 1961, VIOLENCE, EXTORTION, DESTRUCTION OF PROPERTY, INTIMIDATION, HARASSMENT, OBSTRUCTION OF JUSTICE, OR FRAUD.~~

(H) INFORMATION MAINTAINED IN A CRIMINAL INTELLIGENCE FILE SHALL BE EVALUATED FOR THE RELIABILITY OF THE SOURCE OF THE INFORMATION AND THE VALIDITY AND ACCURACY OF THE INFORMATION.

~~(H)~~ (1) ~~THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY SHALL CLASSIFY ACCURATELY INTELLIGENCE INFORMATION IN ITS DATABASES TO REFLECT PROPERLY THE PURPOSE FOR WHICH THE INFORMATION IS COLLECTED.

(2) ~~WHEN THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY LISTS IN A DATABASE A SPECIFIC CRIME FOR WHICH AN INDIVIDUAL A PERSON, A GROUP, OR AN ORGANIZATION IS UNDER SUSPICION, THE DEPARTMENT LAW ENFORCEMENT AGENCY SHALL ENSURE THAT THE CLASSIFICATION IS ACCURATE BASED ON THE INFORMATION AVAILABLE TO THE DEPARTMENT LAW ENFORCEMENT AGENCY AT THE TIME.

~~(J)~~ (1) ~~INFORMATION GATHERED AND MAINTAINED BY THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY FOR INTELLIGENCE PURPOSES MAY BE DISSEMINATED ONLY TO APPROPRIATE PERSONS FOR LEGITIMATE LAW ENFORCEMENT PURPOSES OBJECTIVES IN ACCORDANCE WITH THE LAW GOVERNING THE RELEASE OF POLICE RECORDS AND WITH PROCEDURES ESTABLISHED BY THE DEPARTMENT LAW ENFORCEMENT AGENCY.

(2) THIS SUBSECTION MAY NOT BE INTERPRETED TO DIMINISH THE RIGHTS OF A PERSON REQUESTING INFORMATION UNDER THE MARYLAND PUBLIC INFORMATION ACT.

~~(J)~~ (K) ~~THE DEPARTMENT~~ A LAW ENFORCEMENT AGENCY KNOWINGLY MAY NOT INCLUDE IN ANY CRIMINAL INTELLIGENCE FILE INFORMATION THAT HAS BEEN OBTAINED IN VIOLATION OF THIS SECTION.

~~(K) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT A DEPARTMENT EMPLOYEE, IN THE COURSE OF THE EMPLOYEE'S DUTIES, FROM VISITING ANY PLACE, OR ATTENDING ANY EVENT, THAT IS OPEN TO THE~~

~~GENERAL PUBLIC, OR REVIEWING INFORMATION THAT IS IN THE PUBLIC DOMAIN, ON THE SAME TERMS AND CONDITIONS AS MEMBERS OF THE PUBLIC, IF THE DEPARTMENT EMPLOYEE HAS A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~

(L) ON OR BEFORE JANUARY 1, 2010, THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING:

(1) THE CONDUCT BY THE DEPARTMENT OF COVERT INVESTIGATIONS OF PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES; AND

(2) EACH DEPARTMENTAL COLLECTION, DISSEMINATION, RETENTION, DATABASE INCLUSION, PURGING, AND AUDITING OF INTELLIGENCE INFORMATION RELATING TO PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES.

(M) ON OR BEFORE JANUARY 1, 2010, EACH LAW ENFORCEMENT AGENCY OTHER THAN THE DEPARTMENT SHALL ADOPT A WRITTEN, PUBLICLY AVAILABLE POLICY GOVERNING:

(1) THE CONDUCT BY THE AGENCY OF COVERT INVESTIGATIONS OF PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES; AND

(2) EACH AGENCY COLLECTION, DISSEMINATION, RETENTION, DATABASE INCLUSION, PURGING, AND AUDITING OF INTELLIGENCE INFORMATION RELATING TO PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2010, the Department of State Police shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2-1246 of the State Government Article, on the status of the Department's efforts to:

(1) revise or discontinue use of the Case Explorer database in connection with the Department's intelligence-gathering activities; and

(2) contact all ~~individuals~~ persons who have been described in the Case Explorer database as being suspected of involvement in terrorism, or who have been labeled in the Case Explorer database as a terrorist, but as to whom the Department has no reasonable, articulable suspicion of involvement in terrorism; afford those ~~individuals~~ persons an opportunity to review and obtain copies of the relevant database entries; and subsequently purge those entries.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 494

(Senate Bill 259)

AN ACT concerning

Criminal Procedure – Drunk and Drugged Driving – Probation Before Judgment

FOR the purpose of extending the period of time preceding a subsequent violation by a defendant of certain alcohol– or drug–related driving offenses during which a previous conviction or probation of the defendant for certain alcohol– or drug–related driving offenses prohibits a court from staying entry of judgment, or striking an entry of judgment and placing the defendant on probation for the subsequent violation; and generally relating to probation before judgment for certain alcohol– or drug–related driving offenses.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 6–220(d) and 6–230
 Annotated Code of Maryland
 (2008 Replacement Volume)

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

Article – Criminal Procedure

6–220.

(d) Notwithstanding subsections (b) and (c) of this section, a court may not stay the entering of judgment and place a defendant on probation for:

(1) a violation of § 21–902 of the Transportation Article or § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of the Criminal Law Article, if within the preceding [5] **10** years the defendant has been convicted under § 21–902 of the Transportation Article or § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of the Criminal Law Article, or has been placed on probation in accordance with this section, after being charged with a violation of § 21–902 of the Transportation Article or § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of the Criminal Law Article;

(2) a second or subsequent controlled dangerous substance crime under Title 5 of the Criminal Law Article;

(3) a violation of any of the provisions of §§ 3–303 through 3–307, §§ 3–309 through 3–312, § 3–315, or § 3–602 of the Criminal Law Article for a crime involving a person under the age of 16 years; or

(4) a moving violation, as defined in § 11–136.1 of the Transportation Article, if:

(i) the defendant holds a provisional license under § 16–111 of the Transportation Article; and

(ii) the defendant has previously been placed on probation under this section for the commission of a moving violation while the defendant held a provisional license.

6–230.

(a) (1) Except as provided in subsection (d) of this section, this subsection shall apply in any case where the court agrees that, on successful completion of any treatment ordered as a condition of probation under § 6–219 of this subtitle, the court will enter an order striking the entry of judgment and deferring further proceedings in accordance with § 6–220 of this subtitle.

(2) On notification to the court by the Division of Parole and Probation that the defendant has successfully completed the treatment as ordered in a proceeding under paragraph (1) of this subsection, the court shall, except as provided in subsection (d) of this section and notwithstanding any other provision of law or rule to the contrary, enter an order striking entry of judgment and deferring further proceedings in accordance with § 6–220 of this subtitle.

(b) (1) Except as provided in subsection (d) of this section, in all other cases, on the successful completion by a defendant of any treatment ordered as a condition of probation imposed under § 6–219 of this subtitle, the Division of Parole and Probation shall notify the court that issued the order and the Office of the State's Attorney in that jurisdiction.

(2) Except as provided in subsection (d) of this section, notwithstanding any other provision of law or rule to the contrary, unless the State's Attorney files an objection within 30 days after receipt of the notice, the court may enter an order striking the entry of judgment and deferring further proceedings in accordance with § 6–220 of this subtitle.

(3) If the State's Attorney files a timely objection, the court shall hold a hearing and may, unless good cause is found to the contrary, enter the order.

(c) Any probation before judgment entered in accordance with this section shall be supervised by the Division of Parole and Probation for the term and under the conditions that the court considers appropriate.

(d) Under this section, a court may not strike the entry of judgment and defer further proceedings in accordance with § 6-220 of this subtitle or stay the entering of a judgment and place a defendant on probation for a violation of § 21-902 of the Transportation Article OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE if, within the preceding [5] 10 years, the defendant:

(1) has been convicted under § 21-902 of the Transportation Article OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE; or

(2) has been placed on probation in accordance with § 6-220 of this subtitle, after being charged with a violation of § 21-902 of the Transportation Article OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 495

(House Bill 301)

AN ACT concerning

Criminal Procedure – Drunk and Drugged Driving – Probation Before Judgment

FOR the purpose of extending the period of time preceding a subsequent violation by a defendant of certain alcohol- or drug-related driving offenses during which a previous conviction or probation of the defendant for certain alcohol- or drug-related driving offenses prohibits a court from staying entry of judgment, or striking an entry of judgment, and placing the defendant on probation for the subsequent violation; and generally relating to probation before judgment for certain alcohol- or drug-related driving offenses.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure

Section 6–220(d) and 6–230
Annotated Code of Maryland
(2008 Replacement Volume)

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

Article – Criminal Procedure

6–220.

(d) Notwithstanding subsections (b) and (c) of this section, a court may not stay the entering of judgment and place a defendant on probation for:

(1) a violation of § 21–902 of the Transportation Article or § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of the Criminal Law Article, if within the preceding [5] **10** years the defendant has been convicted under § 21–902 of the Transportation Article or § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of the Criminal Law Article, or has been placed on probation in accordance with this section, after being charged with a violation of § 21–902 of the Transportation Article or § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of the Criminal Law Article;

(2) a second or subsequent controlled dangerous substance crime under Title 5 of the Criminal Law Article;

(3) a violation of any of the provisions of §§ 3–303 through 3–307, §§ 3–309 through 3–312, § 3–315, or § 3–602 of the Criminal Law Article for a crime involving a person under the age of 16 years; or

(4) a moving violation, as defined in § 11–136.1 of the Transportation Article, if:

(i) the defendant holds a provisional license under § 16–111 of the Transportation Article; and

(ii) the defendant has previously been placed on probation under this section for the commission of a moving violation while the defendant held a provisional license.

6–230.

(a) (1) Except as provided in subsection (d) of this section, this subsection shall apply in any case where the court agrees that, on successful completion of any treatment ordered as a condition of probation under § 6–219 of this subtitle, the court will enter an order striking the entry of judgment and deferring further proceedings in accordance with § 6–220 of this subtitle.

(2) On notification to the court by the Division of Parole and Probation that the defendant has successfully completed the treatment as ordered in a proceeding under paragraph (1) of this subsection, the court shall, except as provided in subsection (d) of this section and notwithstanding any other provision of law or rule to the contrary, enter an order striking entry of judgment and deferring further proceedings in accordance with § 6-220 of this subtitle.

(b) (1) Except as provided in subsection (d) of this section, in all other cases, on the successful completion by a defendant of any treatment ordered as a condition of probation imposed under § 6-219 of this subtitle, the Division of Parole and Probation shall notify the court that issued the order and the Office of the State's Attorney in that jurisdiction.

(2) Except as provided in subsection (d) of this section, notwithstanding any other provision of law or rule to the contrary, unless the State's Attorney files an objection within 30 days after receipt of the notice, the court may enter an order striking the entry of judgment and deferring further proceedings in accordance with § 6-220 of this subtitle.

(3) If the State's Attorney files a timely objection, the court shall hold a hearing and may, unless good cause is found to the contrary, enter the order.

(c) Any probation before judgment entered in accordance with this section shall be supervised by the Division of Parole and Probation for the term and under the conditions that the court considers appropriate.

(d) Under this section, a court may not strike the entry of judgment and defer further proceedings in accordance with § 6-220 of this subtitle or stay the entering of a judgment and place a defendant on probation for a violation of § 21-902 of the Transportation Article **OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE** if, within the preceding [5] 10 years, the defendant:

(1) has been convicted under § 21-902 of the Transportation Article **OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE**; or

(2) has been placed on probation in accordance with § 6-220 of this subtitle, after being charged with a violation of § 21-902 of the Transportation Article **OR § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 496**(Senate Bill 262)**

AN ACT concerning

Vehicle Laws – Repeated Drunk and Drugged Driving Offenses – Suspension of License

FOR the purpose of ~~requiring~~ *authorizing* the Motor Vehicle Administration to suspend for a certain period the ~~driver's~~ license of a person who has been convicted of certain drunk and drugged driving offenses within a certain time period after the person was previously convicted of certain drunk and drugged driving offenses; ~~requiring the Administration to include a certain additional statement when issuing a notice of suspension of a drivers license; authorizing the Administration, under certain circumstances, to modify a certain suspension and issue a certain restrictive license during a certain mandatory period of suspension; providing that a person who participates in the Ignition Interlock System Program for at least a certain number of months is exempt from certain requirements~~ *authorizing a person whose license is suspended under certain circumstances to participate in the Administration's Ignition Interlock System Program under certain circumstances; requiring the Administration to suspend for a certain period the license of a person who has been convicted of a certain drunk driving offense within a certain time after the person was convicted of a certain drugged driving offense; requiring the Administration to suspend for a certain period the license of a person who has been convicted of a certain drugged driving offense within a certain time after the person was convicted of a certain drunk driving offense; requiring a person whose license is suspended under certain circumstances to participate in the Administration's Ignition Interlock System Program under certain circumstances; altering certain provisions of the Maryland Vehicle Law concerning administrative penalties for certain subsequent drunk driving offenses to conform to certain changes in federal law incorporated in State law; providing for certain procedures; and generally relating to penalties for drunk and drugged driving.*

BY repealing and reenacting, with amendments,
Article – Transportation
~~Section 16-205(e)(2), (3), and (4) (e) and (f)~~
Section 16-205(d) and (e)(2) through (12)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 16-205(e)(5) and (6)

Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 21-902(a) through (d)
 Annotated Code of Maryland
 (2006 Replacement Volume and 2008 Supplement)

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

Article – Transportation

16-205.

~~(e) (1) In this subsection, “motor vehicle” does not include a commercial motor vehicle.~~

~~(2) Subject to the provisions of this subsection, the Administration shall suspend for 1 year the license of a person who is convicted of [a] ANY violation of § 21-902(a), (B), (C), OR (D) of this article [more than once] AND, within a 5 year period, WAS PREVIOUSLY CONVICTED OF ANY VIOLATION UNDER § 21-902(A), (B), (C), OR (D) OF THIS ARTICLE.~~

~~(3) On receiving a record of a conviction of a person for [a] ANY violation of § 21-902(a), (B), (C), OR (D) of this article [more than once] within a 5 year period AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF ANY VIOLATION UNDER § 21-902(A), (B), (C), OR (D) OF THIS ARTICLE, the Administration shall issue to the person a notice of suspension of the person’s license that:~~

~~(i) States that the person’s license shall be suspended for 1 year; and~~

~~(ii) Advises the person of the right to request a hearing under this paragraph.~~

~~(i) States that the person’s license shall be suspended for 1 year; [and]~~

~~(H) STATES THAT A RESTRICTIVE LICENSE MAY BE ISSUED DURING THE MANDATORY PERIOD OF SUSPENSION AS PROVIDED UNDER PARAGRAPH (5) OF THIS SUBSECTION; AND~~

~~[(ii)] (III) Advises the person of the right to request a hearing under this paragraph.~~

~~(4) After notice under paragraph (3) of this subsection, the Administration shall suspend a person's license under this subsection if:~~

~~(i) The person does not request a hearing;~~

~~(ii) After a hearing, the Administration finds that the person was convicted of [more than one] A violation of § 21-902(a), (b), (c), OR (d) of this article within a 5-year period AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF ANY VIOLATION OF § 21-902(A), (B), (C), OR (D) OF THIS ARTICLE; or~~

~~(iii) The person fails to appear for a hearing requested by the person.~~

~~(5) IF REQUESTED BY THE PERSON, THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER PARAGRAPH (4) OF THIS SUBSECTION TO:~~

~~(I) IMPOSE A MINIMUM SUSPENSION PERIOD OF AT LEAST 45 DAYS;~~

~~(II) ORDER THE PERSON TO MAINTAIN FOR THE REMAINDER OF THE 1-YEAR PERIOD OF SUSPENSION, AN IGNITION INTERLOCK SYSTEM ON EACH MOTOR VEHICLE OWNED OR OPERATED BY THE PERSON; AND~~

~~(III) IMPOSE A RESTRICTION ON THE PERSON'S LICENSE FOR THE REMAINDER OF THE 1-YEAR PERIOD OF SUSPENSION THAT:~~

~~1. PROHIBITS THE PERSON FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM; AND~~

~~2. ALLOWS THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SERVICE FACILITY.~~

(d) (1) Subject to subsection (d-1) AND SUBSECTION (E) of this section, the Administration may suspend for not more than [120 days] 1 YEAR the license of any person who, within a [3-year] 5-YEAR period, is convicted OF ANY VIOLATION OF § 21-902 OF THIS ARTICLE AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF ANY VIOLATION UNDER § 21-902 OF THIS ARTICLE [under 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a motor vehicle safely and who was previously convicted of a violation under:

(1) § 21-902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;

(2) § 21-902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;

(3) § 21-902(c) of this article of driving or attempting to drive a motor vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a motor vehicle safely; or

(4) § 21-902(d) of this article of driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance].

(2) IF REQUESTED BY THE PERSON, THE ADMINISTRATION MAY ISSUE A RESTRICTED LICENSE FOR THE PERIOD OF A SUSPENSION TO A PERSON WHO PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS TITLE.

(3) A SUSPENSION UNDER THIS SUBSECTION SHALL BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR THE VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION.

(e) (2) Subject to the provisions of this subsection, the Administration shall suspend for 1 year the license of a person who is convicted of [a]:

(I) A violation of § 21-902(a) of this article more than once within a 5-year period;

(II) A VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS ARTICLE; OR

(III) A VIOLATION OF § 21-902(D) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE.

(3) On receiving a record of a conviction of a person for a violation DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION [of § 21-902(a) of this article more than once within a 5-year period], the Administration shall issue to the person a notice of suspension of the person's license that:

(i) States that the person's license shall be suspended for 1 year;

[and]

(ii) [Advises the person of the right to request a hearing under this paragraph] STATES THAT THE PERIOD OF THE FIRST 45 DAYS OF THE 1-YEAR PERIOD OF SUSPENSION IS NOT SUBJECT TO MODIFICATION BY THE ADMINISTRATION;

(III) STATES A RESTRICTED LICENSE MAY BE ISSUED FOR THE REMAINDER OF THE 1-YEAR PERIOD OF SUSPENSION IF:

1. THE PERSON MAINTAINS AN IGNITION INTERLOCK SYSTEM ON A MOTOR VEHICLE OWNED OR OPERATED BY THE PERSON FOR THE REMAINDER OF THE 1-YEAR PERIOD OF SUSPENSION;

2. THE LICENSE IS RESTRICTED TO PROHIBIT THE PERSON FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM;

3. THE LICENSE IS RESTRICTED TO PERMIT THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD; AND

4. THE LICENSE IS RESTRICTED TO PERMIT THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, A DRUG TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF:

A. A VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS ARTICLE; OR

B. A VIOLATION OF § 21-902(D) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE;

(IV) ADVISES THE PERSON OF THE REQUIREMENTS UNDER PARAGRAPH (7) OF THIS SUBSECTION FOR A PERSON WHO DOES NOT PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM IN ACCORDANCE WITH THIS PARAGRAPH DURING THE 1-YEAR PERIOD OF SUSPENSION;

(V) ADVISES THE PERSON OF THE RIGHT TO REQUEST A HEARING ON A SUSPENSION UNDER THIS PARAGRAPH; AND

(VI) ADVISES THE PERSON OF THE RIGHT, INSTEAD OF REQUESTING A HEARING ON A SUSPENSION UNDER THIS PARAGRAPH, TO BE SUBJECT TO A 1-YEAR PERIOD OF SUSPENSION, WITH THE PERIOD OF THE FIRST 45 DAYS OF THE SUSPENSION NOT SUBJECT TO MODIFICATION BY THE ADMINISTRATION, AND FOR THE REMAINDER OF THE 1-YEAR PERIOD OF SUSPENSION TO BE ISSUED A RESTRICTED LICENSE UNDER THIS PARAGRAPH IF THE FOLLOWING CONDITIONS ARE MET:

1. THE PERSON'S DRIVER'S LICENSE IS NOT CURRENTLY SUSPENDED, REVOKED, CANCELED, OR REFUSED;

2. THE VIOLATION DID NOT ARISE OUT OF CIRCUMSTANCES THAT INVOLVED A DEATH OF, OR SERIOUS PHYSICAL INJURY TO, ANOTHER PERSON;

3. THE PERSON SURRENDERS A VALID MARYLAND DRIVER'S LICENSE OR SIGNS A STATEMENT CERTIFYING THAT THE DRIVER'S LICENSE IS NO LONGER IN THE PERSON'S POSSESSION; AND

4. THE PERSON ELECTS IN WRITING, WITHIN THE SAME TIME LIMIT FOR REQUESTING A HEARING, TO MEET THE IGNITION INTERLOCK SYSTEM REQUIREMENTS UNDER THIS PARAGRAPH FOR THE REMAINDER OF THE 1-YEAR PERIOD OF SUSPENSION.

(4) After notice under paragraph (3) of this subsection, the Administration shall suspend a person's license under this subsection if:

(i) The person does not request a hearing;

(ii) After a hearing, the Administration finds that the person was convicted of:

1. [more] MORE than one violation of § 21-902(a) of this article within a 5-year period; [or]

2. A VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS ARTICLE; OR

3. A VIOLATION OF § 21-902(D) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE; OR

(iii) The person fails to appear for a hearing requested by the person.

(5) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER PARAGRAPH (4) OF THIS SUBSECTION TO:

(I) IMPOSE A SUSPENSION OF 45 DAYS;

(II) ORDER THE PERSON TO MAINTAIN, FOR THE REMAINDER OF THE 1-YEAR PERIOD OF SUSPENSION, AN IGNITION INTERLOCK SYSTEM ON A MOTOR VEHICLE OWNED OR OPERATED BY THE PERSON; AND

(III) IMPOSE A RESTRICTION ON THE PERSON'S LICENSE FOR THE REMAINDER OF THE 1-YEAR PERIOD OF SUSPENSION THAT PROHIBITS THE PERSON FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM AND PERMITS THE PERSON TO DRIVE ONLY TO AND FROM:

1. WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD;

2. WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, A DRUG TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF:

A. A VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS ARTICLE; OR

B. A VIOLATION OF § 21-902(D) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE.

(6) A PERSON WHO PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR AT LEAST 3 MONTHS UNDER PARAGRAPH (5) OF THIS SUBSECTION IS EXEMPT FROM THE REQUIREMENTS OF PARAGRAPHS (7) THROUGH (11) OF THIS SUBSECTION.

[(5)] (7) The Administration shall, within 90 days of the expiration of the 1-year period of suspension, issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person's license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension; and

(iii) Advises the person of the right to request a hearing under this paragraph.

[(6)] (8) After notice under paragraph [(5)] (7) of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs [(7) and (8)] (9) AND (10) of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(iii) The person fails to appear for a hearing requested by the person.

[(7)] (9) If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co-owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(ii) May not require the person to maintain an ignition interlock system on any motor vehicle to which the financial hardship applies.

[(8)] (10) An exemption under paragraph [(7)(ii)] (9)(II) of this subsection applies only under circumstances that:

- (i) Are specific to the person's motor vehicle; and
- (ii) Meet criteria contained in regulations that shall be adopted by the Administration.

[(9)] (11) If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1-year period of suspension, the Administration shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.

[(10)] (12) Each notice and hearing under this subsection shall meet the requirements of Title 12, Subtitle 2 of this article.

[(11)] (13) This subsection does not limit any provision of this article that allows or requires the Administration to:

- (i) Revoke or suspend a license of a person; or
- (ii) Prohibit a person from driving a motor vehicle that is not equipped with an ignition interlock system.

[(12)] (14) A suspension imposed under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21-902(a) **OR** (D) of this article described in this subsection.

~~[(1)] Subject to [paragraph (2)] **SUBSECTIONS (D) AND (E)** of this [subsection,] **SECTION**, the Administration may modify any suspension under this section or any suspension under § 16-205.1 of this subtitle and issue a restrictive license to a licensee who participates in the Ignition Interlock System Program established under § 16-404.1 of this title.~~

~~[(2) The Administration may not modify a suspension and issue a restrictive license during a mandatory period of suspension described in subsection (c) of this section.]~~

21-902.

(a) (1) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(2) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(3) A person may not violate paragraph (1) or (2) of this subsection while transporting a minor.

(b) (1) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(2) A person may not violate paragraph (1) of this subsection while transporting a minor.

(c) (1) A person may not drive or attempt to drive any vehicle while he is so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that he cannot drive a vehicle safely.

(2) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.

(3) A person may not violate paragraph (1) or (2) of this subsection while transporting a minor.

(d) (1) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in § 5–101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(2) A person may not violate paragraph (1) of this subsection while transporting a minor.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 497

(Senate Bill 263)

AN ACT concerning

**Vehicle Laws – Alcohol Restriction on Driver’s License – Penalties for
Violations**

FOR the purpose of establishing certain penalties for a violation of a driver’s license alcohol restriction imposed by the Motor Vehicle Administration; and generally relating to driver’s license alcohol restrictions.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–113(j), 27–101(c)(11), and 27–102
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Article – Transportation

16–113.

(j) An individual may not drive or attempt to drive a motor vehicle with alcohol in the individual’s blood in violation of a restriction [imposed by a court].

27–101.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both:

(11) § 16–113(j) (“Violation of alcohol restriction [ordered by a court]”);

27–102.

Except as provided in § 21–1207.1 of this article, any person who violates a restriction imposed on any license under the Maryland Vehicle Law or who violates any rule or regulation adopted under any provision of the Maryland Vehicle Law is guilty of a misdemeanor and, in addition to any administrative penalty provided for in the Maryland Vehicle Law, is subject to the penalties provided for in § 27–101(b) **OR** (C) of this subtitle or, if greater, to the same penalties as are provided for a violation of the statute for or under which the restriction is imposed or the rule or regulation adopted.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 498

(House Bill 305)

AN ACT concerning

Vehicle Laws – Alcohol Restriction on Driver’s License – Penalties for Violations

FOR the purpose of establishing certain penalties for a violation of a driver’s license alcohol restriction imposed by the Motor Vehicle Administration; ~~making a clarifying change;~~ and generally relating to driver’s license alcohol restrictions.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 16–113(j), 27–101(c)(11), and 27–102
 Annotated Code of Maryland
 (2006 Replacement Volume and 2008 Supplement)

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

Article – Transportation

16–113.

(j) An individual may not drive or attempt to drive a motor vehicle with alcohol in the individual’s blood in violation of a restriction [imposed by a court].

27–101.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both:

(11) § 16–113(j) (“Violation of alcohol restriction [ordered by a court]”);

27–102.

Except as provided in § 21–1207.1 of this article, any person who violates a restriction imposed on any license under the Maryland Vehicle Law or who violates any rule or regulation adopted under any provision of the Maryland Vehicle Law is ~~ON CONVICTION,~~ guilty of a misdemeanor and, in addition to any administrative penalty provided for in the Maryland Vehicle Law, is subject to the penalties provided

for in § 27–101(b) OR (C) of this subtitle or, if greater, to the same penalties as are provided for a violation of the statute for or under which the restriction is imposed or the rule or regulation adopted.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 499

(House Bill 299)

AN ACT concerning

Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

FOR the purpose of prohibiting an individual under a certain age from consuming, ~~or exhibiting certain effects from consuming, alcoholic beverages~~ an alcoholic beverage; providing certain exceptions; requiring the existence of a certain circumstance before an individual may be stopped on suspicion of or charged with committing a certain offense; making the furnishing of an alcoholic beverage to a certain individual a crime under certain circumstances; establishing certain penalties for certain violations of this Act; ~~requiring the Motor Vehicle Administration to suspend for a certain period of time the driver's license of a person who commits certain alcohol related violations; authorizing the Motor Vehicle Administration to modify a certain suspension under certain circumstances~~; and generally relating to certain alcoholic beverage violations involving underage individuals under certain circumstances.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–113, 10–115, 10–117, 10–118, and 10–120
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–114, 10–116, and 10–119
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY adding to

Article – Criminal Law
 Section 10–121
 Annotated Code of Maryland
 (2002 Volume and 2008 Supplement)

~~BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 16–205(g)
 Annotated Code of Maryland
 (2006 Replacement Volume and 2008 Supplement)~~

~~BY adding to
 Article – Transportation
 Section 16–206(c–1)
 Annotated Code of Maryland
 (2006 Replacement Volume and 2008 Supplement)~~

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

Article – Criminal Law

10–113.

An individual may not knowingly and willfully make a misrepresentation or false statement as to the age of that individual or another to any person licensed to sell alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic beverage to an individual.

10–114.

(A) [An] **EXCEPT AS PROVIDED IN SUBSECTION (B)(1) OF THIS SECTION, AND SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION,** AN individual under the age of 21 years may not:

(1) possess or have under the individual's charge or control an alcoholic beverage unless the individual is a bona fide employee of the license holder as defined in Article 2B, § 1–102 of the Code and the alcoholic beverage is in the possession or under the charge or control of the individual in the course of the individual's employment and during regular working hours[.]; **OR**

(2) **CONSUME AN ALCOHOLIC BEVERAGE;** ~~OR~~

~~(3) **CONSUME AN ALCOHOLIC BEVERAGE AND EXHIBIT:**~~

~~(I) THE ODOR OF AN ALCOHOLIC BEVERAGE ON THE INDIVIDUAL'S BREATH; AND~~

~~(H) INDICATORS OF IMPAIRMENT CAUSED BY CONSUMPTION OF THE ALCOHOLIC BEVERAGE.~~

(B) (1) THE PROHIBITIONS SET FORTH IN SUBSECTION (A)(1) AND (2) OF THIS SECTION DO NOT APPLY IF:

~~(1)~~ (I) 1. AN ADULT FURNISHES THE ALCOHOLIC BEVERAGE TO THE INDIVIDUAL OR ALLOWS THE INDIVIDUAL TO POSSESS OR CONSUME THE ALCOHOLIC BEVERAGE;

~~(H)~~ 2. THE INDIVIDUAL POSSESSING OR CONSUMING THE ALCOHOLIC BEVERAGE AND THE ADULT WHO FURNISHED THE ALCOHOLIC BEVERAGE TO THE INDIVIDUAL OR ALLOWED THE INDIVIDUAL TO POSSESS OR CONSUME THE ALCOHOLIC BEVERAGE ARE MEMBERS OF THE SAME IMMEDIATE FAMILY; AND

~~(H)~~ 3. THE ALCOHOLIC BEVERAGE IS FURNISHED AND CONSUMED IN A PRIVATE RESIDENCE OF THE ADULT OR WITHIN THE CURTILAGE OF THE RESIDENCE; OR

~~(2)~~ (II) THE INDIVIDUAL CONSUMES THE ALCOHOLIC BEVERAGE AS A PARTICIPANT IN A RELIGIOUS CEREMONY.

(2) AN INDIVIDUAL MAY NOT BE STOPPED ON SUSPICION OF A VIOLATION OF SUBSECTION (A)(2) OF THIS SECTION OR CHARGED WITH A VIOLATION OF SUBSECTION (A)(2) OF THIS SECTION UNLESS THE INDIVIDUAL IS OBSERVED IN POSSESSION OF AN ALCOHOLIC BEVERAGE.

10-115.

An individual under the age of 21 years may not possess a card or document that falsely identifies the age of the individual under circumstances that reasonably indicate an intention to violate the provisions of this part.

10-116.

An individual may not obtain, **OR ATTEMPT TO OBTAIN BY PURCHASE OR OTHERWISE**, an alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by another who the individual obtaining **OR ATTEMPTING TO OBTAIN** the beverage knows is under the age of 21 years.

10-117.

(a) Except as provided in subsection (c) of this section, a person may not furnish an alcoholic beverage to an individual if:

(1) the person furnishing the alcoholic beverage knows that the individual is under the age of 21 years; and

(2) the alcoholic beverage is furnished for the purpose of consumption by the individual under the age of 21 years.

(b) Except as provided in subsection (c) of this section, an adult may not knowingly and willfully allow an individual under the age of 21 years actually to possess or consume an alcoholic beverage at a residence, or within the curtilage of a residence that the adult owns or leases and in which the adult resides.

(c) (1) The prohibition set forth in subsection (a) of this section does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished:

(i) are members of the same immediate family, and the alcoholic beverage is furnished and consumed in a private residence or within the curtilage of the residence; or

(ii) are participants in a religious ceremony.

(2) The prohibition set forth in subsection (b) of this section does not apply if the adult allowing the possession or consumption of the alcoholic beverage and the individual under the age of 21 years who possesses or consumes the alcoholic beverage:

(i) are members of the same immediate family, and the alcoholic beverage is possessed and consumed in a private residence, or within the curtilage of the residence, of the adult; or

(ii) are participants in a religious ceremony.

10-118.

(a) Except for a person licensed as an alcoholic beverages licensee under Article 2B of the Code who possesses a keg in the course of that person's business, a person may not knowingly:

(1) possess a keg that has not been registered under or does not have a registration form affixed to it as required by Article 2B, § 21-106 of the Code; or

(2) remove, alter, or obliterate, or allow to be removed, altered, or obliterated, a registration form that is affixed to a keg.

(b) A person may not allow an individual under the age of 21 years to consume any of the contents of a keg purchased by that person.

10-119.

(a) (1) A person who violates §§ 10-113 through **10-115 OR § 10-118** of this part shall be issued a citation under this section.

(2) A MINOR WHO VIOLATES § 10-116 OR § 10-117(A) OF THIS PART SHALL BE ISSUED A CITATION UNDER THIS SECTION.

(b) A citation for a violation of §§ 10-113 through **10-115 OR A VIOLATION OF § 10-118** of this part may be issued by:

(1) a police officer authorized to make arrests;

(2) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5-206(a) or (b) of the Natural Resources Article; and

(3) in Anne Arundel County, Frederick County, Harford County, Montgomery County, and Prince George's County, and only in the inspector's jurisdiction, an alcoholic beverages inspector who investigates license violations under Article 2B of the Code if the inspector:

(i) has successfully completed an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the board of license commissioners; and

(ii) does not carry firearms in the performance of the inspector's duties.

(c) A person authorized under this section to issue a citation shall issue it if the person has probable cause to believe that the person charged is committing or has committed a Code violation.

(d) (1) Subject to paragraph (2) of this subsection, the form of citation issued to an adult shall be as prescribed by the District Court and shall be uniform throughout the State.

(2) The citation issued to an adult shall contain:

(i) the name and address of the person charged;

(ii) the statute allegedly violated;

- (iii) the location, date, and time that the violation occurred;
 - (iv) the fine that may be imposed;
 - (v) a notice stating that prepayment of the fine is not allowed;
 - (vi) a notice that the District Court shall promptly send the person charged a summons to appear for trial;
 - (vii) the signature of the person issuing the citation; and
 - (viii) a space for the person charged to sign the citation.
- (3) The form of citation issued to a minor shall:
- (i) be prescribed by the State Court Administrator;
 - (ii) be uniform throughout the State; and
 - (iii) contain the information listed in § 3–8A–33(b) of the Courts Article.

(e) (1) [The] **EXCEPT FOR A CITATION SUBJECT TO THE JURISDICTION OF A CIRCUIT COURT, THE** issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(2) (I) The District Court shall promptly schedule the case for trial and summon the defendant to appear.

(II) Willful failure of the defendant to respond to the summons is contempt of court.

(f) (1) For purposes of this section, a violation of §§ 10–113 through **10–115 OR A VIOLATION OF § 10–118** of this part is a Code violation and is a civil offense.

(2) A person charged who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(3) A person charged who is at least 18 years old shall be subject to the provisions of this section.

(4) Adjudication of a Code violation is not a criminal conviction for any purpose, and it does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(g) In any proceeding for a Code violation:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal causes, and in any such proceeding, the court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal causes;

(2) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(3) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, or to testify on the defendant's own behalf, if the defendant chooses to do so;

(4) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and

(5) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

(iii) before rendering judgment, the court may place the defendant on probation in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(h) (1) Except as provided in paragraph (2) of this subsection, if the District Court finds that a person has committed a Code violation, the court shall require the person to pay:

(i) a fine not exceeding \$500; or

(ii) if the violation is a subsequent violation, a fine not exceeding \$1,000.

(2) If the District Court finds that a person has committed a Code violation under § 10–117 of this subtitle, the court shall require the person to pay:

(i) a fine not exceeding \$2,500; or

(ii) if the violation is a subsequent violation, a fine not exceeding \$5,000.

(3) The Chief Judge of the District Court may not establish a schedule for the prepayment of fines **FOR A CODE VIOLATION UNDER THIS PART.**

(i) When a defendant has been found guilty of a Code violation and a fine has been imposed by the court:

(1) the court may direct that the payment of the fine be suspended or deferred under conditions that the court may establish; and

(2) if the defendant willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund.

(2) The court costs in a Code violation case in which costs are imposed are \$5.

(k) (1) In this subsection, “driver’s license” means a license or permit to drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.

(2) This subsection applies only to:

(i) a person who is at least 18 but under 21 years of age; or

(ii) a minor if the minor is subject to the jurisdiction of the court.

(3) If a person is found guilty of a Code violation under § 10–113 of this part that involved the use of a driver’s license or a document purporting to be a driver’s license, the court shall notify the Motor Vehicle Administration of the violation.

(4) The Chief Judge of the District Court, in conjunction with the Motor Vehicle Administrator, shall establish uniform procedures for reporting Code violations described in this subsection.

(l) (1) A defendant who has been found guilty of a Code violation has the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment provided by law in the trial of a criminal case.

(2) A motion shall be made in the same manner as provided in the trial of criminal cases, and the court, in ruling on the motion has the same authority provided in the trial of criminal cases.

(m) (1) The State's Attorney for any county may prosecute a Code violation in the same manner as prosecution of a violation of the criminal laws of this State.

(2) In a Code violation case the State's Attorney may:

(i) enter a nolle prosequi in or place the case on the stet docket;
and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of this State.

10-120.

(a) A person being issued a citation under §§ 10-113 through 10-119 of this part or § 26-103 of the Education Article may not fail or refuse to furnish proof of identification and age on request of the person issuing the citation.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

(c) (1) The juvenile court has jurisdiction over a minor who is within the age of juvenile court jurisdiction.

(2) If there is a waiver of juvenile jurisdiction with respect to a minor who is otherwise subject to juvenile court jurisdiction, the District Court has jurisdiction over the matter, notwithstanding any contrary provision of § 4-301 of the Courts Article.

10-121.

(A) THIS SECTION DOES NOT APPLY TO A PERSON WHO:

(1) WAS ACTING IN THE CAPACITY OF A LICENSEE, OR AN EMPLOYEE OF A LICENSEE, UNDER ARTICLE 2B OF THE CODE; AND

(2) HAS COMMITTED A VIOLATION OF AND IS SUBJECT TO THE PENALTIES UNDER ARTICLE 2B, § 12-108 OF THE CODE.

~~(A)~~ **(B) AN ADULT WHO VIOLATES § 10-116 OR § 10-117 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR.**

~~(B) THE COURT SHALL REQUIRE AN ADULT CONVICTED OF A VIOLATION OF § 10-116 OR § 10-117 OF THIS SUBTITLE TO PAY AND ON CONVICTION IS SUBJECT TO:~~

~~(1) IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$2,500 OR BOTH FOR A FIRST OFFENSE; OR~~

~~(2) IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$5,000 OR BOTH FOR A SECOND OR SUBSEQUENT OFFENSE.~~

~~Article - Transportation~~

~~16-205.~~

~~(g) When a suspension imposed under subsection (e), (d), (d-1), or (c) of this section or § 16-206(b) OR (C-1) of this subtitle expires, the Administration immediately shall return the license or reinstate the privilege of the driver, unless the license or privilege has been refused, revoked, suspended, or canceled under any other provisions of the Maryland Vehicle Law.~~

~~16-206.~~

~~(C-1) (1) ON RECEIVING A RECORD OF A FINDING THAT A PERSON VIOLATED § 10-114 OF THE CRIMINAL LAW ARTICLE OR OF A CONVICTION OF A PERSON FOR A VIOLATION OF § 10-114 OF THE CRIMINAL LAW ARTICLE, THE ADMINISTRATION SHALL SUSPEND THE PERSON'S LICENSE FOR A PERIOD OF 6 MONTHS.~~

~~(2) IF A PERSON SUBJECT TO A SUSPENSION UNDER THIS SUBSECTION DOES NOT HOLD A LICENSE TO OPERATE A MOTOR VEHICLE ON THE DATE OF THE SUSPENSION ORDER, THE SUSPENSION SHALL COMMENCE:~~

~~(I) IF THE PERSON HAS REACHED THE MINIMUM AGE OF LICENSURE, ON THE DATE OF THE SUSPENSION ORDER; OR~~

~~(II) IF THE PERSON HAS NOT REACHED THE MINIMUM AGE OF LICENSURE, ON THE DATE THE PERSON REACHES THE MINIMUM AGE OF LICENSURE.~~

~~(3) THE ADMINISTRATION MAY MODIFY A SUSPENSION IMPOSED UNDER THIS SUBSECTION AND ISSUE A RESTRICTIVE LICENSE IF THE PERSON HOLDS A LICENSE AND MUST DRIVE TO OR FROM:~~

~~(I) EMPLOYMENT OR DURING THE COURSE OF EMPLOYMENT;~~

- ~~(II) A SCHOOL CLASS OR OFFICIAL SCHOOL ACTIVITY;~~
- ~~(III) AN ALCOHOL EDUCATION OR TREATMENT PROGRAM;~~
- ~~(IV) MEDICAL DIAGNOSIS OR TREATMENT;~~
- ~~(V) AN OPPORTUNITY TO PARTICIPATE AS AN ATHLETE IN AN ATHLETIC EVENT OR RELATED TRAINING SESSION;~~
- ~~(VI) AN ORGANIZED VOLUNTEER PROGRAM; OR~~
- ~~(VII) A RELIGIOUS CEREMONY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Chapter 500

(Senate Bill 277)

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

FOR the purpose of expanding to all counties and municipalities in the State the authority to use certain speed monitoring systems to enforce certain highway speed laws under certain standards and procedures; altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle; prohibiting the use of a speed monitoring system in a local jurisdiction unless authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing; requiring a county, before using a speed monitoring system at certain locations, to obtain certain approval, provide certain notice, and provide a municipal corporation instead of the county the opportunity to use a speed monitoring system at the locations; requiring certain local ordinances or resolutions to provide for the issuance of warnings during a certain period for certain violations; ~~increasing the maximum speed limit for the purpose of establishing residential highways on which speed laws may be enforced using speed monitoring systems~~ limiting the operation of a speed monitoring system in a school zone; requiring a local

jurisdiction to publish a certain notice before activating a certain speed monitoring system; ~~requiring a certain speed monitoring system placed in a certain location to be calibrated only to record images of motor vehicles traveling at or above a certain speed~~; repealing a certain requirement that an individual provide certain information to satisfy a certain evidentiary burden; requiring the Chief Judge of the District Court to consult with certain agencies in adopting certain procedures; clarifying that certain fines for certain motor vehicle violations shall be paid to the District Court; expanding the pool of entities authorized to administer a speed monitoring program; authorizing the placement of certain work zone speed control systems on certain highways under certain circumstances; ~~requiring the Comptroller to distribute to the State Highway Administration the revenues from certain civil fines collected under this Act in an amount to cover the costs of implementing and administering the work zone speed control system~~ to be distributed to a certain special fund to be used only for certain purposes; limiting the issuance of citations to owners or drivers of vehicles that exceed certain speeds; requiring a work zone speed control system operator to complete certain training and follow certain procedures; requiring a work zone speed control system to undergo certain calibration; requiring the procurement of a work zone speed control system by a unit of State government to be conducted in a certain manner; requiring the State Highway Administration to place a certain road sign within a reasonable distance of a highway work zone containing a speed monitoring system; providing that certain owners or drivers of motor vehicles, recorded by a work zone speed control system while being operated in violation of certain speed limit laws, are subject to certain penalties; authorizing certain police departments to mail a certain citation to the owner of a motor vehicle; establishing certain civil penalties for a violation of certain provisions of this Act; requiring certain citations to include certain information; authorizing a police department to send a warning instead of a citation under certain circumstances; authorizing the police department to reissue a citation to the driver of a vehicle under certain circumstances; requiring certain citations to be mailed within certain time periods; requiring the District Court to prescribe a certain citation form and to indicate the amount of a certain civil penalty on the citation; establishing the standard of proof in a trial for certain violations of this Act; authorizing persons receiving certain citations to have the work zone speed control system operator be present and able to testify at trial; providing that certain persons are responsible for paying the civil penalty indicated on the citation under certain circumstances; providing that persons receiving certain citations may elect to stand trial in the District Court; establishing defenses that the District Court may consider; authorizing vehicle owners to submit a certain letter to the District Court to establish a certain defense; authorizing the Motor Vehicle Administration to impose certain penalties if the person cited for violating certain provisions of this Act fails to pay the civil penalty or contest liability; prohibiting certain violations under this Act from being considered for certain purposes; providing for the admissibility and use of certain evidence; modifying the jurisdiction of the District Court to include certain proceedings; providing for the handling of certain court costs and penalties; clarifying certain

language; prohibiting an insurer from considering a certain civil penalty for purposes of reclassifying an insured; prohibiting the custodian of recorded images produced by a work zone speed control system from allowing inspection of the recorded images, subject to certain exceptions; requiring the Department of State Police and the State Highway Administration jointly to adopt regulations establishing the standards and procedures for work zone speed control systems; requiring certain State and local entities to administer and process civil citations issued under this Act in consultation with the District Court; providing that the fees of certain contractors may not be contingent on the number of citations issued or paid under this Act; requiring the issuance of warnings for a certain time period for certain violations; defining certain terms; repealing a certain definition; altering a certain definition; making certain stylistic changes; making a technical correction; restricting the use of certain revenues generated by this Act; ~~requiring a local jurisdiction to remit revenue generated from the use of speed monitoring systems to the Comptroller for deposit to the General Fund of the State if the revenue is not spent within a certain period of time~~ providing for the distribution of certain revenues collected by political subdivisions as a result of violations enforced by speed monitoring systems; requiring a political subdivision to submit a certain report under certain circumstances; providing for the application of this Act; providing that existing obligations or contract rights may not be impaired by this Act; providing that certain provisions of this Act do not apply to certain speed monitoring systems in Montgomery County; requiring certain local jurisdictions to issue a certain report by a certain date; providing for a delayed effective date for certain provisions of this Act; and generally relating to the use of speed monitoring systems to enforce certain laws regarding the operation of motor vehicles in excess of certain speed limits.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13), 7–301(a), 7–302(e), and 10–311
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–215(e) and 11–318(e)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(o)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 12–118(c), 21–809, 26–305(a), and 26–401
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 12–118(e) and 21–810
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–118(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

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.

(e) (1) A citation issued pursuant to § 21–202.1 or § 21–809 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person’s intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person’s intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a traffic control signal monitoring system or speed monitoring system controlled by a political subdivision shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system controlled by a State [agency or a speed monitoring system,] **AGENCY, OR AS A RESULT OF A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM OR A SPEED MONITORING SYSTEM** in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using traffic control signal monitoring systems or speed monitoring systems that are collected by the

District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12-118 of the Transportation Article.

(4) (I) FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, A POLITICAL SUBDIVISION:

1. MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND

2. SUBJECT TO ~~SUBPARAGRAPHS (II), (III), AND (IV)~~ SUBPARAGRAPH (II) OF THIS PARAGRAPH, MAY SPEND ANY REMAINING BALANCE SOLELY FOR ~~RELATED~~ PUBLIC SAFETY PURPOSES, INCLUDING PEDESTRIAN SAFETY PROGRAMS.

~~(H) 1. IF A POLITICAL SUBDIVISION DOES NOT SPEND FUNDS ELIGIBLE TO BE SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH WITHIN 2 YEARS AFTER THE END OF THE FISCAL YEAR IN WHICH THE FUNDS WERE COLLECTED, THE POLITICAL SUBDIVISION SHALL REMIT THE UNSPENT FUNDS TO THE COMPTROLLER ON AN ANNUAL BASIS.~~

~~2. THE COMPTROLLER SHALL DEPOSIT ANY MONEY REMITTED UNDER THIS SUBPARAGRAPH TO THE GENERAL FUND OF THE STATE.~~

~~(H) FUNDS SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL BE USED TO SUPPLEMENT AND MAY NOT SUPPLANT EXISTING LOCAL EXPENDITURES FOR THE SAME PURPOSE.~~

~~(IV) IN ANY YEAR THAT A POLITICAL SUBDIVISION SPENDS FUNDS ELIGIBLE TO BE SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE POLITICAL SUBDIVISION SHALL FILE A REPORT BY DECEMBER 1 OF THAT YEAR WITH THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, DETAILING THE AMOUNT AND PURPOSES OF THE EXPENDITURE.~~

(II) 1. FOR ANY FISCAL YEAR, IF THE BALANCE REMAINING FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, AFTER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SYSTEMS ARE RECOVERED IN ACCORDANCE WITH SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, IS GREATER THAN 10% OF THE TOTAL REVENUES OF THE POLITICAL SUBDIVISION FOR THE FISCAL YEAR, THE POLITICAL SUBDIVISION SHALL REMIT

ANY FUNDS THAT EXCEED 10% OF THE TOTAL REVENUES TO THE COMPTROLLER.

2. THE COMPTROLLER SHALL DEPOSIT ANY MONEY REMITTED UNDER THIS SUBPARAGRAPH TO THE GENERAL FUND OF THE STATE.

Article – State Government

10–616.

(o) (1) In this subsection, “recorded images” has the meaning stated in § 21–202.1 or § 21–809 of the Transportation Article.

(2) Except as provided in paragraph (3) of this subsection, a custodian of recorded images produced by a traffic control signal monitoring system operated under § 21–202.1 of the Transportation Article or a speed monitoring system operated under § 21–809 of the Transportation Article shall deny inspection of the recorded images.

(3) A custodian shall allow inspection of recorded images:

(i) as required in § 21–202.1 or § 21–809 of the Transportation Article;

(ii) by any person issued a citation under § 21–202.1 or § 21–809 of the Transportation Article, or an attorney of record for the person; or

(iii) by an employee or agent of [a law enforcement] AN agency in an investigation or proceeding relating to the imposition of or indemnification from civil liability pursuant to § 21–202.1 or § 21–809 of the Transportation Article.

Article – Transportation

21–809.

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

[(2) “Local police department” means:

(i) The Montgomery County Department of Police; and

(ii) The police department of any municipal corporation in Montgomery County.]

(2) “AGENCY” MEANS:

(I) **A LAW ENFORCEMENT AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS; OR**

(II) **FOR A MUNICIPAL CORPORATION THAT DOES NOT MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE MUNICIPAL CORPORATION TO IMPLEMENT THIS SUBTITLE USING SPEED MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.**

(3) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) "Owner" does not include:

1. A motor vehicle rental or leasing company; or
2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(4) "Recorded image" means an image recorded by a speed monitoring system:

(i) On:

1. A photograph;
2. A microphotograph;
3. An electronic image;
4. Videotape; or
5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;
2. At least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and
3. On at least one image or portion of tape, a clear **AND LEGIBLE** identification of the **ENTIRE** registration plate number of the motor vehicle.

(5) “Speed monitoring system” means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least [10] **12** miles per hour above the posted speed limit.

(6) “Speed monitoring system operator” means [an individual who] **A REPRESENTATIVE OF AN AGENCY OR CONTRACTOR THAT** operates a speed monitoring system.

(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) **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.**

[(1)] (IV) This section applies to a violation of this subtitle [that occurs in Montgomery County] recorded by a speed monitoring system that meets the requirements of this subsection and has been placed:

[(i)] 1. ~~On~~ **IN MONTGOMERY COUNTY, ON** a highway in a residential [district] **DISTRICT**, as defined in § 21-101 of this [title]:

1. With] **TITLE, WITH** a maximum posted speed limit of ~~[35]~~ **45** miles per [hour; and

2. That has a speed limit that] **HOUR, WHICH SPEED LIMIT** was established using generally accepted traffic engineering practices; or

[(ii)] **2.** In a school zone established under § 21–803.1 of this subtitle.

(V) 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.

(VI) A SPEED MONITORING SYSTEM IN A SCHOOL ZONE MAY OPERATE ONLY MONDAY THROUGH FRIDAY BETWEEN 6:00 A.M. AND 8:00 P.M.

(2) (i) A speed monitoring system operator shall complete training by a manufacturer of speed monitoring systems in the procedures for setting up and operating the speed monitoring system.

(ii) The manufacturer shall issue a signed certificate to the speed monitoring system operator [upon] **ON** completion of the training.

(iii) The certificate of training shall be admitted as evidence in any court proceeding for a violation of this section.

(3) A speed monitoring system operator shall fill out and sign a daily set-up log for a speed monitoring system that:

(i) States that the speed monitoring system operator successfully performed the manufacturer-specified self-test of the speed monitoring system prior to producing a recorded image;

(ii) Shall be kept on file; and

(iii) Shall be admitted as evidence in any court proceeding for a violation of this section.

(4) (i) A speed monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory.

(ii) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check[, which] **THAT**:

1. Shall be kept on file; and
2. Shall be admitted as evidence in any court proceeding for a violation of this section.

~~(5) (i) THIS PARAGRAPH DOES NOT APPLY TO A SPEED MONITORING SYSTEM PLACED IN A SCHOOL ZONE.~~

~~(ii) IF A SPEED MONITORING SYSTEM IS PLACED WITHIN 250 FEET AFTER THE LOCATION OF A SIGN DECREASING THE MAXIMUM SPEED LIMIT ON THE HIGHWAY, THE SPEED MONITORING SYSTEM SHALL BE CALIBRATED ONLY TO RECORD IMAGES OF MOTOR VEHICLES TRAVELING AT SPEEDS AT LEAST 12 MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN EFFECT BEFORE THE LOCATION OF THE SIGN.~~

(c) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while being operated in violation of this subtitle.

(2) A civil penalty under this subsection may not exceed \$40.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (d)(1) of this section and § 7-302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(d) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, [the local police department] **AN AGENCY** shall mail to [the owner,] **AN OWNER** liable under subsection (c) of this section[,], a citation that shall include:

- (i) The name and address of the registered owner of the vehicle;
- (ii) The registration number of the motor vehicle involved in the violation;

- (iii) The violation charged;
 - (iv) The location where the violation occurred;
 - (v) The date and time of the violation;
 - (vi) A copy of the recorded image;
 - (vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;
 - (viii) A signed statement by a duly authorized [agent of the local police department] **LAW ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY** that, based on inspection of recorded images, the motor vehicle was being operated in violation of this subtitle;
 - (ix) A statement that recorded images are evidence of a violation of this subtitle;
 - (x) Information advising the person alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and
 - (xi) Information advising the person alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner:
 - 1. Is an admission of liability;
 - 2. May result in the refusal by the Administration to register the motor vehicle; and
 - 3. May result in the suspension of the motor vehicle registration.
- (2) [The local police department] **AN AGENCY** may mail a warning notice instead of a citation to the owner liable under subsection (c) of this section.
- (3) Except as provided in subsection (f)(4) of this section, [the local police department] **AN AGENCY** may not mail a citation to a person who is not an owner.
- (4) Except as provided in subsection (f)(4) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged

violation if the vehicle is registered in this State, and 30 days after the alleged violation if the vehicle is registered in another state.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the [Montgomery County Department of Finance] **POLITICAL SUBDIVISION**; or

(ii) Elect to stand trial in the District Court for the alleged violation.

(e) (1) A certificate alleging that the violation of this subtitle occurred and the requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed by [a duly authorized agent of the local police department] **AN AGENT OR EMPLOYEE OF AN AGENCY**, based on inspection of recorded images produced by a speed monitoring system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section without the presence or testimony of the speed monitoring system operator who performed the requirements under subsection (b) of this section.

(2) If a person who received a citation under subsection (d) of this section desires the speed monitoring system operator to be present and testify at trial, the person shall notify the court and the State in writing no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

(f) (1) The District Court may consider in defense of a violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(ii) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(iii) Any other issues and evidence that the District Court deems pertinent.

(2) [In order to] **TO** demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the

control or possession of the owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

(i) States that the person named in the citation was not operating the vehicle at the time of the violation; **AND**

(ii) [Provides the name, address, and, if possible, the driver's license identification number of the person who was operating the vehicle at the time of the violation; and

(iii)] Includes any other corroborating evidence.

(4) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (3) of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the [local police department] **AGENCY ISSUING THE CITATION** a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, [the local police department] **AN AGENCY** may issue a citation as provided in subsection (d) of this section to the person who the evidence indicates was operating the vehicle at the time of the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(g) If a person liable under this section does not pay the civil penalty or contest the violation, the Administration:

(1) May refuse to register or reregister the motor vehicle cited for the violation; or

(2) May suspend the registration of the motor vehicle cited for the violation.

(h) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article;

(2) May not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(3) May be treated as a parking violation for purposes of § 26–305 of this article; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(i) In consultation with the [Montgomery County Department of Finance and the local police departments] **APPROPRIATE LOCAL GOVERNMENT AGENCIES**, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

(j) **(1) AN AGENCY OR AN AGENT OR CONTRACTOR DESIGNATED BY THE AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.**

(2) If a contractor operates a speed monitoring system on behalf of [Montgomery County] **A LOCAL JURISDICTION**, the contractor's fee may not be contingent on the number of citations issued or paid.

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

Article – Courts and Judicial Proceedings

4–401.

Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, [or] § 21–809, **OR § 21–810** of the Transportation Article or § 10–112 of the Criminal Law Article;

7–301.

(a) The court costs in a traffic case, including parking and impounding cases, cases under § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article in which costs are imposed, and cases under § 10–112 of the Criminal Law Article in

which costs are imposed are \$22.50. Such costs shall also be applicable to those cases in which the defendant elects to waive his right to trial and pay the fine or penalty deposit established by the Chief Judge of the District Court by administrative regulation. In an uncontested case under § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article, an uncontested case under § 10–112 of the Criminal Law Article, or an uncontested parking or impounding case in which the fines are paid directly to a political subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained by the political subdivision or municipality. In an uncontested case in which the fine is paid directly to an agency of State government authorized by law to regulate parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be paid to the agency, which shall receive and account for these funds as in all other cases involving sums due the State through a State agency.

7–302.

(e) (1) A citation issued pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a traffic control signal monitoring system or speed monitoring system, **INCLUDING A WORK ZONE SPEED CONTROL SYSTEM**, controlled by a political subdivision shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system **OR A WORK ZONE SPEED CONTROL SYSTEM** controlled by a State agency or a speed monitoring system, in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using traffic control signal monitoring systems or speed monitoring systems, **OR A WORK ZONE SPEED CONTROL SYSTEM**, that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12–118 of the Transportation Article.

10–311.

(a) A recorded image of a motor vehicle produced by a traffic control signal monitoring system in accordance with § 21–202.1 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of § 21–202(h) of the Transportation Article without authentication.

(b) A recorded image of a motor vehicle produced by a speed monitoring system in accordance with § 21-809 **OR § 21-810** of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

(c) In any other judicial proceeding, a recorded image produced by a traffic control signal monitoring system [or], speed monitoring system, **OR WORK ZONE SPEED CONTROL SYSTEM** is admissible as otherwise provided by law.

Article – Insurance

11-215.

(e) For purposes of reclassifying an insured in a classification that entails a higher premium, an insurer under an automobile insurance policy may not consider a probation before judgment disposition of a motor vehicle law offense, a civil penalty imposed pursuant to § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation Article, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of the Transportation Article on record with the Motor Vehicle Administration, as provided in § 16-117(b) of the Transportation Article.

11-318.

(e) For purposes of reclassifying an insured in a classification that entails a higher premium, an insurer under an automobile insurance policy may not consider a probation before judgment disposition of a motor vehicle law offense, a civil penalty imposed pursuant to § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation Article, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of the Transportation Article on record with the Motor Vehicle Administration, as provided in § 16-117(b) of the Transportation Article.

Article – State Government

10-616.

(o) (1) In this subsection, “recorded images” has the meaning stated in § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation Article.

(2) Except as provided in paragraph (3) of this subsection, a custodian of recorded images produced by a traffic control signal monitoring system operated under § 21-202.1 of the Transportation Article [or], a speed monitoring system operated under § 21-809 of the Transportation Article, **OR A WORK ZONE SPEED CONTROL SYSTEM OPERATED UNDER § 21-810 OF THE TRANSPORTATION ARTICLE** shall deny inspection of the recorded images.

(3) A custodian shall allow inspection of recorded images:

(i) as required in § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation Article;

(ii) by any person issued a citation under § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation Article, or an attorney of record for the person; or

(iii) by an employee or agent of a law enforcement agency in an investigation or proceeding relating to the imposition of or indemnification from civil liability pursuant to § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation Article.

Article - Transportation

12-118.

(c) (1) [Notwithstanding] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, NOTWITHSTANDING** any other law and in addition to any other exceptions provided by law, all costs, fines, penalties, and forfeitures received by or paid to the District Court under the Maryland Vehicle Law shall be collected and remitted as provided in the Courts Article.

(2) THE COMPTROLLER SHALL DISTRIBUTE ~~TO THE STATE HIGHWAY ADMINISTRATION~~ REVENUE FROM THE CIVIL FINES COLLECTED THROUGH USE OF A WORK ZONE SPEED CONTROL SYSTEM UNDER § 21-810 OF THIS ARTICLE ~~IN AN AMOUNT TO COVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE WORK ZONE SPEED CONTROL SYSTEM~~ TO A SPECIAL FUND, TO BE USED ONLY AS PROVIDED IN SUBSECTION (E) OF THIS SECTION.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MONEY IN THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (C)(2) OF THIS SECTION SHALL BE DISTRIBUTED TO THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY ADMINISTRATION TO COVER THE COSTS OF IMPLEMENTING AND ADMINISTERING WORK ZONE SPEED CONTROL SYSTEMS.

(2) THE BALANCE OF THE MONEY IN THE SPECIAL FUND SHALL BE DISTRIBUTED TO THE DEPARTMENT OF STATE POLICE TO FUND ROADSIDE ENFORCEMENT ACTIVITIES.

21-810.

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

(2) “LOCAL POLICE DEPARTMENT” MEANS:

(I) THE POLICE DEPARTMENT OF ANY MUNICIPAL CORPORATION;

(II) THE POLICE DEPARTMENT OF ANY COUNTY; AND

(III) THE SHERIFF’S DEPARTMENT OF ANY COUNTY THAT HAS HIGHWAY TRAFFIC PATROL RESPONSIBILITIES.

(3) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR LONGER.

(II) “OWNER” DOES NOT INCLUDE:

1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR

2. A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

(4) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A WORK ZONE SPEED CONTROL SYSTEM:

(I) ON:

1. A PHOTOGRAPH;

2. A MICROPHOTOGRAPH;

3. AN ELECTRONIC IMAGE;

4. VIDEOTAPE; OR

5. ANY OTHER MEDIUM; AND

(II) SHOWING:

1. THE REAR OF A MOTOR VEHICLE;

2. AT LEAST TWO TIME-STAMPED IMAGES OF THE MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR VEHICLE; AND

3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

(5) "STATE POLICE DEPARTMENT" MEANS:

(I) THE DEPARTMENT OF STATE POLICE; AND

(II) THE MARYLAND TRANSPORTATION AUTHORITY POLICE.

(6) "WORK ZONE" MEANS A SEGMENT OF A HIGHWAY:

(I) THAT IS IDENTIFIED AS A TEMPORARY TRAFFIC CONTROL ZONE BY TRAFFIC CONTROL DEVICES THAT ARE PLACED OR INSTALLED IN GENERAL CONFORMANCE WITH THE STATE MANUAL AND SPECIFICATIONS ADOPTED FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES; AND

(II) WHERE HIGHWAY CONSTRUCTION, REPAIR, MAINTENANCE, UTILITY WORK, OR A RELATED ACTIVITY, INCLUDING THE PLACEMENT, INSTALLATION, MAINTENANCE, OR REMOVAL OF A WORK ZONE TRAFFIC CONTROL DEVICE, IS BEING PERFORMED REGARDLESS OF WHETHER WORKERS ARE PRESENT.

(7) "WORK ZONE SPEED CONTROL SYSTEM" MEANS A DEVICE HAVING ONE OR MORE MOTOR VEHICLE SENSORS CONNECTED TO A CAMERA SYSTEM CAPABLE OF PRODUCING RECORDED IMAGES OF MOTOR VEHICLES TRAVELING AT OR ABOVE A PREDETERMINED SPEED IN OR APPROACHING A WORK ZONE.

(8) "WORK ZONE SPEED CONTROL SYSTEM OPERATOR" MEANS AN INDIVIDUAL WHO HAS BEEN TRAINED AND CERTIFIED TO OPERATE A WORK ZONE SPEED CONTROL SYSTEM AND WHO IS:

(I) A POLICE OFFICER;

(II) A REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT;

(III) A REPRESENTATIVE OF A STATE POLICE DEPARTMENT;

OR

(IV) A STATE HIGHWAY ADMINISTRATION CONTRACTOR.

(B) (1) A WORK ZONE SPEED CONTROL SYSTEM THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION MAY BE USED TO RECORD THE IMAGES OF MOTOR VEHICLES TRAVELING ON A HIGHWAY:

(I) WITHIN A WORK ZONE;

(II) THAT IS AN EXPRESSWAY OR A CONTROLLED ACCESS HIGHWAY AS DEFINED IN § 21-101 OF THIS TITLE; AND

(III) ON WHICH THE SPEED LIMIT, ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES, IS 45 MILES PER HOUR OR GREATER.

(2) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY:

(I) ON A HIGHWAY AS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION;

(II) WHEN BEING OPERATED BY A WORK ZONE SPEED CONTROL SYSTEM OPERATOR; AND

(III) IF, IN ACCORDANCE WITH THE MARYLAND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, A CONSPICUOUS ROAD SIGN IS PLACED AT A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES BEFORE THE WORK ZONE ALERTING DRIVERS THAT A SPEED MONITORING SYSTEM MAY BE IN OPERATION IN THE WORK ZONE.

(3) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY TO RECORD THE IMAGES OF VEHICLES THAT ARE TRAVELING AT SPEEDS AT LEAST 12 MILES PER HOUR ABOVE THE POSTED WORK ZONE SPEED LIMIT.

(4) (I) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE WORK ZONE SPEED CONTROL SYSTEM IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING THE WORK ZONE SPEED CONTROL SYSTEM.

(II) ON COMPLETION OF THE TRAINING, THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR.

(III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(5) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR SHALL FILL OUT AND SIGN A DAILY SET-UP LOG FOR A WORK ZONE SPEED CONTROL SYSTEM THAT:

(I) STATES THE DATE AND TIME WHEN AND THE LOCATION WHERE THE SYSTEM WAS SET UP;

(II) STATES THAT THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR SUCCESSFULLY PERFORMED, AND THE DEVICE PASSED, THE MANUFACTURER-SPECIFIED SELF-TESTS OF THE WORK ZONE SPEED CONTROL SYSTEM BEFORE PRODUCING A RECORDED IMAGE;

(III) SHALL BE KEPT ON FILE; AND

(IV) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(6) (I) A WORK ZONE SPEED CONTROL SYSTEM SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY.

(II) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK THAT:

1. SHALL BE KEPT ON FILE; AND

2. SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(7) THE PROCUREMENT OF A WORK ZONE SPEED CONTROL SYSTEM BY A UNIT OF STATE GOVERNMENT SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 13, SUBTITLE 1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(c) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF AN IMAGE OF THE MOTOR VEHICLE IS RECORDED BY A WORK ZONE SPEED CONTROL SYSTEM IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION WHILE BEING OPERATED IN VIOLATION OF THIS SUBTITLE.

(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$40.

(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL:

(I) PRESCRIBE A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

(II) INDICATE ON THE CITATION THE AMOUNT OF THE CIVIL PENALTY TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY WITHOUT APPEARING IN DISTRICT COURT.

(D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, A LOCAL POLICE DEPARTMENT, STATE POLICE DEPARTMENT, OR POLICE DEPARTMENT CONTRACTOR SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE;

(II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION;

(III) THE VIOLATION CHARGED;

(IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

(V) THE DATE AND TIME OF THE VIOLATION;

(VI) AT LEAST ONE RECORDED IMAGE OF THE VEHICLE WITH A DATA BAR IMPRINTED ON EACH IMAGE THAT INCLUDES THE SPEED OF THE VEHICLE AND THE DATE AND TIME THE IMAGE WAS RECORDED;

(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

(VIII) A SIGNED STATEMENT BY A POLICE OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;

(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A VIOLATION OF THIS SUBTITLE;

(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

(XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST LIABILITY IN A TIMELY MANNER:

1. IS AN ADMISSION OF LIABILITY;
2. MAY RESULT IN THE REFUSAL TO REGISTER THE MOTOR VEHICLE; AND
3. MAY RESULT IN THE SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.

(2) THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT MAY MAIL A WARNING NOTICE INSTEAD OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.

(3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER.

(4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN THIS STATE, AND NO LATER THAN 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN ANOTHER STATE.

(5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY:

(I) PAY THE CIVIL PENALTY IN ACCORDANCE WITH INSTRUCTIONS ON THE CITATION; OR

(II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE ALLEGED VIOLATION.

(E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS SUBTITLE OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION HAVE BEEN SATISFIED, SWORN TO, OR AFFIRMED BY A POLICE OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A WORK ZONE SPEED CONTROL SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.

(2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D) OF THIS SECTION DESIRES A WORK ZONE SPEED CONTROL SYSTEM OPERATOR TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE POLICE DEPARTMENT THAT ISSUED THE CITATION IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

(3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A PREPONDERANCE OF EVIDENCE.

(F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE VEHICLE OWNER AT THE TIME OF THE VIOLATION;

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT DEEMS PERTINENT.

(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY MANNER.

(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

(I) STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

(II) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

(4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF THE COURT MAY PROVIDE TO THE POLICE DEPARTMENT THAT ISSUED THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE POLICE DEPARTMENT THAT ISSUED THE CITATION MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(III) ANY CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT.

(G) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION MAY:

(1) REFUSE TO REGISTER OR REREGISTER THE REGISTRATION OF THE MOTOR VEHICLE CITED FOR THE VIOLATION; OR

(2) SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED FOR THE VIOLATION.

(H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION:

(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE;

(2) **MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;**

(3) **MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF § 26-305 OF THIS ARTICLE; AND**

(4) **MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.**

(I) **IN CONSULTATION WITH LOCAL POLICE DEPARTMENTS AND STATE POLICE DEPARTMENTS, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.**

(J) (1) **THE DEPARTMENT OF STATE POLICE OR A CONTRACTOR DESIGNATED BY THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.**

(2) **IF A CONTRACTOR PROVIDES, DEPLOYS, OR OPERATES A WORK ZONE SPEED CONTROL SYSTEM FOR A POLICE DEPARTMENT, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.**

(K) **THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY ADMINISTRATION JOINTLY SHALL ADOPT REGULATIONS ESTABLISHING STANDARDS AND PROCEDURES FOR WORK ZONE SPEED CONTROL SYSTEMS AUTHORIZED UNDER THIS SECTION.**

26-305.

(a) The Administration may not register or transfer the registration of any vehicle involved in a parking violation under this subtitle, a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government, a violation of § 21-202(h) of this article as determined under § 21-202.1 of this article or Title 21, Subtitle 8 of this article as determined under § 21-809 **OR § 21-810** of this article, or a violation of the State litter control law or a local law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as determined under § 10-112 of the Criminal Law Article, if:

(1) It is notified by a political subdivision or authorized State agency that the person cited for the violation under this subtitle, § 21-202.1 [or], § 21-809, **OR § 21-810** of this article, or § 10-112 of the Criminal Law Article has failed to either:

(i) Pay the fine for the violation by the date specified in the citation; or

(ii) File a notice of his intention to stand trial for the violation;

(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle, under § 21–202.1 [or], § 21–809, **OR § 21–810** of this article, or under § 10–112 of the Criminal Law Article has failed to appear for trial; or

(3) It is notified by a U.S. District Court that a person cited for a violation under a federal parking regulation:

(i) Has failed to pay the fine for the violation by the date specified in the federal citation; or

(ii) Either has failed to file a notice of [his] **THE PERSON'S** intention to stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

26–401.

If a person is taken before a District Court commissioner or is given a traffic citation or a civil citation under § 21–202.1 [or], § 21–809, **OR § 21–810** of this article containing a notice to appear in court, the commissioner or court shall be one that sits within the county in which the offense allegedly was committed.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

12–118.

(e) (1) Subject to paragraph (2) of this subsection, money in the special fund established under subsection (c)(2) of this section shall be distributed to the Department of State Police and the State Highway Administration to cover the costs of implementing and administering work zone speed control systems.

(2) The balance of the money in the special fund shall be distributed to the [Department of State Police to fund roadside enforcement activities] **TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3–216 OF THIS ARTICLE.**

SECTION 3. AND BE IT FURTHER ENACTED, That, during the 30–day period after the first work zone speed control system is in place, a law enforcement

agency may issue warnings, but may not issue citations, for violations enforced in accordance with § 21-810 of the Transportation Article, as enacted by this Act.

SECTION 4. 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 awarded before the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That an obligation or contract right existing on the effective date of this Act may not be impaired in any way by this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That each local jurisdiction that enforces speed limit laws as authorized under this Act shall report to the Governor and the General Assembly on or before December 31, 2013, in accordance with § 2-1246 of the State Government Article, on the effectiveness of speed monitoring systems in the jurisdiction.

SECTION 7. AND BE IT FURTHER ENACTED, That § 21-809(b)(1)(i), (iii), and (v) of the Transportation Article, as enacted by Section 1 of this Act, does not apply to speed monitoring systems installed and operated in Montgomery County before October 1, 2009.

SECTION ~~4~~ 8. AND BE IT FURTHER ENACTED, That Section ~~2~~ 3 of this Act shall take effect October 1, 2012.

SECTION ~~8~~ ~~5~~ 9. AND BE IT FURTHER ENACTED, That, except as provided in Section ~~4~~ 8 of this Act, this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.
