Laws

of the

State of Maryland

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VOLUME III

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Chapter 339

(House Bill 466)

AN ACT concerning

Procurement – Service Contracts for Janitorial Services

FOR the purpose of requiring the Board of Public Works, in consultation with the Department of General Services, to adopt regulations to require that a bidder or offeror responding to a solicitation for a service contract for janitorial services delineate its costs by certain categories; providing for a certain exception; and generally relating to service contracts for janitorial services.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–101(t)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–218.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 13–401
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Article – State Finance and Procurement

11–101.

(t) (1) Except as provided in paragraph (3) of this subsection, "services" means:

(i) the labor, time, or effort of a contractor; and

(ii) any product or report necessarily associated with the rendering of a service.

(2) "Services" includes services provided by attorneys, accountants, physicians, consultants, and other professionals who are independent contractors.

(3) "Services" does not include:

(i) construction related services;

(ii) architectural services;

(iii) engineering services; or

(iv) energy performance contract services.

13–218.1.

(a) In this section, "service contract" has the meaning stated in § 13–401 of the State Personnel and Pensions Article.

(b) **(1)** At least 60 days before the issuance of a solicitation for a service contract that is not exempt under § 13–403(c) or § 13–404(b) of the State Personnel and Pensions Article, the unit shall provide the exclusive representative of the employees who may be affected by the service contract with written notice of:

[(1)**]** **(I)** work that is being proposed for contracting; and

[(2)**]** **(II)** contracting procedures, requirements, timetables, and employee rights as provided in Title 13, Subtitle 4 of the State Personnel and Pensions Article.

(2) (I) ~~**THIS**~~ **1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THIS PARAGRAPH APPLIES TO A SOLICITATION FOR A SERVICE CONTRACT FOR JANITORIAL SERVICES.**

2. THIS PARAGRAPH DOES NOT APPLY TO A SERVICE CONTRACT FOR JANITORIAL SERVICES UNDER TITLE 14, SUBTITLE 1 OF THIS ARTICLE.

(II) IN CONSULTATION WITH THE DEPARTMENT OF GENERAL SERVICES, THE BOARD SHALL ADOPT REGULATIONS CONCERNING A SOLICITATION FOR A SERVICE CONTRACT FOR JANITORIAL SERVICES TO REQUIRE THAT A BIDDER OR OFFEROR DELINEATE ITS COSTS BY CATEGORY, INCLUDING:

1. LABOR;

~~**2. LIABILITY INSURANCE;**~~

~~3.~~ 2. CLEANING SUPPLIES; AND

~~4.~~ 3. PROJECTED MAN–HOURS TO SATISFACTORILY COMPLETE THE SERVICE.

[(c)**]** **(D)** A violation of this section does not constitute grounds to challenge or appeal an award of a procurement or the process through which the procurement was conducted.

Article – State Personnel and Pensions

13–401.

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

(b) "Service contract" means a procurement contract for services that:

(1) will be provided to a unit in the Executive Branch of State government;

(2) will be performed within a State–operated facility; and

(3) in the estimation of the procurement officer, will exceed an annual cost of $100,000.

(c) "Services" has the meaning stated in § 11–101 of the State Finance and Procurement Article.

(d) "Unit" has the meaning stated in § 11–101 of the State Finance and Procurement Article.

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

Approved by the Governor, May 10, 2011.

Chapter 340

(House Bill 487)

AN ACT concerning

~~Janet L. Hoffman Loan Assistance Repayment~~ Walter Sondheim Jr. Public Service Summer Internship Scholarship Program – Internships

FOR the purpose of providing that certain students who ~~attend certain institutions of higher education and~~ participate in certain internships ~~with the State or local governments~~ that assist in providing certain legal services in the State are eligible to receive funding under the ~~Janet L. Hoffman Loan Assistance Repayment~~ Walter Sondheim Jr. Public Service Summer Internship Scholarship Program; ~~prohibiting certain awards from exceeding a certain amount; limiting the number of awards that the Office of Student Financial Assistance may make to certain students; altering a certain definition; making a stylistic change;~~ and generally relating to funding under the ~~Janet L. Hoffman Loan Assistance Repayment~~ Walter Sondheim Jr. Public Service Summer Internship Scholarship Program for certain students who participate in certain internships.

BY repealing and reenacting, with amendments,
Article – Education
Section ~~18–1501 and 18–1502~~ 18–1702
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Education

18–1702.

(a) There is a scholarship program known as the Walter Sondheim Jr. Public Service Summer Internship Scholarship Program in the State.

(b) The purpose of the Program is to assist college and graduate students to explore public service career opportunities through summer internships.

(c) The Shriver Center shall administer the Program.

(d) On or before January 1 of each year, an institution of higher education in the State may nominate eligible students to participate in the Program.

(e) Priority for participation in the Program shall be given to an eligible student who:

(1) Is a resident of the State;

(2) Has demonstrated an interest in a career in public service; and

(3) Assists in providing:

(i) Legal services**:**

1. **[**to**] TO** low–income residents in the State who cannot afford legal services; **OR**

2. **IN A PUBLIC SERVICE POSITION;**

(ii) Social work services to low–income residents in the State;

(iii) Nursing services in nursing shortage areas in the State as defined in § 18–802 of this title; or

(iv) Other services in the public or nonprofit sectors in which there is a shortage of qualified practitioners to low–income or underserved residents or areas of the State.

(f) (1) Subject to paragraph (3) of this subsection, on or before May 1 of each year, the Shriver Center shall award scholarships to eligible students who have agreed to serve in a public service summer internship.

(2) The Shriver Center shall award no more than:

(i) 75 scholarships for the summer of 2008; and

(ii) 100 scholarships for the summer of 2009.

(3) Funds for the scholarships awarded under this subtitle shall be as provided in the State budget.

(g) Subject to the availability of funds, the scholarship award under the Program shall be $3,000.

(h) The Shriver Center shall serve as a clearinghouse for public and nonprofit entities who wish to hire public service summer interns participating in the Program.

~~18–1501.~~

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

~~(b) (1) "Eligible field of employment" means employment in the State by an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.~~

~~(2) "Eligible field of employment" includes **[**employment**]:**~~

~~(I) EMPLOYMENT by the State or any local government in the State[, but]; AND~~

~~(II) A PAID OR UNPAID SUMMER INTERNSHIP WITH THE STATE OR ANY LOCAL GOVERNMENT IN THE STATE FOR A STUDENT ENROLLED IN A GRADUATE OR PROFESSIONAL PROGRAM AT AN INSTITUTION OF HIGHER EDUCATION.~~

~~(3) "ELIGIBLE FIELD OF EMPLOYMENT" does not include being employed as a judicial clerk in any court.~~

~~(c) "Higher education loan" means any loan for undergraduate or graduate study that is obtained for tuition, educational expenses, or living expenses from:~~

~~(1) A college or university, government, or commercial source; or~~

~~(2) An organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.~~

~~(d) "Program" means the Janet L. Hoffman Loan Assistance Repayment Program.~~

~~18–1502.~~

~~(a) There is a program of loan assistance repayment known as the Janet L. Hoffman Loan Assistance Repayment Program in the State.~~

~~(b) The Office of Student Financial Assistance shall assist in the repayment of the amount of any higher education loan owed by an individual who:~~

~~(1) (i) Receives a graduate, professional, or undergraduate degree from:~~

~~1. A college or university in the State [of Maryland]; or~~

~~2. A school of law; or~~

~~(ii) Receives a Resident Teacher Certificate (RTC) from the Department after completing an alternative teaching preparation program approved by the State Superintendent;~~

~~(2) Obtains eligible employment;~~

~~(3) Receives an income that is less than the maximum eligible total income levels established by the Office, including any additional sources of income; and~~

~~(4) Satisfies any other criteria established by the Office.~~

~~(c) An applicant for assistance in the repayment of a commercial loan shall demonstrate to the Office that the commercial loan was used for tuition, educational expenses, or living expenses for graduate or undergraduate study.~~

~~**(D) (1) THE AMOUNT OF AN AWARD TO A STUDENT WHO OBTAINS EMPLOYMENT IN AN ELIGIBLE FIELD OF EMPLOYMENT THROUGH A PAID OR UNPAID SUMMER INTERNSHIP IN ACCORDANCE WITH THIS SECTION MAY NOT EXCEED $3,000.**~~

~~**(2) THE OFFICE MAY MAKE AWARDS TO NO MORE THAN 50 STUDENTS WHO OBTAIN EMPLOYMENT IN AN ELIGIBLE FIELD OF EMPLOYMENT THROUGH A PAID OR UNPAID SUMMER INTERNSHIP IN ACCORDANCE WITH THIS SECTION.**~~

~~**[**(d)**] (E)** Assistance in the repayment of a loan from an entity set forth in § 18–1501(c)(2) of this subtitle shall require the approval of the Office.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 341

(House Bill 497)

AN ACT concerning

Natural Resources – Somers Cove Marina Commission – Procurement ~~of Capital Projects~~

FOR the purpose of authorizing the Executive Director of the Somers Cove Marina to procure certain capital improvement, design, and maintenance projects; requiring the Executive Director to follow certain procurement procedures *and make certain procurements in accordance with certain provisions of the procurement law* under certain circumstances; ~~providing that certain procurements with an expected value that exceeds a certain amount are governed by certain provisions of the procurement law;~~ *requiring the Executive*

Director to submit certain procurements to the Board of Public Works for approval; and generally relating to ~~the~~ procurement ~~of capital improvement, design, and maintenance projects~~ for the Somers Cove Marina.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–908.1(b)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–908.1(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 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.

(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.

(f) (1) Except as provided in paragraph (6) of this subsection, the Executive Director shall procure goods**, [**and**]** services**, AND CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS** in accordance with the requirements of this subsection.

(2) For goods**, [**and**]** services**, AND CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS** 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**, AND CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS** with an expected value of ~~more than~~ $5,000 **TO $200,000**, 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) THE EXECUTIVE DIRECTOR SHALL PROCURE GOODS, SERVICES, AND CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS WITH AN EXPECTED VALUE EXCEEDING $200,000 IN ACCORDANCE WITH DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(5) FOR GOODS, SERVICES, AND CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS FUNDED BY THE PROCEEDS FROM STATE BONDS, THE EXECUTIVE DIRECTOR SHALL SUBMIT THE PROPOSED AWARD TO THE BOARD OF PUBLIC WORKS FOR APPROVAL.

~~(4)~~ ***(6)*** 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.

~~(5)~~ ***(7)*** The Executive Director shall adopt a procurement policy that includes provisions for minority– and women–owned business participation.

~~(6)~~ ***(8)*** ~~(1)~~ This subsection does not apply to procurement in support of enterprise activities for the purpose of direct resale or remanufacture and subsequent resale.

~~**(II) PROCUREMENT OF GOODS, SERVICES, CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS WITH AN EXPECTED VALUE EXCEEDING $200,000 IS GOVERNED BY DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 342

(House Bill 510)

AN ACT concerning

Criminal Law – ~~Peace Orders, Stalking, and~~ Harassment – Penalties

FOR the purpose of ~~altering the penalty for the second or subsequent offense of failure to comply with the relief granted in an interim, a temporary, or a final peace order; altering the definition of stalking to include communicating with another in a certain manner and knowingly cause another mental distress under certain circumstances;~~ altering the penalty for harassment for a second or subsequent offense; and generally relating to ~~peace orders and the offenses of stalking and~~ harassment.

~~BY repealing and reenacting, with amendments,~~
~~Article – Courts and Judicial Proceedings~~
~~Section 3–1508~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~3–802 and~~ 3–803
Annotated Code of Maryland
(2002 Volume and 2010 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**~~

~~3–1508.~~

~~(a) An individual who fails to comply with the relief granted in an interim peace order under § 3–1503.1 of this subtitle, a temporary peace order under § 3–1504(a)(2) of this subtitle, or a final peace order under § 3–1505(d)(1)(i), (ii), (iii), or (iv) 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) A law enforcement officer shall arrest with or without a warrant and take into custody an individual who the officer has probable cause to believe is in violation of an interim peace order, temporary peace order, or final peace order in effect at the time of the violation.~~

Article – Criminal Law

~~3–802.~~

~~(a) In this section, "stalking" means a malicious course of conduct that includes approaching **[**or**]**, pursuing**, OR COMMUNICATING WITH** another **[**where**] IN A MANNER THAT INDICATES** the person intends to **[**place**],** or knows or reasonably should **[**have known the conduct would**] KNOW WILL, CAUSE ANOTHER MENTAL DISTRESS OR** place another in reasonable fear:~~

~~(1) (i) of serious bodily injury;~~

~~(ii) of an assault in any degree;~~

~~(iii) of rape or sexual offense as defined by §§ 3–303 through 3–308 of this article or attempted rape or sexual offense in any degree;~~

~~(iv) of false imprisonment; or~~

~~(v) of death; or~~

~~(2) that a third person likely will suffer any of the acts listed in item (1) of this subsection.~~

~~(b) The provisions of this section do not apply to conduct that is:~~

~~(1) performed to ensure compliance with a court order;~~

~~(2) performed to carry out a specific lawful commercial purpose; or~~

~~(3) authorized, required, or protected by local, State, or federal law.~~

~~(c) A person may not engage in stalking.~~

~~(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.~~

~~(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing a violation of this section.~~

3–803.

(a) A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other:

(1) with the intent to harass, alarm, or annoy the other;

(2) after receiving a reasonable warning or request to stop by or on behalf of the other; and

(3) without a legal purpose.

(b) This section does not apply to a peaceable activity intended to express a political view or provide information to others.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to**:**

(1) FOR A FIRST OFFENSE, imprisonment not exceeding 90 days or a fine not exceeding $500 or both**; AND**

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 180 DAYS OR A FINE NOT EXCEEDING $1,000 OR BOTH.

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

Approved by the Governor, May 10, 2011.

Chapter 343

(House Bill 519)

AN ACT concerning

Firearms – ~~Knowing~~ Violation of Specified Prohibitions – Ammunition and Penalty

FOR the purpose of repealing a certain prohibition against the possession of ammunition solely designed for a regulated firearm by a person who is under a certain age; applying a certain penalty to ~~the knowing violation of a certain prohibition against the possession of a regulated firearm or ammunition solely designed for a regulated firearm by a person who is under a certain age, and to~~ the knowing violation of a certain prohibition against obliterating, removing, changing, or altering the manufacturer's identification mark or number on a firearm; and generally relating to firearms violations.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section ~~5–133(d) and~~ 5–142
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–133(d) and 5–143
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

Article – Public Safety

5–133.

(d) (1) Except as provided in paragraph (2) of this subsection, a person who is under the age of 21 years may not possess a regulated firearm ~~or ammunition solely designed for a regulated firearm~~.

(2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:

(i) the temporary transfer or possession of a regulated firearm ~~or ammunition solely designed for a regulated firearm~~ if the person is:

1. under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and

2. acting with the permission of the parent or legal guardian of the transferee or person in possession;

(ii) the transfer by inheritance of title, and not of possession, of a regulated firearm;

(iii) a member of the armed forces of the United States or the National Guard while performing official duties;

(iv) the temporary transfer or possession of a regulated firearm ~~or ammunition solely designed for a regulated firearm~~ if the person is:

1. participating in marksmanship training of a recognized organization; and

2. under the supervision of a qualified instructor;

(v) a person who is required to possess a regulated firearm for employment and who holds a permit under Subtitle 3 of this title; or

(vi) the possession of a firearm ~~or ammunition~~ for self–defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.

5–142.

(a) A person may not obliterate, remove, change, or alter the manufacturer's identification mark or number on a firearm.

(b) If on trial for a violation of this section possession of the firearm by the defendant is established, the defendant is presumed to have obliterated, removed, changed, or altered the manufacturer's identification mark or number on the firearm.

5–143.

(a) Except as otherwise provided in this subtitle, a dealer or other person may not**:**

(1) knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subtitle**; OR**

(2) KNOWINGLY VIOLATE ~~§ 5–133(D) OR~~ § 5–142 OF THIS SUBTITLE.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(c) Each violation of this section is a separate crime.

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

Approved by the Governor, May 10, 2011.

Chapter 344

(House Bill 534)

AN ACT concerning

Carroll County and **Montgomery County – Polling Places – Electioneering Boundaries**

MC 19–11

FOR the purpose of ~~altering the location of the line beyond which electioneering is prohibited outside a polling place in Montgomery County~~ *specifying that, in Carroll County and Montgomery County, the line beyond which electioneering is prohibited outside a polling place may be established within a certain range on the approval of the county board of elections*; and generally relating to electioneering at a polling place in *Carroll County and* Montgomery County.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 16–206
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article – Election Law

16–206.

(a) A person may not:

(1) place any distinguishing mark on the person's own or another person's ballot for the purpose of identifying the ballot;

(2) misrepresent the person's ability to mark a ballot or operate voting equipment;

(3) interfere or attempt to interfere with a voter while the voter is inside the polling room, marking a ballot, or operating voting equipment;

(4) induce or attempt to induce a voter to mark the voter's ballot in a certain way;

(5) except for servicing by an authorized person, unlock any locked compartment of a voting device unless instructed to do so by the election director;

(6) destroy or deface a ballot;

(7) remove a ballot from a building in which voting occurs, except as otherwise provided in this article;

(8) delay the delivery of a ballot;

(9) possess on or before the day of election an official ballot printed for the election, unless the possession of the ballot is necessary and appropriate for carrying out the election process; or

(10) canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted in accordance with subsection (b) of this section.

(b) (1) At each polling place, one election judge from each principal political party shall be designated by the local board and, acting jointly, shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs.

(2) **(I)** **[**The**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** line shall be located as near as practicable to 100 feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian and vehicular traffic.

~~**(II) IN MONTGOMERY COUNTY, THE LINE SHALL BE LOCATED AS NEAR AS PRACTICABLE TO 25 FEET FROM THE ENTRANCE AND EXIT.**~~

(II) IN CARROLL COUNTY AND MONTGOMERY COUNTY, ON APPROVAL OF THE LOCAL BOARD, THE LINE MAY BE LOCATED AT ANY POINT BETWEEN 25 FEET AND 100 FEET FROM THE ENTRANCE AND EXIT.

(3) The signs shall contain the words "No Electioneering Beyond this Point".

(c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than $50 nor more than $500 or imprisonment for not more than 60 days or both.

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

Approved by the Governor, May 10, 2011.

Chapter 345

(House Bill 535)

AN ACT concerning

Montgomery County – Town of Kensington – Off–Sale Beer and Light Wine Licenses

MC 9–11

FOR the purpose of authorizing the Montgomery County Board of License Commissioners to issue a certain number of Class A (off–sale) beer and light wine licenses in a certain area in the town of Kensington; specifying the hours and days of sale; prohibiting a license holder from engaging in certain activities; providing for an annual license fee; and generally relating to the sale of alcoholic beverages in the town of Kensington.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(a)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article 2B – Alcoholic Beverages

8–216.

(a) (2) (i) Except as provided in subparagraphs (ii), (iii), (iv), **[**and**]** (v)**, AND (VI)** of this paragraph, in Montgomery County, a license for the sale of alcoholic beverages authorized by this article may not be issued for any place of business located in Damascus (12th election district), and in the towns of Barnesville, Kensington, Laytonsville, Washington Grove and the City of Takoma Park.

(ii) In the town of Barnesville, the Montgomery County Board of License Commissioners may issue a special 7–day on–sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization.

(iii) In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special 2–day on–sale beer and wine license or a special 2–day on–sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization holding an event on municipal property located at 3710 Mitchell Street, Kensington, Maryland.

(iv) 1. In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special B–K beer and wine license or a special B–K beer, wine and liquor license for use on the premises of a restaurant located in the following commercial areas:

A. The west side of Connecticut Avenue between Knowles Avenue and Perry Avenue;

B. The east side of Connecticut Avenue between Knowles Avenue and Dupont Street and between University Boulevard and Perry Avenue;

C. The west side of University Boulevard West;

D. Dupont Avenue, west of Connecticut Avenue;

E. Plyers Mill Road, west of Metropolitan Avenue;

F. Summit Avenue between Knowles Avenue and Howard Avenue;

G. Detrick Avenue between Knowles Avenue and Howard Avenue;

H. The southwest side of Metropolitan Avenue between North Kensington Parkway and Plyers Mill Road;

I. East Howard Avenue;

J. Armory Avenue between Howard Avenue and Knowles Avenue;

K. Montgomery Avenue between Howard Avenue and Kensington Parkway; or

L. Kensington Parkway and Frederick Avenue, from Montgomery Avenue to Silver Creek.

2. A special B–K beer, wine and liquor license or a special B–K beer and wine license authorizes the holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

3. A licensee shall maintain average daily receipts from the sale of food, not including carryout food, of at least 50% of the overall average daily receipts.

4. In addition to the restrictions in subsubparagraphs 2 and 3 of this subparagraph, the holder of a special B–K beer and wine license or a special B–K beer, wine and liquor license in the commercial areas specified in subsubparagraph 1I, J, K, and L of this subparagraph may not serve alcoholic beverages after 11 p.m.

(V) 1. IN THE TOWN OF KENSINGTON, THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE NOT MORE THAN THREE CLASS A (OFF–SALE) BEER AND LIGHT WINE LICENSES FOR USE IN THE COMMERCIAL AREAS SPECIFIED IN SUBPARAGRAPH (IV)1 OF THIS PARAGRAPH.

2. A CLASS A BEER AND LIGHT WINE LICENSE AUTHORIZES THE HOLDER TO KEEP FOR SALE AND SELL BEER OR LIGHT WINE FOR CONSUMPTION OFF THE PREMISES 7 DAYS A WEEK, FROM 10 A.M. TO 8 P.M. DAILY.

3. A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY NOT:

A. SELL SINGLE BOTTLES OR CANS OF BEER;

B. SELL REFRIGERATED PRODUCTS; OR

C. ON A SIDE, DOOR, OR WINDOW OF THE BUILDING OF THE LICENSED PREMISES, PLACE A SIGN OR OTHER DISPLAY THAT ADVERTISES ALCOHOLIC BEVERAGES IN A PUBLICLY VISIBLE LOCATION.

4. THE ANNUAL LICENSE FEE IS ~~$200~~ $250.

[(v)**] (VI)** In Damascus (12th election district), the Montgomery County Board of License Commissioners may issue a special 7–day Class C on–sale beer, wine and liquor license to any bona fide volunteer fire department.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 346

(House Bill 542)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Beer and Wine Sampling or Tasting License

MC 3–11

FOR the purpose of expanding the list of alcoholic beverages licenses that the Montgomery County Board of License Commissioners may issue in the City of Takoma Park to include a beer and wine sampling or tasting (BWST) license; authorizing the Board to issue a BWST license to certain persons; authorizing certain holders of a BWST license to hold only wine tastings or samplings; specifying the annual license fee; specifying certain conditions for the use of a BWST license; specifying certain maximum quantities of alcoholic beverages that may be consumed under certain conditions; specifying certain requirements for applying for and issuing a BWST license; authorizing an applicant for a BWST license to request a hearing before the Board under certain circumstances; defining a certain term; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–408.2
Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

Article 2B – Alcoholic Beverages

8–216.

(d) (1) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide for **[**7**]** **8** classes of alcoholic beverages licenses in the City of Takoma Park as follows:

(i) Class B (on–sale) beer and light wine, hotel and restaurant licenses;

(ii) Class H (on–sale) beer and light wine, hotel and restaurant licenses;

(iii) Class B (on–sale) beer, wine and liquor, hotel and restaurant licenses;

(iv) Class H–TP (on–sale) beer license;

(v) Class D–TP (on– and off–sale) beer and light wine license;

(vi) Class A–TP (off–sale) beer, wine and liquor license; **[**and**]**

(vii) Class C–TP (on–sale) beer, wine and liquor license**; AND**

(VIII) BEER AND WINE SAMPLING OR TASTING (BWST) LICENSES ISSUED UNDER § 8–408.2 OF THIS TITLE.

8–408.2.

(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(B) IN THIS SECTION, "BOARD" MEANS THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE A BEER AND WINE SAMPLING OR TASTING (BWST) LICENSE TO A HOLDER OF A CLASS A LICENSE TO HOLD TASTINGS OR SAMPLINGS OF BEER OR WINE.

(2) A HOLDER OF A CLASS A WINE LICENSE MAY USE A BWST LICENSE TO HOLD TASTINGS OR SAMPLINGS OF WINE ONLY.

(D) THE ANNUAL LICENSE FEE FOR A BWST LICENSE IS $200.

(E) (1) A BWST LICENSE AUTHORIZES SAMPLING OR TASTING OF ALCOHOLIC BEVERAGES ONLY ON THE LICENSED PREMISES OF THE HOLDER OF A CLASS A LICENSE.

(2) A HOLDER OF A BWST LICENSE MAY ALLOW CONSUMPTION BY A SINGLE INDIVIDUAL FOR SAMPLING OR TASTING PURPOSES OF NOT MORE THAN:

(I) 1 OUNCE FROM A SINGLE BRAND OF WINE;

(II) 4 OUNCES FROM ALL BRANDS OF WINE IN A SINGLE DAY;

(III) 3 OUNCES FROM A SINGLE BRAND OF BEER; AND

(IV) 12 OUNCES FROM ALL BRANDS OF BEER IN A SINGLE DAY.

(3) ONCE OPENED, EACH BOTTLE USED FOR THE BEER AND WINE TASTING OR SAMPLING SHALL BE MARKED THAT IT IS TO BE USED FOR THAT PURPOSE ONLY.

(4) THE HOLDER OF A BWST LICENSE SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE EACH SAMPLING OR TASTING EVENT.

(F) (1) AN APPLICATION FOR A BWST LICENSE SHALL BE MADE ON A FORM SUPPLIED BY THE BOARD.

(2) A BWST LICENSE MAY BE ISSUED WITHOUT A PUBLIC HEARING.

(3) IF AN INITIAL APPLICATION FOR A BWST LICENSE IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.

(4) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF AN APPLICATION FOR A BWST LICENSE BEFORE ISSUING THE LICENSE.

(5) A RENEWAL OF A BWST LICENSE MAY BE MADE AT THE TIME THE HOLDER'S CLASS A LICENSE IS RENEWED.

(G) THE PROVISIONS OF THIS SECTION ARE NOT RESTRICTED BY:

(1) § 12–107(B) OF THIS ARTICLE; AND

(2) THE PROVISIONS IN § 9–102 OF THIS ARTICLE THAT PROHIBIT THE ISSUANCE OF TWO LICENSES FOR THE SAME PREMISES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 347

(House Bill 543)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Special Culinary School License

MC 14–11

FOR the purpose of establishing in Montgomery County a special culinary school license; authorizing the Board of License Commissioners, by unanimous vote, to issue the license for use on the premises of certain culinary educational institutions; setting a certain annual fee; authorizing a license holder to allow the consumption of certain alcoholic beverages by certain individuals in connection with certain courses; specifying that an individual may consume alcoholic beverages under the license only on the licensed premises; specifying the hours during which the license holder may conduct certain activities under the license; requiring that a license holder provide food during the hours alcoholic beverages are served; prohibiting a license holder from holding any other alcoholic beverages license; authorizing the Board of License Commissioners to issue up to a certain number of licenses to a single culinary school; providing that certain restrictions on the sale of alcoholic beverages in the vicinity of certain schools, places of worship, or youth centers do not apply to a special culinary school license; defining a certain term; and generally relating to a special culinary school license in Montgomery County.

BY adding to
Article 2B – Alcoholic Beverages

Section 8–216.3 and 9–102(q)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–102(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–216(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article 2B – Alcoholic Beverages

8–216.3.

(A) IN THIS SECTION, "BOARD" MEANS THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS.

(B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(C) THERE IS A SPECIAL CULINARY SCHOOL LICENSE.

(D) THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE THE LICENSE FOR USE ON THE PREMISES OF A PRIVATE CULINARY EDUCATIONAL INSTITUTION THAT:

(1) IS ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING ASSOCIATION;

(2) IS APPROVED BY THE MARYLAND HIGHER EDUCATION COMMISSION; AND

(3) HOLDS A PRIVATE EDUCATIONAL INSTITUTION LICENSE ISSUED BY MONTGOMERY COUNTY.

(E) THE ANNUAL LICENSE FEE IS $400.

(F) (1) THE LICENSE AUTHORIZES THE HOLDER TO:

(I) IN CONNECTION WITH A WINE TASTING COURSE OFFERED BY THE LICENSE HOLDER, ALLOW THE CONSUMPTION OF WINE BY INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD AND REGISTERED IN THE WINE TASTING COURSE; AND

(II) IN CONNECTION WITH A CULINARY OR CONFECTIONARY COURSE OFFERED BY THE LICENSE HOLDER, ALLOW THE CONSUMPTION OF BEER AND WINE BY INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD AND REGISTERED IN THE CULINARY OR CONFECTIONARY COURSE.

(2) AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY A SPECIAL CULINARY SCHOOL LICENSE ONLY ON THE LICENSED PREMISES.

(3) A LICENSE HOLDER MAY CONDUCT THE ACTIVITIES SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION DURING THE FOLLOWING HOURS:

(I) ON MONDAY THROUGH ~~FRIDAY~~ THURSDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; ~~AND~~

(II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(III) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.

(4) A LICENSE HOLDER SHALL PROVIDE FOOD DURING THE HOURS ALCOHOLIC BEVERAGES ARE SERVED.

(G) A LICENSE HOLDER MAY NOT SIMULTANEOUSLY HOLD ANY OTHER LICENSE ISSUED UNDER THIS ARTICLE.

9–102.

(a) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State, and no more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, and 6–701 of this article, and nothing herein shall be construed to apply to § 6–201(r)(4), (15), (17), and (18), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e), § 8–508, § 8–902, § 9–217(b–1), or § 12–202 of this article.

(Q) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE UP TO THREE SPECIAL CULINARY SCHOOL LICENSES TO A SINGLE CULINARY SCHOOL FOR SEPARATE LOCATIONS.

9–216.

(a) (1) The Montgomery County Board of License Commissioners may not issue any license to sell alcoholic beverages within 750 feet of any secondary or elementary school, church or other place of worship, or youth center sponsored or conducted by any governmental agency.

(2) Measurement of the required distance shall be made from the nearest point of the building of the proposed establishment for which the license is requested to the nearest point of the building of the school, church or other place of worship, or youth center.

(3) The Board of License Commissioners may within its discretion and by unanimous action of the Board approve the application for any license to sell alcoholic beverages more than 300 feet from any elementary or secondary school, church or other place of worship, or youth center sponsored or conducted by any governmental agency provided that the land upon which the building is situated in which the licensee would operate is classified in a commercial or industrial zone under the applicable zoning ordinance and is adjacent or contiguous to other land which is similarly classified under said zoning ordinance.

(4) Nothing in this section shall apply to or affect or prohibit, in any manner, the renewal, transfer, or reissuance of a prior license of any license of any establishment where subsequent to the original granting of the license a school, church or other place of worship, or youth center was erected within 750 feet of the establishment.

(5) For the purposes of this section, reissuance shall be limited to a new license for the establishment issued within 1 year from the date of expiration or revocation of a prior license provided the revocation did not result from acts of the owner of the establishment.

(6) THIS SUBSECTION DOES NOT APPLY TO A SPECIAL CULINARY SCHOOL LICENSE ISSUED UNDER § 8–216.3 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 348

(House Bill 545)

AN ACT concerning

Montgomery County – Alcohol Sales – Burtonsville ~~Towne~~ Town Square and Hillandale Shopping Center

MC 2–11

FOR the purpose of authorizing the Montgomery County Board of License Commissioners by unanimous vote to approve applications for alcoholic beverages licenses for restaurant establishments located in certain shopping centers in Montgomery County under certain circumstances; specifying that the license authorizes the license holder to keep for sale and sell alcoholic beverages for consumption on the premises only; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–216
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article 2B – Alcoholic Beverages

9–216.

(a) (1) The Montgomery County Board of License Commissioners may not issue any license to sell alcoholic beverages within 750 feet of any secondary or elementary school, church or other place of worship, or youth center sponsored or conducted by any governmental agency.

(2) Measurement of the required distance shall be made from the nearest point of the building of the proposed establishment for which the license is requested to the nearest point of the building of the school, church or other place of worship, or youth center.

(3) The Board of License Commissioners may within its discretion and by unanimous action of the Board approve the application for any license to sell alcoholic beverages more than 300 feet from any elementary or secondary school, church or other place of worship, or youth center sponsored or conducted by any

governmental agency provided that the land upon which the building is situated in which the licensee would operate is classified in a commercial or industrial zone under the applicable zoning ordinance and is adjacent or contiguous to other land which is similarly classified under said zoning ordinance.

(4) Nothing in this section shall apply to or affect or prohibit, in any manner, the renewal, transfer, or reissuance of a prior license of any license of any establishment where subsequent to the original granting of the license a school, church or other place of worship, or youth center was erected within 750 feet of the establishment.

(5) For the purposes of this section, reissuance shall be limited to a new license for the establishment issued within 1 year from the date of expiration or revocation of a prior license provided the revocation did not result from acts of the owner of the establishment.

(b) (1) In this subsection, "Takoma Park Transit Impact Area" means the Takoma Park Transit Impact Area as approved and adopted in the sector plan for Takoma Park, Montgomery County, Maryland.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant establishment which is located on land classified in or near a CBD zone (central business district zone), in or near the Rockville Town Center Performance District, in or near the Takoma Park Transit Impact Area, or in or near the Kensington commercial areas specified in § 8–216(a)(2)(iv)1 of this article, if the following conditions are satisfied:

(i) 1. If the restaurant building is outside the respective zone, district, or area the measurement of the distance of the nearest point of the restaurant building to the nearest boundary line of the respective zone, district, or area is 500 feet or less; or

2. The restaurant building is entirely contained in land classified in the respective zone, district, or area;

(ii) The issuance of the requested license will not adversely affect nearby schools, churches, youth centers or the nearest residential community; and

(iii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(3) Any license issued under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(c) (1) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant that is in existence as of June 1, 2004, and located in the Rockshire Planned Residential Unit development of the City of Rockville, if the following conditions are satisfied:

(i) The restaurant building is entirely contained on land located within the Rockshire Planned Residential Unit development area;

(ii) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(iii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(2) Any license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(D) (1) IN THIS SUBSECTION, "BURTONSVILLE ~~TOWNE~~ TOWN SQUARE" MEANS THE SHOPPING CENTER LOCATED IN MONTGOMERY COUNTY AT THE NORTHWEST CORNER OF MD 198 AND US 29A.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS BY UNANIMOUS VOTE MAY APPROVE AN APPLICATION FOR AN ALCOHOLIC BEVERAGES LICENSE OF AN APPLICANT FOR A RESTAURANT THAT IS LOCATED IN BURTONSVILLE ~~TOWNE~~ TOWN SQUARE IF THE FOLLOWING CONDITIONS ARE SATISFIED:

(I) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY SCHOOLS, CHURCHES, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY; AND

(II) EXCEPT FOR THE DISTANCE RESTRICTIONS PROVIDED IN SUBSECTION (A) OF THIS SECTION, THE RESTAURANT OTHERWISE QUALIFIES UNDER THIS ARTICLE FOR THE ISSUANCE OF THE LICENSE REQUESTED.

(3) ANY LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ONLY.

(E) (1) IN THIS SUBSECTION, "HILLANDALE SHOPPING CENTER" MEANS THE SHOPPING CENTER LOCATED IN MONTGOMERY COUNTY AT THE NORTHEAST CORNER OF MD 650 AND INTERSTATE 495.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS BY UNANIMOUS VOTE MAY APPROVE AN APPLICATION FOR AN ALCOHOLIC BEVERAGES LICENSE OF AN APPLICANT FOR A RESTAURANT THAT IS ~~IN EXISTENCE AS OF JUNE 1, 2011, AND~~ LOCATED IN THE HILLANDALE SHOPPING CENTER IF THE FOLLOWING CONDITIONS ARE SATISFIED:

(I) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY SCHOOLS, CHURCHES, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY; AND

(II) EXCEPT FOR THE DISTANCE RESTRICTIONS PROVIDED IN SUBSECTION (A) OF THIS SECTION, THE RESTAURANT OTHERWISE QUALIFIES UNDER THIS ARTICLE FOR THE ISSUANCE OF THE LICENSE REQUESTED.

(3) ANY LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ONLY.

[(d)**] (F)** (1) Subject to the provisions of paragraph (2) of this subsection, the Montgomery County Board of License Commissioners may not issue any class of alcoholic beverages license for use in a business establishment that sells motor vehicle fuel to motorists from a fuel pump that is located on the premises.

(2) The Montgomery County Board of License Commissioners may renew an alcoholic beverages license that has been issued for use in a business establishment that sells motor vehicle fuel to motorists from a fuel pump that is located on the premises if the license was in existence on January 1, 1989.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 349

(House Bill 587)

AN ACT concerning

Biotechnology Investment Tax Credit – ~~Application and Approval Procedures~~ Qualified Maryland Biotechnology Company

FOR the purpose of ~~requiring that an application for the biotechnology investment tax credit state the amount of the proposed investment; modifying the application approval process under the credit to treat all first–day applicants as if applications were delivered simultaneously for purposes of distributing the tax credit; repealing a certain limitation on the credit allowed to a qualified investor; altering a certain recapture provision under the credit; defining a certain term and modifying a certain definition under the credit;~~ altering the definition of qualified Maryland biotechnology company for purposes of the biotechnology investment tax credit for certain fiscal years to allow investments in certain companies that have been in active business for up to a certain number of years to qualify for the credit; defining a certain term; providing for the application of this Act; and generally relating to the Maryland Biotechnology Investment Tax Credit.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–725 (a)(7)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Tax – General
Section 10–725(a)(8)
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article – Tax – General

10–725.

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

~~(2) "Biotechnology company" means a company organized for profit that is primarily engaged in the research, development, or commercialization of innovative and proprietary technology that comprises, interacts with, or analyzes biological material including biomolecules (DNA, RNA, or protein), cells, tissues, or organs.~~

~~(3) (i) "Company" means any entity of any form duly organized and existing under the laws of any jurisdiction for the purpose of conducting business for profit.~~

~~(ii) "Company" does not include a sole proprietorship.~~

~~(4) "Department" means the Department of Business and Economic Development.~~

~~(5) (i) "Investment" means the contribution of money in cash or cash equivalents expressed in United States dollars, at a risk of loss, to a qualified Maryland biotechnology company in exchange for stock, a partnership or membership interest, or other ownership interest in the equity of the qualified Maryland biotechnology company, title to which ownership interest shall vest in the qualified investor.~~

~~(ii) "Investment" does not include debt.~~

~~(iii) For purposes of this section, an investment is at risk of loss when its repayment entirely depends upon the success of the business operations of the qualified company.~~

~~(6) (i) "Qualified investor" means any individual or entity that invests at least $25,000 in a qualified Maryland biotechnology company and that is required to file an income tax return in any jurisdiction.~~

~~(ii) "Qualified investor" does not include a qualified pension plan, individual retirement account, or other qualified retirement plan under the Employee Retirement Income Security Act of 1974, as amended, or fiduciaries or custodians under such plans, or similar tax–favored plans or entities under the laws of other countries.~~

(a) (7) (i) "Qualified Maryland biotechnology company" means a biotechnology company that:

1. has its headquarters and base of operations in this State;

2. has fewer than 50 full–time employees;

3. except as provided in subparagraph (ii) of this paragraph, has been in active business no longer than 10 years;

4. does not have its securities publicly traded on any exchange; and

5. has been certified as a biotechnology company by the Department.

(ii) "Qualified Maryland biotechnology company" includes**:**

1. a company that has been in active business for up to 12 years if the Department determines that the company requires additional time to complete the process of regulatory approval**; AND**

2. FOR FISCAL YEARS 2012~~,~~ AND 2013~~, AND 2014~~ ONLY, A COMPANY THAT HAS BEEN IN ACTIVE BUSINESS FOR UP TO 15 YEARS.

(8) "SECRETARY" MEANS THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT.

~~(b) (1) Subject to paragraphs (2) and (3) of this subsection and subsections (d) and (e) of this section, for the taxable year in which an investment in a qualified Maryland biotechnology company is made, a qualified investor may claim a credit against the State income tax in an amount equal to the amount of tax credit stated in the final credit certificate approved by the Secretary for the investment as provided under this section.~~

~~(2) To be eligible for the tax credit described in paragraph (1) of this subsection, the qualified investor shall be:~~

~~(i) for a company, duly organized and in good standing in the jurisdiction under the laws under which it is organized;~~

~~(ii) for a company, in good standing and authorized or registered to do business in the State;~~

~~(iii) current in the payment of all tax obligations to the State or any unit or subdivision of the State; and~~

~~(iv) not in default under the terms of any contract with, indebtedness to, or grant from the State or any unit or subdivision of the State.~~

~~(3) To be eligible for the tax credit described in paragraph (1) of this subsection, the qualified investor may not, after making the proposed investment, own or control more than 25% of the equity interests in the qualified Maryland biotechnology company in which the investment is to be made.~~

~~(c) (1) **(I)** At least 30 days prior to making an investment in a qualified Maryland biotechnology company for which a qualified investor would be eligible for an initial tax credit certificate under subsection (b) of this section, the qualified investor shall submit an application to the Department.~~

~~(II) THE APPLICATION SHALL STATE THE AMOUNT OF THE PROPOSED INVESTMENT.~~

~~(2) The application shall evidence that the qualified Maryland biotechnology company is:~~

~~(i) in good standing;~~

~~(ii) current in the payment of all tax obligations to the State or any unit or subdivision of the State; and~~

~~(iii) not in default under the terms of any contract with, indebtedness to, or grant from the State or any unit or subdivision of the State.~~

~~(3) (I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE Department shall:~~

~~[(i)] 1. approve all applications that qualify for credits under this section on a first come first served basis; and~~

~~[(ii)] 2. within 30 CALENDAR days of receipt of an application, [certify the amount of any approved tax credits] ISSUE AN INITIAL TAX CREDIT CERTIFICATE to a qualified investor.~~

~~(II) 1. FOR EACH FISCAL YEAR, THE DEPARTMENT SHALL DESIGNATE THE FIRST DAY AND TIMES DURING WHICH APPLICATIONS WILL BE ACCEPTED.~~

~~2. THE DEPARTMENT SHALL TREAT ALL APPLICATIONS RECEIVED ON THE DESIGNATED FIRST DAY AS BEING RECEIVED SIMULTANEOUSLY FOR PURPOSES OF APPROVAL.~~

~~(4) (i) After the date on which the Department issues an initial tax credit certificate under this section, a qualified investor shall have 30 calendar days to make an investment in a qualified Maryland biotechnology company under this section.~~

~~(ii) Within 10 calendar days after the date on which a qualified investor makes the investment, the qualified investor shall provide to the Department notice and proof of the making of the investment, including:~~

~~1. the date of the investment;~~

~~2. the amount invested;~~

~~3. proof of the receipt of the invested funds by the qualified Maryland biotechnology company;~~

~~4. a complete description of the nature of the ownership interest in the equity of the qualified Maryland biotechnology company acquired in consideration of the investment; and~~

~~5. any reasonable supporting documentation the Department may require.~~

~~(iii) If a qualified investor does not provide the notice and proof of the making of the investment required in subparagraph (ii) of this paragraph within 40 calendar days after the date on which the Department issues an initial tax credit certificate under this section:~~

~~1. the Department shall rescind the initial tax credit certificate; and~~

~~2. the credit amount allocated to the rescinded certificate shall revert to the Maryland Biotechnology Investment Tax Credit Reserve Fund and shall be available in the applicable fiscal year for allocation by the Department to other initial tax credit certificates in accordance with the provisions of this section.~~

~~(d) (1)~~ ~~[The]~~ ~~**SUBJECT TO SUBSECTION (D–1) OF THIS SECTION, THE**~~ ~~tax credit allowed in an initial tax credit certificate issued under this section is 50% of the~~ ~~**PROPOSED**~~ ~~investment in a qualified Maryland biotechnology company~~**[**~~,not to exceed $250,000~~**]**~~.~~

~~(2) During any fiscal year, the Secretary may not certify eligibility for tax credits for investments in a single qualified Maryland biotechnology company that in the aggregate exceed 15% of the total appropriations to the Maryland Biotechnology Investment Tax Credit Reserve Fund for that fiscal year.~~

~~(3) If the tax credit allowed under this section in any taxable year exceeds the total tax otherwise payable by the qualified investor for that taxable year, the qualified investor may claim a refund in the amount of the excess.~~

~~**(D–1) (1) IF THE AMOUNT OF TAX CREDITS APPLIED FOR BY ALL QUALIFIED INVESTORS SUBMITTING APPLICATIONS ON THE FIRST DAY ON WHICH APPLICATIONS ARE ACCEPTED FOR A FISCAL YEAR EXCEEDS THE MAXIMUM AMOUNT SPECIFIED UNDER SUBSECTION (E) OF THIS SECTION:**~~

~~**(I) WITHIN 30 CALENDAR DAYS OF RECEIPT OF AN APPLICATION THE DEPARTMENT SHALL ISSUE A PRELIMINARY INITIAL TAX CREDIT CERTIFICATE TO EACH FIRST–DAY APPLICANT THAT STATES A MINIMUM**~~

~~TAX CREDIT AVAILABLE, EQUAL TO THE PRODUCT OF MULTIPLYING 50% OF THE APPLICANT'S PROPOSED INVESTMENT TIMES A FRACTION:~~

~~1. THE NUMERATOR OF WHICH IS THE MAXIMUM AMOUNT SPECIFIED UNDER SUBSECTION (E) OF THIS SECTION; AND~~

~~2. THE DENOMINATOR OF WHICH IS 50% OF THE TOTAL OF THE PROPOSED INVESTMENTS BY ALL QUALIFIED INVESTORS THAT SUBMITTED APPLICATIONS ON THE FIRST DAY; AND~~

~~(II) THE DEPARTMENT SHALL ISSUE A REVISED INITIAL TAX CREDIT CERTIFICATE TO EACH FIRST–DAY APPLICANT BASED ON THE ACTUAL AMOUNTS INVESTED BY FIRST–DAY APPLICANTS, AS REFLECTED IN THE NOTICE AND PROOF OF MAKING THE INVESTMENT REQUIRED UNDER SUBSECTION (C)(4)(II) OF THIS SECTION, THAT STATES THE APPLICANT'S FINAL TAX CREDIT EQUAL TO THE PRODUCT OF MULTIPLYING 50% OF THE APPLICANT'S ACTUAL INVESTMENT TIMES A FRACTION:~~

~~1. THE NUMERATOR OF WHICH IS THE MAXIMUM AMOUNT SPECIFIED UNDER SUBSECTION (E) OF THIS SECTION; AND~~

~~2. THE DENOMINATOR OF WHICH IS THE LESSER OF THE MAXIMUM AMOUNT SPECIFIED UNDER SUBSECTION (E) OF THIS SECTION AND 50% OF THE TOTAL OF THE ACTUAL INVESTMENTS MADE BY ALL FIRST–DAY APPLICANTS.~~

~~(2) IF THE MAXIMUM AMOUNT SPECIFIED UNDER SUBSECTION (E) OF THIS SECTION IS GREATER THAN 50% OF THE TOTAL OF THE ACTUAL INVESTMENTS MADE BY FIRST–DAY APPLICANTS, THE EXCESS SHALL BE AVAILABLE FOR ALLOCATION TO OTHER INITIAL TAX CREDIT CERTIFICATES IN ACCORDANCE WITH SUBSECTION (C)(4)(III)2 OF THIS SECTION.~~

~~(e) (1) In this subsection, "Reserve Fund" means the Maryland Biotechnology Investment Tax Credit Reserve Fund established under paragraph (2) of this subsection.~~

~~(2) (i) There is a Biotechnology Investment Tax Credit Reserve Fund which is a special continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.~~

~~(ii) The money in the Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall be credited to the General Fund.~~

~~(3) (i) Subject to the provisions of this subsection, the Secretary shall issue an initial tax credit certificate for each approved investment in a qualified Maryland biotechnology company eligible for a tax credit.~~

~~(ii) [An] SUBJECT TO SUBSECTION (D–1) OF THIS SECTION, AN initial tax credit certificate issued under this subsection shall state the maximum amount of tax credit for which the qualified investor is eligible.~~

~~(iii) 1. Except as otherwise provided in this subparagraph, for any fiscal year, the Secretary may not issue initial tax credit certificates for credit amounts in the aggregate totaling more than the amount appropriated to the Reserve Fund for that fiscal year in the State budget as approved by the General Assembly.~~

~~2. If the aggregate credit amounts under initial tax credit certificates issued in a fiscal year total less than the amount appropriated to the Reserve Fund for that fiscal year, any excess amount shall remain in the Reserve Fund and may be issued under initial tax credit certificates for the next fiscal year.~~

~~3. For any fiscal year, if funds are transferred from the Reserve Fund under the authority of any provision of law other than under paragraph (4) of this subsection, the maximum credit amounts in the aggregate for which the Secretary may issue initial tax credit certificates shall be reduced by the amount transferred.~~

~~(iv) For each fiscal year, the Governor shall include in the budget bill an appropriation to the Reserve Fund.~~

~~(v) Notwithstanding the provisions of § 7–213 of the State Finance and Procurement Article, the Governor may not reduce an appropriation to the Reserve Fund in the State budget as approved by the General Assembly.~~

~~(vi) Based on the actual amount of an investment made by a qualified investor, the Secretary shall issue a final tax credit certificate to the qualified investor.~~

~~(4) (i) Except as provided in this paragraph, money appropriated to the Reserve Fund shall remain in the Fund.~~

~~(ii) 1. Within 15 days after the end of each calendar quarter, the Department shall notify the Comptroller as to each final credit certificate issued during the quarter:~~

~~A. the maximum credit amount stated in the initial tax credit certificate for the investment; and~~

~~B. the final certified credit amount for the investment.~~

~~2. On notification that an investment has been certified, the Comptroller shall transfer an amount equal to the credit amount stated in the initial tax credit certificate for the investment from the Reserve Fund to the General Fund.~~

~~(f) (1) The credit claimed under this section shall be recaptured as provided in paragraph (2) of this subsection if within 2 years from the close of the taxable year for which the credit is claimed:~~

~~(i) the qualified investor sells, transfers, or otherwise disposes of the ownership interest in the qualified Maryland biotechnology company that gave rise to the credit~~ **AND THE SECRETARY DETERMINES THAT THE SALE, TRANSFER, OR DISPOSAL WILL RESULT IN A DECREASE IN FUTURE ECONOMIC ACTIVITY IN MARYLAND**~~; or~~

~~(ii) the qualified Maryland biotechnology company that gave rise to the credit~~ **[**~~ceases operating as an active business with~~**]** **RELOCATES** ~~its headquarters and base of operations~~ **[**~~in~~**]** **OUT OF** ~~the State.~~

~~(2) The amount required to be recaptured under this subsection is the product of multiplying:~~

~~(i) the total amount of the credit claimed or, in the case of an event described in paragraph (1)(i) of this subsection, the portion of the credit attributable to the ownership interest disposed of; and~~

~~(ii) 1. 100%, if the event requiring recapture of the credit occurs during the taxable year for which the tax credit is claimed;~~

~~2. 67%, if the event requiring recapture of the credit occurs during the first year after the close of the taxable year for which the tax credit is claimed; or~~

~~3. 33%, if the event requiring recapture of the credit occurs more than 1 year but not more than 2 years after the close of the taxable year for which the tax credit is claimed.~~

~~(3) The qualified investor that claimed the credit shall pay the amount to be recaptured as determined under paragraph (2) of this subsection as taxes payable to the State for the taxable year in which the event requiring recapture of the credit occurs.~~

~~(g) (1) The Department may revoke its initial or final certification of an approved credit under this section if any representation in connection with the application for the certification is determined by the Department to have been false when made.~~

~~(2) The revocation may be in full or in part as the Department may determine and, subject to paragraph (3) of this subsection, shall be communicated to the qualified investor and the Comptroller.~~

~~(3) The qualified investor shall have an opportunity to appeal any revocation to the Department prior to notification of the Comptroller.~~

~~(4) The Comptroller may make an assessment against the qualified investor to recapture any amount of tax credit that the qualified investor has already claimed.~~

~~(h) (1) On or before January 10 of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, on the initial tax credit certificates awarded under this section for the prior calendar year.~~

~~(2) The report required under paragraph (1) of this subsection shall include for each initial tax credit certificate awarded:~~

~~(i) the name of the qualified investor and the amount of credit awarded or allocated to each investor;~~

~~(ii) the name and address of the qualified Maryland biotechnology company that received the investment giving rise to the credit under this section and the county where the qualified Maryland biotechnology company is located; and~~

~~(iii) the dates of receipt and approval by the Department of all applications for initial tax credit certificates.~~

~~(3) The report required under paragraph (1) of this subsection shall summarize for the category of qualified investors:~~

~~(i) the total number of applicants for initial tax credit certificates under this section in each calendar year;~~

~~(ii) the number of applications for which initial tax credit certificates were issued in each calendar year; and~~

~~(iii) the total initial tax credit certificates authorized under this section for all calendar years under this section.~~

~~(i) The Department and the Comptroller jointly shall adopt regulations to carry out the provisions of this section and to specify criteria and procedures for application for, approval of, and monitoring continuing eligibility for the tax credit under this section.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011, and shall be applicable to initial tax credit certificates issued under the Maryland Biotechnology Investment Tax Credit for fiscal years beginning on or after July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 350

(House Bill 604)

AN ACT concerning

Charles County – Board of Elections – Membership

FOR the purpose of increasing the number of regular members and eliminating substitute members on the Charles County Board of Elections; requiring the members of the board to be of certain political parties; requiring that a vacancy on the board be filled in a certain manner; making a stylistic change; providing for the effective date of this Act; and generally relating to the Charles County Board of Elections.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 2–201(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201(l)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

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

Article – Election Law

2–201.

(a) (1) There is a county board of elections in each county of the State.

(2) Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.

(b) (1) Except as provided in subsections (j), (k), and (l) of this section, each local board consists of three regular members and two substitute members.

(2) Two regular members and one substitute member shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) Except as provided in subsection (l) of this section, in the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular member until the regular member returns or the vacancy is filled as prescribed in subsection (h) of this section.

(l) (1) In **CHARLES COUNTY, SOMERSET COUNTY,** Wicomico County, **AND** Worcester County, **[**and Somerset County,**]** the local board consists of five regular members.

(2) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(3) (i) If a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.

(ii) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1~~ June 6, 2011.

Approved by the Governor, May 10, 2011.

Chapter 351

(House Bill 613)

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George's County – Capital Improvements Program Submission

MC/PG 111–11

FOR the purpose of altering the date before which the Maryland–National Capital Park and Planning Commission is required to prepare and submit a 6–year capital improvements program to the county governing body of Prince George's County; and generally relating to the submission of a 6–year capital improvements program to the county governing body of Prince George's County by the Maryland–National Capital Park and Planning Commission.

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 2–118(b)(1)
Annotated Code of Maryland
(2010 Replacement Volume)

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

2–118.

(b) (1) (i) The Commission shall prepare and submit a six–year capital improvements program:

1. Before **[**November 1**]** **JANUARY 15** of each calendar year to the county governing body of Prince George's County; and

2. Before November 1 of each odd–numbered calendar year to the County Executive and County Council of Montgomery County.

(ii) The capital improvements program shall include a statement of the objectives of the capital programs and relationship of these programs to the county's adopted long range development plans; shall recommend capital projects and a construction schedule; and shall provide an estimate of cost and a statement of all funding sources. The capital improvements program shall include all programmed parkland acquisition, all major parkland improvement, development and major acquisition of equipment.

(iii) In Montgomery County, the County Executive shall submit recommendations with respect to the Commission's proposed program (including any suggested amendments, revisions or modifications) to the County Council as an

integral part of the comprehensive six–year capital improvements program required by the charter for Montgomery County in each even–numbered calendar year.

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

Approved by the Governor, May 10, 2011.

Chapter 352

(House Bill 632)

AN ACT concerning

Earned Income Credit Information Act

FOR the purpose of requiring the Comptroller to publish certain information relating to eligibility for the State earned income tax credit; requiring the Comptroller to prepare and ~~make available~~ *mail* to *all* employers ~~of~~ *in* the State a certain notice; requiring an employer to provide certain notification to an employee who may be eligible for the State earned income tax credit; providing that an employee may not pursue a private cause of action against an employer for the employer's failure to provide certain notice; providing for the effective date of this Act; and generally relating to employee notification of the State earned income tax credit.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–905(a), (b), and (f)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Tax – General
Section 10–913
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article – Tax – General

10–905.

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

(b) (1) "Employer" has the meaning stated in § 3401 of the Internal Revenue Code.

(2) "Employer" includes:

(i) the federal government;

(ii) the State;

(iii) a county, municipal corporation, political subdivision, or instrumentality of the State;

(iv) another state to the extent that functions of its government are carried on or performed in this State; and

(v) if the employer is a corporation:

1. any officer of the corporation who exercises direct control over its fiscal management; and

2. any agent of the corporation who has a duty to withhold income tax from wages.

(f) (1) Except as provided in paragraph (2) of this subsection, "wages" means salary, wages, or compensation for personal services of any kind as defined in §§ 3401 and 3402(o)(2)(A) of the Internal Revenue Code.

(2) "Wages" includes remuneration paid for services described in § 3401(a)(5) and (6) of the Internal Revenue Code.

10–913.

(A) (1) ON OR BEFORE JANUARY 1 OF EACH CALENDAR YEAR, THE COMPTROLLER SHALL PUBLISH THE MAXIMUM INCOME ELIGIBILITY FOR THE EARNED INCOME TAX CREDIT UNDER § 10–704 OF THIS TITLE FOR THE CALENDAR YEAR.

(2) THE COMPTROLLER SHALL PREPARE A NOTICE THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION AND ~~MAKE~~ *MAIL* THE NOTICE ~~AVAILABLE~~ TO *ALL* EMPLOYERS *IN THE STATE*.

(B) (1) ON OR BEFORE DECEMBER 31 OF EACH CALENDAR YEAR, AN EMPLOYER SHALL PROVIDE ELECTRONIC OR WRITTEN NOTICE TO AN

EMPLOYEE WHO MAY BE ELIGIBLE FOR THE EARNED INCOME TAX CREDIT UNDER § 10–704 OF THIS TITLE THAT:

(I) THE EMPLOYEE MAY BE ELIGIBLE FOR THE FEDERAL EARNED INCOME TAX CREDIT UNDER § 32 OF THE INTERNAL REVENUE CODE; ***AND***

(II) THE EMPLOYEE MAY BE ELIGIBLE FOR THE EARNED INCOME TAX CREDIT UNDER § 10–704 OF THIS TITLE;

~~**(III) THE EMPLOYEE MUST FILE AN INCOME TAX RETURN TO RECEIVE THE EARNED INCOME TAX CREDIT EVEN IF THE EMPLOYEE DOES NOT OWE ANY TAXES; AND**~~

~~**(IV) A PORTION OF THE EARNED INCOME TAX CREDIT MAY BE REFUNDABLE**~~**.**

(2) AN EMPLOYER MAY PROVIDE THE NOTICE REQUIRED UNDER THIS SUBSECTION TO:

(I) ALL EMPLOYEES; OR

(II) EMPLOYEES WITH WAGES THAT ARE LESS THAN OR EQUAL TO THE MAXIMUM INCOME ELIGIBILITY PUBLISHED UNDER SUBSECTION (A) OF THIS SECTION.

(C) AN EMPLOYEE MAY NOT PURSUE A PRIVATE CAUSE OF ACTION AGAINST AN EMPLOYER FOR THE EMPLOYER'S FAILURE TO PROVIDE THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2012.

Approved by the Governor, May 10, 2011.

Chapter 353

(House Bill 643)

AN ACT concerning

Procurement – State Buildings – Energy Efficient Outdoor Lighting Fixtures

FOR the purpose of prohibiting the use of State funds to install or replace a permanent outdoor luminaire for lighting on the grounds of any State building unless the luminaire meets certain requirements; providing certain exceptions to the requirements of this Act; authorizing the Board of Public Works or the Board's designee to waive the requirements of this Act under certain circumstances; requiring the Board to establish the requirements for a certain waiver request; requiring the Board or the Board's designee to consider certain factors when considering a waiver request; defining certain terms; and generally relating to the use of energy efficient outdoor lighting fixtures on State buildings.

BY adding to
Article – State Finance and Procurement
Section 14–411
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Article – State Finance and Procurement

14–411.

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

(2) "LAMP" MEANS THE COMPONENT OF A LUMINAIRE THAT PRODUCES THE LIGHT.

(3) "LUMEN" MEANS A UNIT OF MEASUREMENT OF LUMINOUS FLUX.

(4) "LUMINAIRE" MEANS THE COMPLETE LIGHTING UNIT, INCLUDING THE LAMP OR OTHER COMPONENT THAT PRODUCES LIGHT AND THE ASSEMBLY THAT HOLDS THE LAMP, INCLUDING AN ASSEMBLY HOUSING, A MOUNTING BRACKET OR POLE SOCKET, A LAMP HOLDER, A BALLAST, A REFLECTOR OR MIRROR, AND A REFRACTOR OR LENS.

(5) "RESTRICTED UPLIGHT LUMINAIRE" MEANS A LUMINAIRE THAT:

(I) EXCEPT FOR A 0.5% MAXIMUM INCIDENTAL UPLIGHT FROM REFLECTION OFF MOUNTING HARDWARE, ALLOWS NO DIRECT LIGHT EMISSION ABOVE A HORIZONTAL PLANE THROUGH THE LUMINAIRE'S LOWEST LIGHT–EMITTING PART; AND

(II) EMITS NO MORE THAN 10% OF THE TOTAL DIRECT LIGHT EMISSION AT OR ABOVE A VERTICAL ANGLE OF 80 DEGREES.

(6) "STATE BUILDING" MEANS A BUILDING OWNED OR LEASED BY THE STATE OR A UNIT OF THE STATE.

(B) THIS SECTION DOES NOT APPLY TO A LUMINAIRE:

(1) LOCATED ON THE GROUNDS OF A CORRECTIONAL FACILITY;

(2) REQUIRED BY FEDERAL REGULATION;

(3) REQUIRED FOR STORM OPERATION ACTIVITIES PERFORMED BY THE DEPARTMENT OF TRANSPORTATION;

(4) REQUIRED TO ILLUMINATE THE STATE FLAG OR THE FLAG OF THE UNITED STATES;

(5) USED FOR SIGN ILLUMINATION; OR

(6) IN A LIGHTING PLAN WHERE LESS THAN 25% OF THE LUMINAIRES ARE TO BE REPLACED.

(C) STATE FUNDS MAY NOT BE USED TO INSTALL OR REPLACE A PERMANENT OUTDOOR LUMINAIRE FOR LIGHTING ON THE GROUNDS OF ANY STATE BUILDING OR FACILITY UNLESS:

(1) THE LUMINAIRE IS DESIGNED TO MAXIMIZE ENERGY CONSERVATION AND TO MINIMIZE LIGHT POLLUTION, GLARE, AND LIGHT TRESPASS;

(2) THE ILLUMINATION PRODUCED BY THE LUMINAIRE IS THE MINIMUM ILLUMINATION NECESSARY FOR THE INTENDED PURPOSE OF THE LIGHTING; AND

(3) FOR A LUMINAIRE WITH AN OUTPUT OF MORE THAN 1,800 LUMENS, THE LUMINAIRE IS A RESTRICTED UPLIGHT LUMINAIRE.

(D) (1) THE BOARD OF PUBLIC WORKS OR THE BOARD'S DESIGNEE MAY WAIVE THE REQUIREMENT OF SUBSECTION (C)(3) OF THIS SECTION IF, AFTER A REQUEST FOR A WAIVER HAS BEEN MADE, THE BOARD OF PUBLIC WORKS OR THE BOARD'S DESIGNEE DETERMINES THAT THE WAIVER IS NECESSARY FOR THE LIGHTING APPLICATION.

(2) THE BOARD OF PUBLIC WORKS SHALL ESTABLISH THE REQUIREMENTS FOR A WAIVER REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, INCLUDING:

(I) A DESCRIPTION OF THE LIGHTING PLAN;

(II) A DESCRIPTION OF THE EFFORTS MADE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION; AND

(III) THE REASON A WAIVER IS NECESSARY.

(3) IN REVIEWING A WAIVER REQUEST, THE BOARD OF PUBLIC WORKS OR THE BOARD'S DESIGNEE SHALL CONSIDER DESIGN SAFETY, COSTS, AND ANY OTHER FACTORS THE BOARD OR THE BOARD'S DESIGNEE DETERMINES ARE APPROPRIATE.

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

Approved by the Governor, May 10, 2011.

Chapter 354

(House Bill 678)

AN ACT concerning

~~Environment~~ Somerset County – Water and Sewer Service – Late Fees

FOR the purpose of authorizing ~~a sanitary commission~~ the sanitary district in Somerset County to charge a late fee for certain unpaid water and sewer usage charges; authorizing the Sanitary Commission in Somerset County to require the payment of certain late fees before reconnecting certain water service; providing that when a certain charge is in default it will accrue interest from a certain date and at a certain rate; and generally relating to water and sewer service charges in Somerset County.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–601(a), (d), (j), and (k)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–662
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

Article – Environment

9–601.

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

(d) (1) "District" means an entity that is created under this subtitle.

(2) "District" includes a board, body, or commission that assumes the principal functions of a district that is created under this subtitle and later abolished.

(j) "Project" means a water system, sewerage system, solid waste disposal system, or solid waste acceptance facility or any part of these that a district owns, constructs, or operates.

(k) "Sanitary commission" means a sanitary commission created under this subtitle.

9–662.

(a) For each project that it operates, a district may charge the owners of parcels serviced by or connected to the project:

(1) A minimum charge; ~~[~~and~~]~~

(2) A usage charge that is based on the use of the project by the owner of the parcel~~; AND~~

~~(3) A LATE FEE FOR ANY UNPAID USAGE CHARGE~~.

(b) The district shall use funds received from charges made under this section:

(1) To operate, maintain, and repair the project;

(2) To maintain proper depreciation allowances;

(3) To pay operation expenses of the district;

(4) To repay advances made by member counties under § 9–628 of this subtitle; and

(5) To pay the principal and interest on bonds issued under this subtitle.

(c) For water service, the sanitary commission:

(1) Shall make a minimum charge:

(i) That is based on the size of the meter serving the property and is uniform throughout the service area for each size of meter; and

(ii) That, for properties to which no meter is connected, is reasonable and uniform throughout the service area; and

(2) Subject to the meter size and uniformity requirements of this subsection, may change the minimum charge as necessary.

(d) For sewerage service, the sanitary commission shall:

(1) Make a minimum charge that is reasonable and uniform throughout the service area; and

(2) Collect, each year, the minimum charge in the same manner as the sanitary commission collects benefit assessments.

(e) If a minimum charge for sewerage service is unpaid, the minimum charge has the same status as an unpaid benefit assessment.

(f) For solid waste disposal systems, the sanitary commission shall make a minimum charge that is reasonable and uniform throughout the service area.

(g) If the sanitary commission uses a water meter, the sanitary commission shall connect the water meter at the sanitary commission's expense.

(h) For water usage, the sanitary commission shall make a charge that:

(1) Is based on meter readings; or

(2) If no water meter is connected to the property, is:

(i) Based on the estimated water usage; and

(ii) Uniform among unmetered properties in the service area.

(i) For sewerage systems and solid waste disposal systems, the sanitary commission shall make a reasonable usage charge.

(j) Except for bills for minimum charges for sewerage services, the sanitary commission:

(1) Shall send to each property owner:

(i) For water service, a bill for minimum charges and usage charges for water once each 3 or 6 months; and

(ii) For other charges, a bill once each 3, 6, or 12 months; and

(2) May stagger the frequency and dates of bills sent under this section.

(k) The property owner promptly shall pay any bill sent under this section.

(l) If a water bill is unpaid for 30 days after being sent, and after written notice is left on the premises or mailed to the last known address of the owner, the sanitary commission may:

(1) Disconnect water service to the property; and

(2) Require, before reconnecting water service, payment of the entire water bill plus ~~ANY APPLICABLE LATE FEES AND~~ a reconnection charge reasonably related to the cost of reconnection, as established by ordinance of the governing body of the county or municipal corporation in which the water service is provided.

(m) (1) If a charge for which a bill sent under this section is in default 60 days after the bill is sent, the charge is in default.

(2) When a charge is in default, ~~[~~it is~~]~~ ~~THE CHARGE:~~

~~(I) SHALL ACCRUE INTEREST FROM THE DATE OF DEFAULT AT A RATE SET BY THE SANITARY COMMISSION; AND~~

~~(II)~~ ~~IS~~ a lien on the property ~~[~~and the~~]~~~~.~~

~~(3)~~ ~~THE~~ sanitary commission may collect [the] ~~A DEFAULTED~~ charge in the same manner as benefit assessments.

(N) IN SOMERSET COUNTY, NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW:

(1) THE DISTRICT MAY CHARGE AN OWNER OF A PARCEL SERVICED BY OR CONNECTED TO A PROJECT THAT THE DISTRICT OPERATES A LATE FEE FOR ANY UNPAID USAGE CHARGE THAT IS BASED ON THE USE OF THE PROJECT BY THE OWNER OF THE PARCEL;

(2) THE COMMISSION MAY REQUIRE, BEFORE RECONNECTING WATER SERVICE, PAYMENT OF ANY APPLICABLE LATE FEES IN ADDITION TO ANY OTHER CHARGE AUTHORIZED BY THIS SECTION; AND

(3) A CHARGE THAT IS IN DEFAULT SHALL ACCRUE INTEREST FROM THE DATE OF DEFAULT AT A RATE SET BY THE SANITARY COMMISSION.

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

Approved by the Governor, May 10, 2011.

Chapter 355

(House Bill 728)

AN ACT concerning

Residential Property – Foreclosure – Required Documents – Timing of Mediation

FOR the purpose of requiring a notice of intent to foreclose for an owner–occupied residential property to be accompanied by an envelope addressed to a certain person; requiring a notice of intent to foreclose for a property that is not an owner–occupied residential property to be accompanied by a certain notice and a certain telephone number; altering the documents that must accompany an order to docket or complaint to foreclose a mortgage or deed of trust on residential property; clarifying the documents that must be served on a mortgagor or grantor in a foreclosure action on residential property under certain circumstances; requiring the Commissioner of Financial Regulation to prescribe by regulation a certain form and sequence for certain documents and the form and content of certain other notices, forms, and supporting documents that must be served on a mortgagor or grantor in a foreclosure action on

residential property; altering the time period within which a mortgagor or grantor may file a certain request for foreclosure mediation; altering the authority of the Office of Administrative Hearings to extend the time in which a foreclosure mediation must be held; altering the period of time within which the Office shall file a certain report; establishing that certain rules of procedure relating to a failure to appear govern a foreclosure mediation conducted by the Office; making stylistic changes; declaring the intent of the General Assembly; providing that until the effective date of certain regulations that the Commissioner is required to adopt, a copy of an order to docket or complaint to foreclose served on a mortgagor or grantor in compliance with a certain law shall be deemed to be in compliance with certain provisions of this Act; and generally relating to the foreclosure of residential property.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–105.1
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

Article – Real Property

7–105.1.

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

(2) "Final loss mitigation affidavit" means an affidavit that:

(i) Is made by a person authorized to act on behalf of a secured party of a mortgage or deed of trust on owner–occupied residential property that is the subject of a foreclosure action;

(ii) Certifies the completion of the final determination of loss mitigation analysis in connection with the mortgage or deed of trust; and

(iii) If denied, provides an explanation for the denial of a loan modification or other loss mitigation.

(3) "Foreclosure mediation" means a conference at which the parties in a foreclosure action, their attorneys, additional representatives of the parties, or a combination of those persons appear before an impartial individual to discuss the positions of the parties in an attempt to reach agreement on a loss mitigation program for the mortgagor or grantor.

(4) "Housing counseling services" means assistance provided to mortgagors or grantors by nonprofit and governmental entities that are identified on a list maintained by the Department of Housing and Community Development.

(5) "Loss mitigation analysis" means an evaluation of the facts and circumstances of a loan secured by owner–occupied residential property to determine:

(i) Whether a mortgagor or grantor qualifies for a loan modification; and

(ii) If there will be no loan modification, whether any other loss mitigation program may be made available to the mortgagor or grantor.

(6) "Loss mitigation program" means an option in connection with a loan secured by owner–occupied residential property that:

(i) Avoids foreclosure through loan modification or other changes to existing loan terms that are intended to allow the mortgagor or grantor to stay in the property;

(ii) Avoids foreclosure through a short sale, deed in lieu of foreclosure, or other alternative that is intended to simplify the mortgagor's or grantor's relinquishment of ownership of the property; or

(iii) Lessens the harmful impact of foreclosure on the mortgagor or grantor.

(7) "Owner–occupied residential property" means residential property in which at least one unit is occupied by an individual who:

(i) Has an ownership interest in the property; and

(ii) Uses the property as the individual's primary residence.

(8) "Preliminary loss mitigation affidavit" means an affidavit that:

(i) Is made by a person authorized to act on behalf of a secured party of a mortgage or deed of trust on owner–occupied residential property that is the subject of a foreclosure action;

(ii) Certifies the status of an incomplete loss mitigation analysis in connection with the mortgage or deed of trust; and

(iii) Includes reasons why the loss mitigation analysis is incomplete.

(9) "Residential property" means real property improved by four or fewer single family dwelling units that are designed principally and are intended for human habitation.

(b) (1) Except as provided in paragraph (2) of this subsection, an action to foreclose a mortgage or deed of trust on residential property may not be filed until the later of:

(i) 90 days after a default in a condition on which the mortgage or deed of trust provides that a sale may be made; or

(ii) 45 days after the notice of intent to foreclose required under subsection (c) of this section is sent.

(2) (i) The secured party may petition the circuit court for leave to immediately commence an action to foreclose the mortgage or deed of trust if:

1. The loan secured by the mortgage or deed of trust was obtained by fraud or deception;

2. No payments have ever been made on the loan secured by the mortgage or deed of trust;

3. The property subject to the mortgage or deed of trust has been destroyed; or

4. The default occurred after the stay has been lifted in a bankruptcy proceeding.

(ii) The court may rule on the petition with or without a hearing.

(iii) If the petition is granted, the action may be filed at any time after a default in a condition on which the mortgage or deed of trust provides that a sale may be made and the secured party need not send the written notice of intent to foreclose required under subsection (c) of this section.

(c) (1) Except as provided in subsection (b)(2)(iii) of this section, at least 45 days before the filing of an action to foreclose a mortgage or deed of trust on residential property, the secured party shall send a written notice of intent to foreclose to the mortgagor or grantor and the record owner.

(2) The notice of intent to foreclose shall be sent:

(i) By certified mail, postage prepaid, return receipt requested, bearing a postmark from the United States Postal Service; and

(ii) By first–class mail.

(3) A copy of the notice of intent to foreclose shall be sent to the Commissioner of Financial Regulation.

(4) The notice of intent to foreclose shall:

(i) Be in the form that the Commissioner of Financial Regulation prescribes by regulation; and

(ii) Contain:

1. The name and telephone number of:

A. The secured party;

B. The mortgage servicer, if applicable; and

C. An agent of the secured party who is authorized to modify the terms of the mortgage loan;

2. The name and license number of the Maryland mortgage lender and mortgage originator, if applicable;

3. The amount required to cure the default and reinstate the loan, including all past due payments, penalties, and fees;

4. A statement recommending that the mortgagor or grantor seek housing counseling services;

5. The telephone number and the Internet address of nonprofit and government resources available to assist mortgagors and grantors facing foreclosure, as identified by the Commissioner of Financial Regulation;

6. An explanation of the Maryland foreclosure process and time line, as prescribed by the Commissioner of Financial Regulation; and

7. Any other information that the Commissioner of Financial Regulation requires by regulation.

(5) ~~The~~ **FOR AN OWNER–OCCUPIED RESIDENTIAL PROPERTY, THE** notice of intent to foreclose shall be accompanied by:

(i) A loss mitigation application:

1. For loss mitigation programs that are applicable to the loan secured by the mortgage or deed of trust that is the subject of the foreclosure action; or

2. If the secured party does not have its own loss mitigation application, in the form prescribed by the Commissioner of Financial Regulation;

(ii) Instructions for completing the loss mitigation application and a telephone number to call to confirm receipt of the application;

(iii) A description of the eligibility requirements for the loss mitigation programs offered by the secured party that may be applicable to the loan secured by the mortgage or deed of trust that is the subject of the foreclosure action; and

(iv) An envelope ~~preprinted with the address of~~ **ADDRESSED TO** the person responsible for conducting loss mitigation analysis on behalf of the secured party for the loan secured by the mortgage or deed of trust that is the subject of the foreclosure action.

(6) FOR A PROPERTY THAT IS NOT AN OWNER–OCCUPIED RESIDENTIAL PROPERTY, THE NOTICE OF INTENT TO FORECLOSE SHALL BE ACCOMPANIED BY:

(I) A WRITTEN NOTICE OF THE DETERMINATION THAT THE PROPERTY IS NOT OWNER–OCCUPIED RESIDENTIAL PROPERTY; AND

(II) A TELEPHONE NUMBER TO CALL TO CONTEST THAT DETERMINATION.

(d) An order to docket or a complaint to foreclose a mortgage or deed of trust on residential property shall:

(1) Include:

(i) If applicable, the license number of:

1. The mortgage originator; and

2. The mortgage lender; and

(ii) An affidavit stating:

1. The date on which the default occurred and the nature of the default; and

2. If applicable, that a notice of intent to foreclose was sent to the mortgagor or grantor in accordance with subsection (c) of this section and the date on which the notice was sent; and

(2) Be accompanied by:

(i) The original or a certified copy of the mortgage or deed of trust;

(ii) A statement of the debt remaining due and payable supported by an affidavit of the plaintiff or the secured party or the agent or attorney of the plaintiff or secured party;

(iii) A copy of the debt instrument accompanied by an affidavit certifying ownership of the debt instrument;

(iv) If applicable, the original or a certified copy of the assignment of the mortgage for purposes of foreclosure or the deed of appointment of a substitute trustee;

(v) If any defendant is an individual, an affidavit that~~:~~

~~1. The individual is not a servicemember, as defined in the Servicemembers Civil Relief Act, 50 U.S.C. Appendix § 511; or~~

~~2. The action is authorized by~~ **IS IN COMPLIANCE WITH § 521 OF** the **SERVICEMEMBERS CIVIL RELIEF** Act**, 50 U.S.C. ~~APPENDIX § 511~~ APP. § 501 ET SEQ.**;

(vi) If applicable, a copy of the notice of intent to foreclose;

(vii) In addition to any other filing fees required by law, a filing fee in the amount of $300; **AND**

(viii) **[**Subject to subsection (e) of this section:**]**

1. If the loss mitigation analysis has been completed **SUBJECT TO SUBSECTION (E) OF THIS SECTION**, a final loss mitigation affidavit in the form prescribed by regulation adopted by the Commissioner of Financial Regulation; and

2. If the loss mitigation analysis has not been completed**[**:

A. A**], A** preliminary loss mitigation affidavit in the form prescribed by regulation adopted by the Commissioner of Financial Regulation**[**;

B. The loss mitigation application and a description of the eligibility requirements for loss mitigation programs offered by the secured party as described in subsection (c)(5) of this section;

C. Instructions for completing the loss mitigation application, including instructions to return the completed application to the attorney handling the foreclosure; and

D. An envelope preprinted with the address of the attorney handling the foreclosure;

(ix) A notice to the mortgagor or grantor in substantially the following form, as prescribed by regulation by the Commissioner of Financial Regulation:

"NOTICE

An action to foreclose the mortgage/deed of trust on the property located at (insert address) has been filed in the Circuit Court for (county).

A foreclosure sale of the property may occur at any time after 45 days from the date that this notice is served on you.

You may stop the sale and reinstate your mortgage loan by paying all amounts due on your loan, plus fees and costs of the foreclosure action, at any time up to one business day before the sale. Please contact (insert name of authorized agent of secured party) at (insert telephone number) to obtain the amount due to cure the default on your mortgage loan and instructions for delivering the payment.

If you own and live in the home that is subject to foreclosure, your lender may be required to conduct an analysis of your loan to see if you qualify for a loan modification or some other loss mitigation. You must apply and provide your lender with specific information as part of this analysis. The results of your lender's analysis of your loan will be provided to you in the form of an affidavit submitted to the court.

If your lender determines that you are not eligible for any loan modification or other relief, you have the right to file a request with the court and have foreclosure mediation. This will be a conference with you, someone representing your lender, and a neutral third party to discuss your loan and possible options. To request foreclosure mediation, you must complete the Request for Foreclosure Mediation form that will accompany the lender's final loss mitigation affidavit and mail it to the court and the lender's foreclosure attorney within 15 days after receipt. If you file a Request for Foreclosure Mediation, your property cannot go to sale until at least 15 days after your mediation has been held.

You are urged to obtain legal advice and the assistance of a housing counselor to discuss possible loss mitigation programs, foreclosure mediation, and other options to stop the foreclosure sale.

If you are interested in selling your home to avoid a foreclosure sale, you may wish to contact a licensed real estate broker or salesperson as soon as possible.

Housing counseling and financial assistance programs are available through the Maryland Department of Housing and Community Development. Please call (insert telephone number) for information on available resources.

Some people may approach you about "saving" your home. You should be careful about any such promises.

The State encourages you to become informed about your options in foreclosure before entering into any agreements with anyone in connection with the foreclosure of your home. There are government agencies and nonprofit organizations that you may contact for helpful information about the foreclosure process. For the name and telephone number of an organization near you, please call the Consumer Protection Division of the Office of the Attorney General of Maryland at (insert telephone number). The State does not guarantee the advice of these organizations.

DO NOT DELAY DEALING WITH THE FORECLOSURE BECAUSE YOUR OPTIONS WILL BECOME MORE LIMITED AS TIME PASSES."; and

(x) If the order to docket or complaint to foreclose concerns owner–occupied residential property and is accompanied by a final loss mitigation affidavit:

1. A request for foreclosure mediation in the form prescribed by regulation adopted by the Commissioner of Financial Regulation; and

2. An envelope preprinted with the address of the clerk of the court; and

3. An envelope preprinted with the address of the foreclosure attorney**]**.

(e) Only for purposes of a final loss mitigation affidavit that is filed with an order to docket or complaint to foreclose, a loss mitigation analysis is not considered complete if the reason for the denial or determination of ineligibility is due to the inability of the secured party to:

(1) Establish communication with the mortgagor or grantor; or

(2) Obtain all documentation and information necessary to conduct the loss mitigation analysis.

(f) (1) A copy of the order to docket or complaint to foreclose on residential property and all other papers filed with it **IN THE FORM AND SEQUENCE AS PRESCRIBED BY REGULATIONS ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION, ACCOMPANIED BY THE DOCUMENTS REQUIRED UNDER PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION,** shall be served **ON THE MORTGAGOR OR GRANTOR** by:

(i) Personal delivery of the papers to the mortgagor or grantor; or

(ii) Leaving the papers with a resident of suitable age and discretion at the mortgagor's or grantor's dwelling house or usual place of abode.

(2) THE SERVICE OF ~~PROCESS~~ DOCUMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ACCOMPANIED BY A SEPARATE, CLEARLY MARKED NOTICE, IN THE FORM PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION, THAT STATES:

(I) THE SIGNIFICANCE OF THE ORDER TO DOCKET OR A COMPLAINT TO FORECLOSE; AND

(II) THE OPTIONS FOR THE MORTGAGOR OR GRANTOR TO TAKE, INCLUDING HOUSING COUNSELING AND FINANCIAL ASSISTANCE RESOURCES THE MORTGAGOR OR GRANTOR MAY CONSULT.

(3) IF THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE IS ACCOMPANIED BY A PRELIMINARY LOSS MITIGATION AFFIDAVIT, THE SERVICE OF ~~PROCESS~~ DOCUMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ACCOMPANIED BY A LOSS MITIGATION APPLICATION FORM AND ANY OTHER SUPPORTING DOCUMENTS AS PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION.

(4) IF THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE IS ACCOMPANIED BY A FINAL LOSS MITIGATION AFFIDAVIT AND CONCERNS OWNER–OCCUPIED RESIDENTIAL PROPERTY, THE SERVICE OF ~~PROCESS~~ DOCUMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ACCOMPANIED BY A REQUEST FOR FORECLOSURE MEDIATION FORM AND ANY OTHER SUPPORTING DOCUMENTS AS PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION.

[(2)**]** **(5)** If at least two good faith efforts to serve the mortgagor or grantor under paragraph (1) of this subsection on different days have not succeeded, the plaintiff may effect service by:

(i) Filing an affidavit with the court describing the good faith efforts to serve the mortgagor or grantor; and

(ii) 1. Mailing a copy of **[**the order to docket or complaint to foreclose and all other papers filed with it**]** **ALL THE DOCUMENTS REQUIRED TO BE SERVED UNDER PARAGRAPH (1) OF THIS SUBSECTION** by certified mail, return receipt requested, and first–class mail to the mortgagor's or grantor's last known address and, if different, to the address of the residential property subject to the mortgage or deed of trust; and

2. Posting a copy of **[**the order to docket or complaint to foreclose and all other papers filed with it**]** **ALL THE DOCUMENTS REQUIRED TO BE SERVED UNDER PARAGRAPH (1) OF THIS SUBSECTION** in a conspicuous place on the residential property subject to the mortgage or deed of trust.

[(3)**]** **(6)** The individual making service of ~~process~~ **DOCUMENTS** under this subsection shall file proof of service with the court in accordance with the Maryland Rules.

(g) (1) If the order to docket or complaint to foreclose is accompanied by a preliminary loss mitigation affidavit, the secured party, at least 30 days before the date of a foreclosure sale, shall:

(i) File with the court a final loss mitigation affidavit in the form prescribed by regulation adopted by the Commissioner of Financial Regulation; and

(ii) Send to the mortgagor or grantor by first class and by certified mail:

1. A copy of the final loss mitigation affidavit; and

2. A request for foreclosure mediation form and **[**envelopes described in subsection (d)(2)(x)**]** **SUPPORTING DOCUMENTS AS PROVIDED UNDER SUBSECTION (F)(4)** of this section.

(2) A final loss mitigation affidavit shall be filed under this subsection no earlier than 28 days after the order to docket or complaint to foreclose is served on the mortgagor or grantor.

(h) (1) (i) In a foreclosure action on owner–occupied residential property, the mortgagor or grantor may file with the court a completed request for foreclosure mediation not later than:

1. If the final loss mitigation affidavit was delivered along with service of the copy of the order to docket or complaint to foreclose under subsection (f) of this section, ~~15~~ **25** days after that service on the mortgagor or grantor; or

2. If the final loss mitigation affidavit was mailed as provided in subsection (g) of this section, ~~15~~ **25** days after the mailing of the final loss mitigation affidavit.

(ii) 1. A request for foreclosure mediation shall be accompanied by a filing fee of $50.

2. The court may reduce or waive the filing fee under subsubparagraph 1 of this subparagraph if the mortgagor or grantor is eligible for a reduction or waiver under the Maryland Legal Services guidelines.

(iii) The mortgagor or grantor shall mail a copy of the request for foreclosure mediation to the secured party's foreclosure attorney.

(2) (i) The secured party may file a motion to strike the request for foreclosure mediation in accordance with the Maryland Rules.

(ii) The motion to strike must be accompanied by an affidavit that sets forth the reasons why foreclosure mediation is not appropriate.

(iii) The secured party shall mail a copy of the motion to strike and the accompanying affidavit to the mortgagor or grantor.

(iv) There is a presumption that a mortgagor or grantor is entitled to foreclosure mediation unless good cause is shown why foreclosure mediation is not appropriate.

(3) (i) The mortgagor or grantor may file a response to the motion to strike within 15 days.

(ii) The mortgagor or grantor shall mail a copy of the response to the foreclosure attorney.

(iii) If the court grants the motion to strike, the court shall instruct the Office of Administrative Hearings to cancel any scheduled mediation.

(i) (1) Within 5 days after receipt of a request for foreclosure mediation, the court shall transmit the request to the Office of Administrative Hearings for scheduling.

(2) (i) Within 60 days after transmittal of the request for foreclosure mediation, the Office of Administrative Hearings shall conduct a foreclosure mediation.

(ii) For good cause, the Office of Administrative Hearings may extend the time for completing the foreclosure mediation for a period not exceeding 30 days **OR, IF ALL PARTIES AGREE, FOR A LONGER PERIOD OF TIME**.

(3) The Office of Administrative Hearings shall send notice of the scheduled foreclosure mediation to the foreclosure attorney, the secured party, and the mortgagor or grantor.

(4) The notice from the Office of Administrative Hearings shall:

(i) Include instructions regarding the documents and information, as required by regulations adopted by the Commissioner of Financial Regulation, that must be provided by each party to the other party and to the mediator; and

(ii) Require the information and documents to be provided no later than 20 days before the scheduled date of the foreclosure mediation.

(j) (1) At a foreclosure mediation:

(i) The mortgagor or grantor shall be present;

(ii) The mortgagor or grantor may be accompanied by a housing counselor and may have legal representation;

(iii) The secured party, or a representative of the secured party, shall be present; and

(iv) Any representative of the secured party must have the authority to settle the matter or be able to readily contact a person with authority to settle the matter.

(2) At the foreclosure mediation, the parties and the mediator shall address loss mitigation programs that may be applicable to the loan secured by the mortgage or deed of trust that is the subject of the foreclosure action.

(3) The Office of Administrative Hearings shall file a report with the court that states the outcome of the request for foreclosure mediation within the earlier of:

(i) ~~5~~ **7** days after a foreclosure mediation is held; or

(ii) The end of the 60–day mediation period specified in subsection (i)(2) of this section, plus any extension granted by the Office of Administrative Hearings.

(4) Except for a request for postponement **OR A FAILURE TO APPEAR**, the rules of procedure for contested cases of the Office of Administrative Hearings do not govern a foreclosure mediation conducted by the Office.

(k) (1) If the parties do not reach an agreement at the foreclosure mediation, or the 60–day mediation period expires without an extension granted by the Office of Administrative Hearings, the foreclosure attorney may schedule the foreclosure sale.

(2) (i) Subject to subparagraphs (ii), (iii), and (iv) of this paragraph, the mortgagor or grantor may file a motion to stay the foreclosure sale.

(ii) A motion to stay under this paragraph shall be filed within 15 days after:

1. The date the foreclosure mediation is held; or

2. If no foreclosure mediation is held, the date the Office of Administrative Hearings files its report with the court.

(iii) A motion to stay under this paragraph must allege specific reasons why loss mitigation should have been granted.

(3) Nothing in this subtitle precludes the mortgagor or grantor from pursuing any other remedy or legal defense available to the mortgagor or grantor.

(l) A foreclosure sale of residential property may not occur until:

(1) If the residential property is not owner–occupied residential property, at least 45 days after service of process is made under subsection (f) of this section;

(2) If the residential property is owner–occupied residential property and foreclosure mediation is not held, the later of:

(i) At least 45 days after service of process that includes a final loss mitigation affidavit made under subsection (f) of this section; or

(ii) At least 30 days after a final loss mitigation affidavit is mailed under subsection (g) of this section; and

(3) If the residential property is owner–occupied residential property and foreclosure mediation is requested, at least 15 days after:

(i) The date the foreclosure mediation is held; or

(ii) If no foreclosure mediation is held, the date the Office of Administrative Hearings files its report with the court.

(m) Notice of the time, place, and terms of a foreclosure sale shall be published in a newspaper of general circulation in the county where the action is pending at least once a week for 3 successive weeks, the first publication to be not less than 15 days before the sale and the last publication to be not more than 1 week before the sale.

(n) (1) The mortgagor or grantor of residential property has the right to cure the default by paying all past due payments, penalties, and fees and reinstate the loan at any time up to 1 business day before the foreclosure sale occurs.

(2) The secured party or an authorized agent of the secured party shall, on request, provide to the mortgagor or grantor or the mortgagor's or grantor's attorney within a reasonable time the amount necessary to cure the default and reinstate the loan and instructions for delivering the payment.

(o) An action for failure to comply with the provisions of this section shall be brought within 3 years after the date of the order ratifying the sale.

(p) Revenue collected from the filing fees required under subsections (d)(2)(vii) and (h)(1)(ii) of this section shall be distributed to the Housing Counseling and Foreclosure Mediation Fund established under § 4–507 of the Housing and Community Development Article.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the notices, forms, and supporting documents that the Commissioner of Financial Regulation is required to prescribe by regulation under this Act shall have a format and content that is no less stringent or detailed than that which is required by statute before the effective date of this Act.

<u>SECTION 3. AND BE IT FURTHER ENACTED, That, until the effective date of regulations that the Commissioner of Financial Regulation is required to adopt under § 7–105.1(f) of the Real Property Article, as enacted by Section 1 of this Act, a copy of the order to docket or complaint to foreclose served on a mortgagor or grantor in compliance with Maryland law in effect immediately preceding the effective date of this Act shall be deemed to be in compliance with § 7–105.1(f) of the Real Property Article, as enacted by Section 1 of this Act.</u>

SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 356

(House Bill 739)

AN ACT concerning

Sexual Assault Crisis Programs and Domestic Violence Programs – Transfer to the Governor's Office of Crime Control and Prevention

FOR the purpose of transferring certain responsibilities for certain sexual assault crisis programs and domestic violence programs from the Department of Human Resources to the Governor's Office of Crime Control and Prevention; transferring certain appropriations held by the Department of Human Resources to the Governor's Office of Crime Control and Prevention; establishing that this Act may not affect certain memberships or terms of office; providing for the validity of certain transactions; authorizing the publishers of the Annotated Code to take certain actions; providing for the continued effectiveness of certain directives, duties, and responsibilities relating to the functions of a sexual assault crisis program and domestic violence program; transferring all functions, powers, duties, equipment, assets, and liabilities of certain sexual assault crisis programs and domestic violence programs from the Department of Human Resources to the Governor's Office of Crime Control and Prevention; clarifying language; defining a certain term; and generally relating to sexual assault crisis programs and domestic violence programs.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–923
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–501, 4–503, 4–515, and 4–516
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Article – Criminal Procedure

11–923.

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

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

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

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

(c) (1) The **[**Department of Human Resources**] GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION** shall help establish sexual assault crisis programs in the State.

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

(3) The programs shall:

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

(ii) include a hotline and counseling service.

(d) The **[**Department of Human Resources**] GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION** may **[**contract with**] AWARD GRANTS TO** public or private nonprofit organizations to operate the sexual assault crisis programs.

(E) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL REGULARLY CONSULT, COLLABORATE WITH, AND CONSIDER THE RECOMMENDATIONS OF THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION REGARDING SEXUAL ASSAULT CRISIS PROGRAMS AND POLICIES, PRACTICES, AND PROCEDURES THAT IMPACT VICTIMS OF SEXUAL ASSAULT.

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

[(f)**] (G)** The **[**Secretary of Human Resources**] EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION** shall include a report on the sexual assault crisis programs in the **[**Department of Human Resources**]**

ANNUAL REPORT SUBMITTED BY THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION ~~annual report~~ to the General Assembly**, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE**.

[(g)**] (H)** (1) The Governor's Office of Crime Control and Prevention shall establish and sustain child advocacy centers in the State.

(2) The child advocacy centers:

(i) may be based in private nonprofit organizations, local departments of social services, local law enforcement agencies, or a partnership among any of these entities;

(ii) shall be developed and located to facilitate their use by alleged victims residing in the surrounding areas;

(iii) shall investigate allegations of sexual crimes against children and sexual abuse of minors;

(iv) shall provide or facilitate referrals to appropriate counseling, legal, medical, and advocacy services for victims; and

(v) shall be included in all joint investigation procedures developed in accordance with § 5–706 of the Family Law Article.

(3) The Governor's Office of Crime Control and Prevention may contract with public or private nonprofit organizations to operate child advocacy centers.

(4) Money for child advocacy centers shall be as provided in the annual State budget and shall be used to supplement, but not supplant, money that the programs receive from other sources.

(5) On or before January 1 each year, the Governor's Office of Crime Control and Prevention shall submit an annual report, in accordance with § 2–1246 of the State Government Article, on child advocacy centers to the General Assembly.

Article – Family Law

4–501.

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

(b) (1) "Abuse" means any of the following acts:

(i) an act that causes serious bodily harm;

(ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;

(iii) assault in any degree;

(iv) rape or sexual offense under §§ 3–303 through 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

(v) false imprisonment; or

(vi) stalking under § 3–802 of the Criminal Law Article.

(2) If the person for whom relief is sought is a child, "abuse" may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article. Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.

(3) If the person for whom relief is sought is a vulnerable adult, "abuse" may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

(c) "Child care provider" means a person that provides supervision and care for a minor child.

(d) "Cohabitant" means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within 1 year before the filing of the petition.

(e) "Commissioner" means a District Court Commissioner appointed in accordance with Article IV, § 41G of the Maryland Constitution.

(f) "Court" means the District Court or a circuit court in this State.

(g) "Emergency family maintenance" means a monetary award given to or for a person eligible for relief to whom the respondent has a duty of support under this article based on:

(1) the financial needs of the person eligible for relief; and

(2) the resources available to the person eligible for relief and the respondent.

(H) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

[(h)**] (I)** "Final protective order" means a protective order issued under § 4–506 of this subtitle.

[(i)**] (J)** "Home" means the property in this State that:

(1) is the principal residence of a person eligible for relief; and

(2) is owned, rented, or leased by the person eligible for relief or respondent or, in a petition alleging child abuse or abuse of a vulnerable adult, an adult living in the home at the time of a proceeding under this subtitle.

[(j)**] (K)** "Interim protective order" means an order that a Commissioner issues under this subtitle pending a hearing by a judge on a petition.

[(k)**] (L)** "Local department" means the local department that has jurisdiction in the county:

(1) where the home is located; or

(2) if different, where the abuse is alleged to have taken place.

[(l)**] (M)** "Person eligible for relief" includes:

(1) the current or former spouse of the respondent;

(2) a cohabitant of the respondent;

(3) a person related to the respondent by blood, marriage, or adoption;

(4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;

(5) a vulnerable adult; or

(6) an individual who has a child in common with the respondent.

[(m)**] (N)** (1) "Petitioner" means an individual who files a petition.

(2) "Petitioner" includes:

(i) a person eligible for relief; or

(ii) the following persons who may seek relief from abuse on behalf of a minor or vulnerable adult:

1. the State's Attorney for the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

2. the department of social services that has jurisdiction in the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

3. a person related to the child or vulnerable adult by blood, marriage, or adoption; or

4. an adult who resides in the home.

[(n)**] (O)** "Residence" includes the yard, grounds, outbuildings, and common areas surrounding the residence.

[(o)**] (P)** "Respondent" means the person alleged in the petition to have committed the abuse.

[(p)**] (Q)** "Temporary protective order" means a protective order issued under § 4–505 of this subtitle.

[(q)**] (R)** "Victim" includes a person eligible for relief.

[(r)**] (S)** "Vulnerable adult" has the meaning provided in § 14–101(q) of this article.

4–503.

(a) A law enforcement officer who responds to a request for help under § 4–502 of this Part I of this subtitle shall give the victim a written notice that:

(1) includes the telephone number of a local domestic violence program that receives funding from the **[**Department of Human Resources**] GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**; and

(2) states that:

(i) the victim may request that a District Court commissioner file a criminal charging document against the alleged abuser;

(ii) if the commissioner declines to charge the alleged abuser, the victim may request that the State's Attorney file a criminal charging document against the alleged abuser;

(iii) the victim may file in the District Court or a circuit court or, when neither the office of the clerk of the circuit court nor the Office of the District Court Clerk is open, with a commissioner, a petition under this subtitle; and

(iv) the victim may obtain a copy of the incident report, as provided under § 4–503.1 of this Part I of this subtitle.

(b) A law enforcement officer may not be held liable in a civil action that arises from the officer's failure to provide the notice required under subsection (a) of this section.

4–515.

(a) (1) The **[**Secretary**] EXECUTIVE DIRECTOR** shall establish a program in the **[**Department of Human Resources**] GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION** to help victims of domestic violence and their children.

(2) The purpose of the program is to provide for victims of domestic violence and their children, in each region of this State:

(i) temporary shelter or help in obtaining shelter;

(ii) counseling;

(iii) information;

(iv) referral; and

(v) rehabilitation.

(b) As a part of the domestic violence program, there shall be, in a major population center of this State, at least 1 program serving the area.

(c) Any program established under this section shall be subject to the following conditions:

(1) the program shall provide victims of domestic violence and their children with a temporary home and necessary counseling;

(2) the **[**Department of Human Resources**] GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION** shall:

(i) supervise the program;

(ii) set standards of care and admission policies;

(iii) monitor the operation of the program and annually evaluate the effectiveness of the program; **[**and**]**

(iv) adopt rules and regulations that set fees for services at and govern the operation of each program; **AND**

(V) REGULARLY CONSULT, COLLABORATE WITH, AND CONSIDER THE RECOMMENDATIONS OF THE FEDERALLY RECOGNIZED STATE DOMESTIC VIOLENCE COALITION REGARDING DOMESTIC VIOLENCE PROGRAMS AND POLICIES, PRACTICES, AND PROCEDURES THAT IMPACT VICTIMS OF DOMESTIC VIOLENCE AND THEIR CHILDREN;

(3) the program shall accept from the police or any other referral source in the community any victim of domestic violence and the child of any victim of domestic violence; and

(4) housing may not be provided under this subtitle to an applicant for housing who is not a resident of this State at the time the application for housing is made.

(d) (1) As funds become available, the **[**Secretary**]** **EXECUTIVE DIRECTOR** may extend the domestic violence program to other areas in this State.

(2) Expansion of the domestic violence program may include:

(i) establishing additional shelters; or

(ii) providing funds and technical assistance to a local organization or agency that shows that it is able and willing to run a domestic violence program.

4–516.

(a) Subject to § 2–1246 of the State Government Article, the **[**Secretary**]** **EXECUTIVE DIRECTOR** shall submit to the General Assembly a report on the domestic violence program annually.

(b) In addition to receiving funds from the annual budget, the **[**Secretary**]** **EXECUTIVE DIRECTOR** shall attempt to secure funding, including in–kind contributions, for the establishment and operation of the domestic violence program from:

(1) the federal government;

(2) local governments; and

(3) private sources.

SECTION 2. AND BE IT FURTHER ENACTED, That certain appropriations held by the Department of Human Resources to carry out the functions and programs transferred under this Act shall be transferred to the Governor's Office of Crime Control and Prevention on the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act affects the terms of office of an appointed or elected member of any division, board, commission, authority, council, committee, office, or unit. An individual who is a member of a division, board, commission, authority, council, committee, office, or unit on the effective date of this Act shall remain a member for the balance of the term to which the member is appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction affected by or flowing from any statute here amended, repealed, or transferred, and validly entered into before the effective date of this Act, and every right, duty, or interest following from the transaction, remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced pursuant to law.

SECTION 5. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross–references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2011 that affects provisions enacted by this Act. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, all existing laws, rules and regulations, proposed rules and regulations, standards and guidelines, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with the functions of the sexual assault crisis programs and domestic violence programs located within the Department of Human Resources, prior to the effective date of this Act shall continue in effect under the Department of Human Resources until completed, withdrawn, canceled, modified, or otherwise changed pursuant to law.

SECTION 7. AND BE IT FURTHER ENACTED, That on July 1, 2011, all the functions, powers, duties, equipment, assets, and liabilities of the sexual assault crisis programs and domestic violence programs within the Department of Human Resources shall be transferred to the Governor's Office of Crime Control and Prevention.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 357

(House Bill 748)

AN ACT concerning

Academic Facilities Bonding Authority

FOR the purpose of increasing the bonding authority for the University System of Maryland; approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of Maryland; authorizing the issuance of bonds by the University System of Maryland for financing the projects; providing that certain bonds are not a debt or an obligation of the State or any of its subdivisions; and generally relating to the authority to issue academic facilities bonds.

BY repealing and reenacting, with amendments,
Article – Education
Section 19–102(c)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Education

19–102.

(c) (1) The aggregate principal amount of bonds outstanding and the present value of capital lease payments, less the amount of any reserve fund or sinking fund requirement established for the bonds or capital leases, may not exceed, as of the date of issue of the bonds, the following:

(i) **[**$1,200,000,000**] $1,400,000,000** for the University System of Maryland;

(ii) $88,000,000 for Morgan State University;

(iii) $60,000,000 for St. Mary's College of Maryland; and

(iv) $65,000,000 for Baltimore City Community College.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) In accordance with Section 19–102(d) of the Education Article, the following project 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 this project:

(A) University of Maryland Baltimore County (Baltimore County)

(i) New Performing Arts and Humanities Facility

(2) In accordance with Section 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, Section 34 of the Maryland Constitution.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 358

(House Bill 752)

AN ACT concerning

Maryland Correctional Enterprises – Prohibiting Access to Personal Information

FOR the purpose of prohibiting certain programs developed for Maryland Correctional Enterprises from allowing inmates to have access to certain personal

information; defining certain terms; and generally relating to Maryland Correctional Enterprises and inmate access to personal information.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–511
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Correctional Services

3–511.

(a) The Commissioner and the Chief Executive Officer may develop programs to provide services or produce goods used by:

(1) units of State government;

(2) political subdivisions of the State;

(3) units of the federal government;

(4) units of other states; or

(5) political subdivisions of other states.

(b) (1) The Commissioner and the Chief Executive Officer, with the approval of the Secretary, may develop training programs to provide construction and construction–related services, as defined in Title 11, Subtitle 1 of the State Finance and Procurement Article, for State correctional facilities.

(2) The training programs will be developed in consultation with the Maryland and District of Columbia Building Trades Councils.

(3) The programs established under paragraph (1) of this subsection are not subject to:

(i) the provisions of § 3–515 of this subtitle; or

(ii) except for § 11–101 of the State Finance and Procurement Article, the provisions of Division II of the State Finance and Procurement Article.

(4) A construction project under paragraph (1) of this subsection may not exceed $500,000 in total costs per unrelated project as determined by the Secretary.

(C) (1) IN THIS SUBSECTION, "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S:

(I) SOCIAL SECURITY NUMBER~~, DRIVER'S LICENSE NUMBER, OR ANY OTHER IDENTIFICATION NUMBER;~~

~~(II) MEDICAL OR DISABILITY INFORMATION~~; OR

~~(III)~~ (II) CREDIT CARD OR FINANCIAL INFORMATION.

(2) A PROGRAM MAY NOT ALLOW AN INMATE TO HAVE ACCESS TO *THE* PERSONAL INFORMATION *OF ANOTHER*.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 359

(House Bill 757)

AN ACT concerning

~~Maryland Higher Education Commission~~ Governor's Workforce Investment Board – Development of ~~an~~ Educational ~~Program~~ Programs to Aid Unemployed State Residents

FOR the purpose of ~~requiring the Maryland Higher Education Commission to develop a certain educational and training program to meet the needs of unemployed State residents;~~ requiring the ~~Commission~~ Governor's Workforce Investment Board to establish a certain advisory committee; specifying the duties and staffing of the advisory committee; requiring that the advisory committee include representatives from certain organizations; requiring the ~~Commission~~ Governor's Workforce Investment Board, on or before a certain date each year, to submit a certain report to the Governor and certain committees of the General Assembly; ~~requiring a community college or private career school that participates in a certain program to leverage certain funds in applications for certain federal funds;~~ and generally relating to the development of ~~an~~ educational ~~program~~ programs to aid unemployed State residents by the

~~Maryland Higher Education Commission~~ Governor's Workforce Investment Board.

~~BY repealing and reenacting, without amendments,~~
~~Article – Education~~
~~Section 10–101(c), (g), and (h)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

BY adding to
Article – ~~Education~~ Labor and Employment
Section ~~11–407~~ 11–505.1
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – ~~Education~~ Labor and Employment

~~10–101.~~

~~(c) "Commission" means the Maryland Higher Education Commission.~~

~~(g) (1) "Institution of postsecondary education" means a school or other institution that offers an educational program in the State for individuals who are at least 16 years old and who have graduated from or left elementary or secondary school.~~

~~(2) "Institution of postsecondary education" does not include:~~

~~(i) Any adult education, evening high school, or high school equivalence program conducted by a public school system of the State; or~~

~~(ii) Any apprenticeship or on–the–job training program subject to approval by the Apprenticeship and Training Council.~~

~~(h) "Private career school" means a privately owned and privately operated institution of postsecondary education other than an institution of higher education that furnishes or offers to furnish programs, whether or not requiring a payment of tuition or fee, for the purpose of training, retraining, or upgrading individuals for gainful employment as skilled or semiskilled workers or technicians in recognized occupations or in new and emerging occupations.~~

~~11–407.~~ 11–505.1.

(A) ~~THE COMMISSION SHALL DEVELOP A PROGRAM TO MEET THE EDUCATIONAL AND TRAINING NEEDS OF UNEMPLOYED STATE RESIDENTS BY PROVIDING ACCESS TO SHORT-TERM, NONCREDIT PROGRAMS OF STUDY AT COMMUNITY COLLEGES AND PRIVATE CAREER SCHOOLS THAT LEAD TO THE ACQUISITION OF JOB-RELATED SKILLS AND CREDENTIALS.~~

~~(B)~~ (1) THE ~~COMMISSION~~ GOVERNOR'S WORKFORCE INVESTMENT BOARD SHALL ESTABLISH AN ADVISORY COMMITTEE TO:

(I) IDENTIFY THE WORKFORCE NEEDS AND THE EDUCATION AND TRAINING REQUIREMENTS OF EMPLOYMENT FIELDS WITH AVAILABLE OR GROWING OPPORTUNITIES;

(II) IDENTIFY THE WORKFORCE AND EDUCATION AND TRAINING NEEDS OF REGIONS OF THE STATE THAT HAVE HIGH LEVELS OF UNEMPLOYMENT;

(III) EXAMINE THE USE OF INDIVIDUAL EDUCATIONAL TRAINING ACCOUNTS BY OTHER STATES THAT ASSIST STATE RESIDENTS IN PAYING FOR EDUCATION AND TRAINING PROGRAMS;

(IV) MAKE RECOMMENDATIONS REGARDING AN INDIVIDUAL EDUCATIONAL TRAINING ACCOUNT PILOT PROGRAM; AND

(V) RECOMMEND ~~ELIGIBILITY REQUIREMENTS FOR PARTICIPANTS IN THE PROGRAM DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION, INCLUDING:~~

~~1. VERIFICATION OF UNEMPLOYMENT; AND~~

~~2. DEMONSTRATION OF FINANCIAL NEED~~ A PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM TO PROVIDE GRANTS TO COMMUNITY COLLEGES FOR THE DEVELOPMENT OF PROJECTS IN COORDINATION WITH:

1. INSTITUTIONS OF POSTSECONDARY EDUCATION LOCATED IN THE STATE;

2. THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;

3. THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT; AND

4. THE GOVERNOR'S WORKFORCE INVESTMENT BOARD.

(2) THE ADVISORY COMMITTEE SHALL INCLUDE REPRESENTATIVES FROM:

(I) THE ~~COMMISSION~~ GOVERNOR'S WORKFORCE INVESTMENT BOARD;

(II) INSTITUTIONS OF POSTSECONDARY EDUCATION LOCATED IN THE STATE, INCLUDING COMMUNITY COLLEGES AND PRIVATE CAREER SCHOOLS;

(III) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;

(IV) THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;

(V) ~~THE GOVERNOR'S WORKFORCE INVESTMENT BOARD;~~

~~(VI)~~ BUSINESSES AND INDUSTRIES LOCATED IN THE STATE, INCLUDING AT LEAST ONE REPRESENTATIVE FROM THE BIOTECHNOLOGY INDUSTRY; AND

~~(VII)~~ (VI) LABOR ORGANIZATIONS LOCATED IN THE STATE.

(3) THE ~~COMMISSION~~ GOVERNOR'S WORKFORCE INVESTMENT BOARD SHALL PROVIDE STAFF FOR THE ADVISORY COMMITTEE.

~~(C)~~ ~~(1)~~ (B) ON OR BEFORE JUNE 1 OF EACH YEAR, THE ~~COMMISSION~~ GOVERNOR'S WORKFORCE INVESTMENT BOARD SHALL SUBMIT A REPORT ON ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS ON THE IMPLEMENTATION OF THIS SUBTITLE.

~~(2) THE REPORT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:~~

~~(I) THE FINDINGS AND RECOMMENDATIONS OF THE ADVISORY COMMITTEE; AND~~

~~(II) THE COSTS OF THE PROGRAM DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION, INCLUDING THE COST OF STUDENT TUITION, FEES, AND BOOKS.~~

~~(D) IF A COMMUNITY COLLEGE OR PRIVATE CAREER SCHOOL THAT PARTICIPATES IN THE PROGRAM DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION RECEIVES STATE FUNDING, THE COMMUNITY COLLEGE OR PRIVATE CAREER SCHOOL SHALL APPLY FOR FEDERAL FUNDING THAT MAY BE USED TO OFFSET COSTS ASSOCIATED WITH THE PROGRAM.~~

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

Approved by the Governor, May 10, 2011.

Chapter 360

(House Bill 758)

AN ACT concerning

Task Force on Funding a Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program

FOR the purpose of establishing the Task Force on Funding a Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program; ~~requiring the Office of Student Financial Assistance to assist in the repayment of any federal or State higher education loan owed by a resident of the State who meets certain requirements; specifying that certain loan assistance may only be used to repay certain higher education loans; specifying the amount of assistance that may be awarded; specifying that an individual awarded assistance may only receive assistance for a certain number of years; specifying that the assistance awarded to an individual, when combined with certain other assistance, may not exceed a certain amount; requiring the Office to adopt certain regulations; requiring that funds for the Program be provided on an annual basis in the State budget; requiring the Office to submit a certain report on or before a certain date each year to the Governor and certain committees of the General Assembly; defining certain terms;~~ providing for the members of the Task Force; providing for the designation of a chair of the Task Force; requiring the Governor's Workforce Investment Board to provide staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation; providing that a member of the Task Force may receive reimbursement of certain expenses; requiring the Task Force to study and make certain recommendations on funding a green technology, life science, and health

information technology loan assistance repayment program; requiring the Task Force to report its findings and recommendations to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on Funding a Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program.

~~BY repealing and reenacting, without amendments,~~
~~Article – Education~~
~~Section 18–101(c)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

~~BY adding to~~
~~Article – Education~~
~~Section 18–2901 through 18–2906 to be under the new subtitle "Subtitle 29. Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program"~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

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

(a) There is a Task Force on Funding a Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;

(4) one member of the Governor's Workforce Investment Board, appointed by the Chair of the Board;

(5) one representative of community colleges in the State, appointed by the Governor;

(6) one representative of the biotechnology industry, appointed by the Governor;

(7) one representative from the Maryland Clean Energy Center appointed by the Governor;

(8) one representative from the U.S. Green Building Council: Maryland Chapter, appointed by the Chair of the Board of Directors of the Council;

(9) one representative of the Maryland State and District of Columbia AFL–CIO, appointed by the President of the Union; and

(10) one representative of the SEIU Maryland and District of Columbia State Council, appointed by the President of the Council.

(c) The Task Force members shall designate the chair of the Task Force.

(d) The Governor's Workforce Investment Board shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall study and make recommendations on sources of funding for a green technology, life science, and health information technology loan assistance repayment program that assists graduates who earned a degree in a field relating to green technology, life science, or health information technology from an institution of higher education in the State in the repayment of any federal or State higher education loan.

(g) On or before December 31, 2011, the Task Force shall report its findings and recommendations, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

~~**Article – Education**~~

~~18–101.~~

~~(e) "Office" means the Office of Student Financial Assistance.~~

~~**SUBTITLE 29. GREEN TECHNOLOGY, LIFE SCIENCE, AND HEALTH INFORMATION TECHNOLOGY LOAN ASSISTANCE REPAYMENT PROGRAM.**~~

~~**18–2901.**~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "GREEN TECHNOLOGY" MEANS TECHNOLOGY THAT:~~

~~(1) PROMOTES CLEAN ENERGY, RENEWABLE ENERGY, OR ENERGY EFFICIENCY;~~

~~(2) REDUCES GREENHOUSE GASES OR CARBON EMISSIONS; OR~~

~~(3) INVOLVES THE INVENTION, DESIGN, AND APPLICATION OF CHEMICAL PRODUCTS AND PROCESSES TO ELIMINATE THE USE AND GENERATION OF HAZARDOUS SUBSTANCES.~~

~~(C) "HEALTH INFORMATION TECHNOLOGY" MEANS THE CREATION, EXECUTION, OR IMPLEMENTATION OF ELECTRONIC DATA SYSTEMS THAT RECORD OR TRANSMIT MEDICAL OR HEALTH INFORMATION.~~

~~(D) "LIFE SCIENCE" MEANS THE STUDY OF GENES, CELLS, TISSUES, AND CHEMICAL AND PHYSICAL STRUCTURES OF LIVING ORGANISMS.~~

~~(E) "PROGRAM" MEANS THE GREEN TECHNOLOGY, LIFE SCIENCE, AND HEALTH INFORMATION TECHNOLOGY LOAN ASSISTANCE REPAYMENT PROGRAM.~~

~~18–2902.~~

~~(A) THERE IS A GREEN TECHNOLOGY, LIFE SCIENCE, AND HEALTH INFORMATION TECHNOLOGY LOAN ASSISTANCE REPAYMENT PROGRAM.~~

~~(B) THE OFFICE SHALL ASSIST IN THE REPAYMENT OF ANY FEDERAL OR STATE HIGHER EDUCATION LOAN OWED BY A RESIDENT OF THE STATE:~~

~~(1) (I) WHO, ON OR AFTER MAY 1, 2010, RECEIVED A BACHELOR'S DEGREE OR AN ASSOCIATE'S DEGREE IN A FIELD RELATING TO GREEN TECHNOLOGY, LIFE SCIENCE, OR HEALTH INFORMATION TECHNOLOGY FROM A SCHOOL LOCATED IN THE STATE;~~

~~(II) WHO HAS BEEN EMPLOYED IN THE STATE IN A JOB RELATING TO GREEN TECHNOLOGY, LIFE SCIENCE, OR HEALTH INFORMATION TECHNOLOGY FOR AT LEAST 2 YEARS AFTER GRADUATION; AND~~

~~(III) WHOSE EXPECTED FAMILY CONTRIBUTION, AS DETERMINED BY THE FEDERAL FREE APPLICATION FOR FEDERAL STUDENT~~

~~AID FOR THE MOST RECENT FULL ACADEMIC YEAR DOES NOT EXCEED $35,000; OR~~

~~(2) (I) WHO GRADUATED FROM SECONDARY SCHOOL BEFORE JULY 1, 2008;~~

~~(II) WHO IS AT LEAST 18 YEARS OLD;~~

~~(III) WHO RECEIVED A CERTIFICATE RELATING TO GREEN TECHNOLOGY, LIFE SCIENCE, OR HEALTH INFORMATION TECHNOLOGY FROM AN INSTITUTION OF HIGHER EDUCATION FROM A SCHOOL LOCATED IN THE STATE;~~

~~(IV) 1. WHO IS UNEMPLOYED;~~

~~2. WHO HAS RECEIVED NOTICE OF TERMINATION OF EMPLOYMENT; OR~~

~~3. WHO IS EMPLOYED WITH A GROSS ANNUAL FAMILY INCOME OF LESS THAN $40,000; AND~~

~~(V) WHO WAS NOT ENROLLED AS A FULL–TIME STUDENT AT AN INSTITUTION OF HIGHER EDUCATION BEFORE JULY 1, 2010.~~

~~18–2903.~~

~~(A) ASSISTANCE RECEIVED UNDER THIS SUBTITLE MAY ONLY BE USED TO REPAY FEDERAL OR STATE HIGHER EDUCATION LOANS.~~

~~(B) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL WHO IS ELIGIBLE FOR THE PROGRAM UNDER § 18–2902(B)(1) OF THIS SUBTITLE MAY BE AWARDED YEARLY ASSISTANCE IN AN AMOUNT NOT TO EXCEED $2,500 OR 5% OF THE AMOUNT OF THE INDIVIDUAL'S FEDERAL OR STATE EDUCATIONAL LOANS, WHICHEVER IS LESS.~~

~~(2) AN INDIVIDUAL WHO RECEIVES ASSISTANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE AWARDED ASSISTANCE:~~

~~(I) FOR NO MORE THAN 4 YEARS IF THE INDIVIDUAL RECEIVED A BACHELOR'S DEGREE; OR~~

~~(II) FOR NO MORE THAN 2 YEARS IF THE INDIVIDUAL RECEIVED AN ASSOCIATE'S DEGREE.~~

~~(C) THE ASSISTANCE THAT AN INDIVIDUAL IS AWARDED UNDER SUBSECTION (B) OF THIS SECTION, WHEN COMBINED WITH ANY OTHER STATE LOAN ASSISTANCE, MAY NOT EXCEED:~~

~~(1) $10,000 FOR AN INDIVIDUAL WHO RECEIVED A BACHELOR'S DEGREE; OR~~

~~(2) $5,000 FOR AN INDIVIDUAL WHO RECEIVED AN ASSOCIATE'S DEGREE.~~

~~(D) AN INDIVIDUAL WHO IS ELIGIBLE FOR THE PROGRAM UNDER § 18–2902(B)(2) OF THIS SUBTITLE MAY BE AWARDED ASSISTANCE IN THE AMOUNT EQUAL TO THE COST OF EARNING THE CERTIFICATE BUT NO MORE THAN $250.~~

~~18–2904.~~

~~THE OFFICE SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.~~

~~18–2905.~~

~~FUNDS FOR THE PROGRAM SHALL BE PROVIDED ON AN ANNUAL BASIS IN THE STATE BUDGET.~~

~~18–2906.~~

~~ON OR BEFORE JANUARY 1 OF EACH YEAR, THE OFFICE SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS ON THE IMPLEMENTATION OF THE PROGRAM.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2011. It shall remain effective for a period of 7 months and, at the end of December 31, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 10, 2011.

Chapter 361

(House Bill 794)

AN ACT concerning

Division of Parole and Probation – Pre–Parole Investigations for Inmates of Local Facilities

FOR the purpose of requiring the Division of Parole and Probation to complete and submit to the Parole Commission the results of pre–parole investigations of certain inmates in local correctional facilities within a certain number of days of the inmates' commitment for the purpose of enabling the Parole Commission to determine the advisability of granting parole to those inmates; and generally relating to eligibility for parole.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–301(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Correctional Services

7–301.

(a) (1) Except as otherwise provided in this section, the Commission shall request that the Division of Parole and Probation make an investigation for inmates in a local correctional facility and the Division of Correction make an investigation for inmates in a State correctional facility that will enable the Commission to determine the advisability of granting parole to an inmate who:

(i) has been sentenced under the laws of the State to serve a term of 6 months or more in a correctional facility; and

(ii) has served in confinement one–fourth of the inmate's aggregate sentence.

(2) Except as provided in paragraph (3) of this subsection, or as otherwise provided by law or in a predetermined parole release agreement, an inmate is not eligible for parole until the inmate has served in confinement one–fourth of the inmate's aggregate sentence.

(3) An inmate may be released on parole at any time in order to undergo drug or alcohol treatment, mental health treatment, or to participate in a residential program of treatment in the best interest of an inmate's expected or newborn child if the inmate:

(i) is not serving a sentence for a crime of violence, as defined in § 14–101 of the Criminal Law Article;

(ii) is not serving a sentence for a violation of Title 3, Subtitle 6, § 5–608(d), § 5–609(d), § 5–612, § 5–613, § 5–614, § 5–621, § 5–622, or § 5–628 of the Criminal Law Article; and

(iii) has been determined to be amenable to treatment.

(4) THE DIVISION OF PAROLE AND PROBATION SHALL COMPLETE AND SUBMIT TO THE COMMISSION EACH INVESTIGATION OF AN INMATE IN A LOCAL CORRECTIONAL FACILITY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 60 DAYS OF COMMITMENT.

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

Approved by the Governor, May 10, 2011.

Chapter 362

(House Bill 801)

AN ACT concerning

Criminal Procedure – Victims' Rights – Enforcement

FOR the purpose of ~~expanding the applicability of certain appeal rights from a victim of a violent crime to a victim of a crime; authorizing a certain victim to appeal to the Court of Special Appeals from a certain final order; providing that the filing of a certain appeal or application for leave to appeal does not stay certain other proceedings unless the court finds that the accused's rights to a speedy trial or adjudication will not be violated;~~ requiring a certain court to ensure that a certain victim is afforded the rights provided by law in a certain court proceeding; authorizing a certain victim to file a certain motion requesting relief within a certain time period; providing that, ~~if a~~ if the court finds that a victim's right to restitution under a certain provision of law was not considered or was improperly denied, the court may ~~grant the victim relief provided the remedy does not violate a defendant's or child respondent's certain constitutional right; prohibiting a court from providing a remedy that modifies a certain sentence or commitment unless the victim requests relief from a violation of the victim's right within a certain number of days of the alleged violation; providing for the application of this Act;~~ enter a judgment of restitution; and generally relating to victims' rights.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–103
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Criminal Procedure

11–103.

~~(a) (1) In this section, [“violent crime”] “CRIME” means:~~

(a) (1) In this section, “violent crime” means:

(i) a crime ~~[~~of violence~~]~~; ~~OR~~

(ii) a delinquent act that would be a crime ~~[~~of violence~~]~~ if committed by an adult~~[~~; or

(iii) except as provided in paragraph (2) of this subsection, a crime or delinquent act involving, causing, or resulting in death or serious bodily injury~~]~~.

~~(2) [“Violent crime”] “CRIME” does~~

(2) “Violent crime” does not include an offense under the Maryland Vehicle Law or under Title 8, Subtitle 7 of the Natural Resources Article unless the offense is punishable by imprisonment.

(b) Although not a party to a criminal or juvenile proceeding, a victim of a ~~[~~violent~~]~~ crime for which the defendant or child respondent is charged may file an application for leave to appeal to the Court of Special Appeals from an interlocutory ~~ORDER~~ or ~~APPEAL TO THE COURT OF SPECIAL APPEALS FROM A~~ final order that denies or fails to consider a right secured to the victim by § 4–202 of this article, § 11–102, § 11–104, § 11–302, § 11–402, § 11–403, § 11–404, or § 11–603 of this title, § 3–8A–06, § 3–8A–13, or § 3–8A–19 of the Courts Article, or § 6–112 of the Correctional Services Article.

(c) The filing of an ~~APPEAL OR~~ application for leave to appeal under this section does not stay other proceedings in a criminal or juvenile case unless~~:~~

~~(1)~~ all parties consent~~; OR~~

~~**(2) THE COURT FINDS THAT THE ACCUSED'S RIGHTS TO A SPEEDY TRIAL OR ADJUDICATION WILL NOT BE VIOLATED**~~.

(d) (1) For purposes of this section, a victim's representative, including the victim's spouse or surviving spouse, parent or legal guardian, child, or sibling, may represent a victim of a ~~[~~violent~~]~~ crime who dies or is disabled.

(2) If there is a dispute over who shall be the victim's representative, the court shall designate the victim's representative.

(E) (1) IN ANY COURT PROCEEDING INVOLVING A CRIME AGAINST A VICTIM, THE COURT SHALL ENSURE THAT THE VICTIM IS IN FACT AFFORDED THE RIGHTS PROVIDED TO VICTIMS BY LAW.

(2) ~~**IF A COURT FINDS THAT A VICTIM'S RIGHT WAS NOT CONSIDERED OR WAS DENIED, THE COURT MAY GRANT THE VICTIM RELIEF PROVIDED THE REMEDY DOES NOT VIOLATE A DEFENDANT'S OR CHILD RESPONDENT'S CONSTITUTIONAL RIGHT TO BE FREE FROM DOUBLE JEOPARDY.**~~

~~**(3) A COURT MAY NOT PROVIDE A REMEDY THAT MODIFIES A SENTENCE OF INCARCERATION OF A DEFENDANT OR A COMMITMENT OF A CHILD RESPONDENT UNLESS THE VICTIM REQUESTS RELIEF FROM A VIOLATION OF THE VICTIM'S RIGHT WITHIN 30 DAYS OF THE ALLEGED VIOLATION.**~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to any appeal pending or filed on or after the effective date of this Act.~~

(I) A VICTIM WHO ALLEGES THAT THE VICTIM'S RIGHT TO RESTITUTION UNDER § 11–603 OF THIS TITLE WAS NOT CONSIDERED OR WAS IMPROPERLY DENIED MAY FILE A MOTION REQUESTING RELIEF WITHIN 30 DAYS OF THE ~~**ALLEGED VIOLATION**~~ ***DENIAL OR ALLEGED FAILURE TO CONSIDER*.**

(II) IF THE COURT FINDS THAT THE VICTIM'S RIGHT TO RESTITUTION UNDER § 11–603 OF THIS TITLE WAS NOT CONSIDERED OR WAS IMPROPERLY DENIED, THE COURT MAY ENTER A JUDGMENT OF RESTITUTION.

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

Approved by the Governor, May 10, 2011.

Chapter 363

(House Bill 817)

AN ACT concerning

Environment – Composting

FOR the purpose of requiring the Department of the Environment to maintain certain information on its Web site related to composting for certain purposes; requiring the Department, in consultation with the Department of Agriculture and the Maryland Environmental Service, to study certain matters related to composting and to make certain recommendations related to the promotion of composting, including certain information; requiring the Department, on or before a certain date, to report its findings and recommendations under the study to the General Assembly including a certain summary; and generally relating to composting.

BY adding to
Article – Environment
Section 9–1722
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

WHEREAS, Composting extends the life of landfills by diverting organic material from the landfills and providing a less costly alternative to conventional methods of treating contaminated soil; and

WHEREAS, Composting organic material that has been diverted from landfills reduces the formation of leachate and the production of methane in the landfills; and

WHEREAS, Composting filters pollutants in stormwater runoff, preventing the pollutants from reaching surface water resources; and

WHEREAS, Composting has been shown to prevent erosion and silting on embankments parallel to creeks, lakes, and rivers and to prevent erosion and turf loss on roadsides, hillsides, playing fields, and golf courses; and

WHEREAS, Composting reduces or eliminates the need for chemical fertilizers and promotes higher yields of agricultural crops; and

WHEREAS, The composting process degrades and in some cases completely eliminates wood preservatives, pesticides, and both chlorinated and nonchlorinated hydrocarbons in contaminated soils; and

WHEREAS, The average U.S. household generates 650 pounds of compostable material every year; and

WHEREAS, Individuals, businesses, and groups interested in composting or expanding a composting operation have expressed confusion about the current State laws and regulations governing these activities; and

WHEREAS, Better understanding of and communication about the laws and regulations governing composting may increase composting in the State; now, therefore,

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

Article – Environment

9–1722.

THE DEPARTMENT SHALL MAINTAIN INFORMATION ON ITS WEB SITE TO EDUCATE THE PUBLIC ABOUT COMPOSTING AND TO PROMOTE COMPOSTING IN THE STATE AS A PART OF THE DEPARTMENT'S EFFORTS TO ENCOURAGE WASTE DIVERSION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of the Environment, in consultation with the Department of Agriculture and the Maryland Environmental Service, shall:

(1) study composting in the State, including any laws or regulations governing composting by individuals or businesses, including businesses offering composting services; and

(2) make recommendations about how to promote composting in the State, including any necessary programmatic, legislative, or regulatory changes.

(b) On or before January 1, ~~2012~~ 2013, the Department of the Environment shall report its findings and recommendations to the General Assembly, in accordance with § 2–1246 of the State Government Article, including a summary of the laws and regulations governing composting.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 364

(House Bill 823)

AN ACT concerning

Sales and Use Tax – Nonprofit Food Vendors – Youth Sporting Events *and 4–H Youth Events*

FOR the purpose of providing an exemption from the sales and use tax for sales of food, bottled water, soft drinks or carbonated beverages, and candy or confectionery by a nonprofit food vendor at a youth sporting event *or 4–H youth event* under certain circumstances; and generally relating to a sales and use tax exemption for sales of certain items by a nonprofit food vendor at a youth sporting event *or 4–H youth event*.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 11–206(a)(4)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–206(d)
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article – Tax – General

11–206.

(a) (4) (i) "Food" means food for human consumption.

(ii) "Food" includes the following foods and their products:

1. beverages, including coffee, coffee substitutes, cocoa, fruit juices, and tea;

2. condiments;

3. eggs;

4. fish, meat, and poultry;

5. fruit, grain, and vegetables;

6. milk, including ice cream; and

7. sugar.

(iii) "Food" does not include:

1. an alcoholic beverage as defined in § 5–101 of this article;

2. a soft drink or carbonated beverage; or

3. candy or confectionery.

(d) The sales and use tax does not apply to:

(1) a sale of food:

(i) to patients in a hospital when the food charge is included in the regular room rate;

(ii) by a church or religious organization;

(iii) by a school other than an institution of postsecondary education, including sales at a school by a food concessionaire that is under contract with the school or with its designated contract agent, but not including sales at events that are not sponsored by the school or are not educationally related;

(iv) to students at an institution of postsecondary education if the food charge is for a meal plan or is included in the regular charge for room and board; or

(v) by a nonprofit food vendor if there are no facilities for food consumption on the premises, unless the food is sold within an enclosure for which a charge is made for admission;

(2) if the proceeds of the sale are used to support a bona fide nationally organized and recognized organization of veterans of the armed forces of the United States or auxiliary of the organization or 1 of its units, a sale of food or meals for consumption only on the premises, served by the organization or auxiliary; **[**or**]**

(3) if the proceeds of the sale are used to support a volunteer fire company or department or its auxiliary or a volunteer ambulance company or rescue squad or its auxiliary, a sale of food served by the company, department, squad, or auxiliary**; OR**

(4) A SALE OF FOOD, BOTTLED WATER, SOFT DRINK OR CARBONATED BEVERAGE, OR CANDY OR CONFECTIONERY BY A NONPROFIT FOOD VENDOR AT A YOUTH SPORTING EVENT *OR 4–H YOUTH EVENT* FOR INDIVIDUALS UNDER THE AGE OF 18 YEARS IF THERE ARE NO FACILITIES FOR FOOD CONSUMPTION ON THE PREMISES, UNLESS THE SALE IS WITHIN AN ENCLOSURE FOR WHICH A CHARGE IS MADE FOR ADMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 365

(House Bill 848)

AN ACT concerning

Department of State Police – Tow Companies

FOR the purpose of requiring the Department of State Police to establish and maintain a list of tow companies; authorizing the Department to adopt regulations establishing certain standards for tow companies to be included on the list; *requiring the Department to include qualifying tow companies on the list;* and generally relating to the Department of State Police and tow companies.

BY adding to
Article – Public Safety
Section 2–314
Annotated Code of Maryland
(2003 Volume and 2010 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.

(A) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A LIST, BY COUNTY, OF QUALIFYING TOW COMPANIES FOR USE BY THE DEPARTMENT IN CARRYING OUT THE DUTIES OF THIS SUBTITLE.

(B) ~~FOR TOW COMPANIES TO BE INCLUDED ON THE LIST, THE~~ *THE* DEPARTMENT MAY ADOPT REGULATIONS TO ESTABLISH STANDARDS FOR TOW COMPANIES, INCLUDING APPLICATION PROCEDURES AND MINIMUM QUALIFICATION REQUIREMENTS*, AND MUST INCLUDE ON THE LIST ALL QUALIFYING TOW COMPANIES*.

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

Approved by the Governor, May 10, 2011.

Chapter 366

(House Bill 899)

AN ACT concerning

Division of Parole and Probation – Warrant Apprehension Unit – Powers ~~and Pension System~~

FOR the purpose of establishing the Warrant Apprehension Unit within the Division of Parole and Probation; providing that certain employees of the Warrant Apprehension Unit also have certain additional powers; including certain employees of the Warrant Apprehension Unit in the defined term "police officer" in connection with provisions of law relating to the authority to make arrests; including certain employees of the Warrant Apprehension Unit 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; ~~providing for the membership of certain employees of the Warrant Apprehension Unit in the Law Enforcement Officers' Pension System; requiring the Board of Trustees for the State Retirement and Pension System to transfer certain funds to the Law Enforcement Officers' Pension System Accumulation Fund; requiring certain members of the Warrant Apprehension Unit to deposit certain amounts in the annuity savings fund of the Law Enforcement Officers' Pension System;~~ and generally relating to the powers ~~and pension system~~ of certain employees of the Warrant Apprehension Unit of the Division of Parole and Probation.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 6–106
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–101
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101 and 3–201
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – State Personnel and Pensions~~
~~Section 26–201, 26–202, and 26–203.1~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

~~BY adding to~~
~~Article – State Personnel and Pensions~~
~~Section 26–203.4~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

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

Article – Correctional Services

6–106.

(a) **THERE IS A WARRANT APPREHENSION UNIT IN THE DIVISION OF PAROLE AND PROBATION.**

(B) The Director may authorize parole and probation employees of the **[**Division**] WARRANT APPREHENSION UNIT** to:

(1) execute warrants for the retaking of offenders;

(2) execute warrants for the arrest of probationers for whom a warrant is issued for an alleged violation of probation;

(3) obtain and execute search warrants as authorized under § 6–109 of this subtitle; and

(4) arrest offenders in the program as authorized under § 2–207 of the Criminal Procedure Article.

[(b)**] (C)** A parole and probation employee who is authorized to make arrests under this section shall:

(1) meet the minimum qualifications required by the Maryland Police Training Commission; and

(2) complete satisfactorily the training prescribed by the Maryland Police Training Commission.

(D) A PAROLE AND PROBATION EMPLOYEE WHO IS AUTHORIZED TO MAKE ARRESTS UNDER THIS SECTION MAY ALSO EXERCISE THE POWERS OF A PEACE OFFICER AND POLICE OFFICER.

Article – Criminal Procedure

2–101.

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

(b) "Emergency" means a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of a person from actual or threatened harm or from an unlawful act.

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

(1) a member of the Department of State Police;

(2) a member of the Police Department of Baltimore City;

(3) a member of the Baltimore City School Police Force;

(4) a member of the police department, bureau, or force of a county;

(5) a member of the police department, bureau, or force of a municipal corporation;

(6) a member of the Maryland Transit Administration Police Force or Maryland Transportation Authority Police Force;

(7) a member of the University of Maryland Police Force or Morgan State University Police Force;

(8) a special police officer who is appointed to enforce the law and maintain order on or protect property of the State or any of its units;

(9) a member of the Department of General Services security force;

(10) the sheriff of a county whose usual duties include the making of arrests;

(11) a regularly employed deputy sheriff of a county who is compensated by the county and whose usual duties include the making of arrests;

(12) a member of the Natural Resources Police Force of the Department of Natural Resources;

(13) an authorized employee of the Field Enforcement Bureau of the Comptroller's Office;

(14) a member of the Maryland–National Capital Park and Planning Commission Park Police;

(15) a member of the Housing Authority of Baltimore City Police Force;

(16) a member of the Crofton Police Department;

(17) a member of the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;

(18) a member of the Internal Investigative Unit of the Department;

(19) a member of the State Forest and Park Service Police Force of the Department of Natural Resources;

(20) a member of the Department of Labor, Licensing, and Regulation Police Force;

(21) a member of the Washington Suburban Sanitary Commission Police Force;

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

(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**; OR**

(25) AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT.

Article – Public Safety

3–101.

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

(b) (1) "Chief" means the head of a law enforcement agency.

(2) "Chief" includes the officer designated by the head of a law enforcement agency.

(c) (1) "Hearing" means a proceeding during an investigation conducted by a hearing board to take testimony or receive other evidence.

(2) "Hearing" does not include an interrogation at which no testimony is taken under oath.

(d) "Hearing board" means a board that is authorized by the chief to hold a hearing on a complaint against a law enforcement officer.

(e) (1) "Law enforcement officer" means an individual who:

(i) in an official capacity is authorized by law to make arrests; and

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

1. the Department of State Police;

2. the Police Department of Baltimore City;

3. the Baltimore City School Police Force;

4. the Baltimore City Watershed Police Force;

5. the police department, bureau, or force of a county;

6. the police department, bureau, or force of a municipal corporation;

7. the office of the sheriff of a county;

8. the police department, bureau, or force of a bicounty agency;

9. the Maryland Transportation Authority Police;

10. the police forces of the Department of Transportation;

11. the police forces of the Department of Natural Resources;

12. the Field Enforcement Bureau of the Comptroller's Office;

13. the Housing Authority of Baltimore City Police Force;

14. the Crofton Police Department;

15. the police force of the Department of Health and Mental Hygiene;

16. the police force of the Department of General Services;

17. the police force of the Department of Labor, Licensing, and Regulation;

18. the police forces of the University System of Maryland;

19. the police force of Morgan State University;

20. the office of State Fire Marshal;

21. the Ocean Pines Police Department;

22. the police force of the Baltimore City Community College; **[**or**]**

23. the police force of the Hagerstown Community College**; OR**

24. THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(2) "Law enforcement officer" does not include:

(i) an individual who serves at the pleasure of the Police Commissioner of Baltimore City;

(ii) an individual who serves at the pleasure of the appointing authority of a charter county;

(iii) the police chief of a municipal corporation;

(iv) an officer who is in probationary status on initial entry into the law enforcement agency except if an allegation of brutality in the execution of the officer's duties is made;

(v) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

(vi) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

(vii) a Prince George's County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;

(viii) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article; or

(ix) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article.

3–201.

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

(b) "Commission" means the Police Training Commission.

(c) "Department" means the Department of Public Safety and Correctional Services.

(d) (1) "Law enforcement agency" means a governmental police force, sheriff's office, or security force or law enforcement organization of the State, a county, or a municipal corporation that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State.

(2) "Law enforcement agency" does not include members of the Maryland National Guard who:

(i) are under the control and jurisdiction of the Military Department;

(ii) are assigned to the military property designated as the Glenn L. Martin State Airport; and

(iii) are charged with exercising police powers in and for the Glenn L. Martin State Airport.

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

(i) is authorized to enforce the general criminal laws of the State; and

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

1. the Department of State Police;

2. the Police Department of Baltimore City;

3. the police department, bureau, or force of a county;

4. the police department, bureau, or force of a municipal corporation;

5. the Maryland Transit Administration police force;

6. the Maryland Transportation Authority Police;

7. the police forces of the University System of Maryland;

8. the police force of Morgan State University;

9. the office of the sheriff of a county;

10. the police forces of the Department of Natural Resources;

11. the police force of the Department of General Services;

12. the police force of a State, county, or municipal corporation if the special police officers are appointed under Subtitle 3 of this title;

13. the Housing Authority of Baltimore City Police Force;

14. the Baltimore City School Police Force;

15. the Crofton Police Department;

16. the police force of the Department of Labor, Licensing, and Regulation;

17. the Washington Suburban Sanitary Commission Police Force;

18. the Ocean Pines Police Department;

19. the police force of the Baltimore City Community College; **[**or**]**

20. the police force of the Hagerstown Community College**; OR**

21. THE PAROLE AND PROBATION EMPLOYEES OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT WHO ARE AUTHORIZED TO MAKE ARRESTS.

(2) "Police officer" includes:

(i) a member of the Field Enforcement Bureau of the Comptroller's Office;

(ii) the State Fire Marshal or a deputy State fire marshal;

(iii) an investigator of the Internal Investigative Unit of the Department;

(iv) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

(v) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

(vi) a Prince George's County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;

(vii) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article; and

(viii) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article.

(3) "Police officer" does not include:

(i) an individual who serves as a police officer only because the individual occupies another office or position;

(ii) a sheriff, the Secretary of State Police, a commissioner of police, a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of police, or another individual with an equivalent title who is appointed or employed by a government to exercise equivalent supervisory authority; or

(iii) a member of the Maryland National Guard who:

1. is under the control and jurisdiction of the Military Department;

2. is assigned to the military property designated as the Glenn L. Martin State Airport; and

3. is charged with exercising police powers in and for the Glenn L. Martin State Airport.

(f) "Secretary" means the Secretary of Public Safety and Correctional Services.

~~**Article – State Personnel and Pensions**~~

~~26–201.~~

~~(a) Except as provided in subsection (b) of this section, this subtitle applies only to:~~

~~(1) an employee of the Department of Natural Resources commissioned by the Secretary of Natural Resources as:~~

~~(i) a Natural Resources police officer; or~~

~~(ii) a law enforcement officer, other than a Natural Resources police officer;~~

~~(2) a law enforcement officer employed by the Field Enforcement Bureau;~~

~~(3) a member of the Maryland Transportation Authority Police Force who has the powers granted to a police officer under § 4–208 of the Transportation Article;~~

~~(4) a deputy sheriff employed by the Baltimore City Sheriff's Department;~~

~~(5) a member of the University of Maryland Police Force who has the powers granted to a police officer under § 13–601 of the Education Article;~~

~~(6) a law enforcement officer or firefighter employed by a participating governmental unit that on or after July 1, 1999 has elected to participate in the Law Enforcement Officers' Pension System;~~

~~(7) the State Fire Marshal or a Deputy State Fire Marshal;~~

~~(8) a member of the Morgan State University Police Force who has the powers granted to a police officer under § 14–106 of the Education Article;~~

~~(9) a member of the BWI Airport Fire & Rescue Department;~~

~~(10) a member of the Department of General Services Police Force who has the powers granted to a police officer under § 4–605 of the State Finance and Procurement Article;~~

~~(11) an employee of the Department of Health and Mental Hygiene commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental Hygiene police officer;~~

~~(12) an employee of the Motor Vehicle Administration commissioned by the Secretary of Transportation as a Motor Vehicle Administration police officer;~~

~~(13) an employee of the Department of Labor, Licensing, and Regulation commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor, Licensing, and Regulation police officer;~~

~~(14) a firefighter or law enforcement officer for the Martin State Airport employed by the Military Department;~~

~~(15) a police officer employed by the Division of Rehabilitation Services in the Department of Education, certified in accordance with the Maryland Police and Correctional Training Commissions;~~

~~(16) a firefighter or paramedic employed by the Salisbury Fire Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this article;~~

~~(17) an aviator employed by the Department of State Police to operate an aircraft for the State Emergency Medical System;~~

~~(18) a member of the Maryland Transit Administration Police Force who has the powers granted to a police officer under § 7–207 of the Transportation Article;~~

~~(19) an individual who is elected or appointed as the Baltimore City Sheriff and who does not elect to join the Employees' Pension System under Title 23 of this article within 6 months of the date the individual begins serving as the Baltimore City Sheriff;~~

~~(20) a member of the Department of Public Safety and Correctional Services Internal Investigative Unit who has the powers granted to a police officer under § 10–701 of the Correctional Services Article; [or]~~

~~(21) a police officer employed by the Baltimore City Community College who has the power granted to a police officer under § 16–513 of the Education Article; OR~~

~~(22) AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO HAS THE POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL SERVICES ARTICLE.~~

~~(b) This subtitle does not apply to:~~

~~(1) a Maryland Transportation Authority police officer who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1996;~~

~~(2) a deputy sheriff employed by the Baltimore City Sheriff's Department who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1996;~~

~~(3) a member of the University of Maryland Police Force who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1997;~~

~~(4) a law enforcement officer or firefighter employed by a participating governmental unit who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1997;~~

~~(5) a Maryland Port Administration police officer who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1997;~~

~~(6) a State Fire Marshal or Deputy State Fire Marshal who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1996;~~

~~(7) a member of the Morgan State University Police Force who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1997;~~

~~(8) a member of the BWI Airport Fire & Rescue Department who transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;~~

~~(9) a member of the Department of General Services, Department of Health and Mental Hygiene, Motor Vehicle Administration, or Department of Labor, Licensing, and Regulation Police Force who transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;~~

~~(10) a firefighter or law enforcement officer for the Martin State Airport employed by the Military Department who transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;~~

~~(11) a police officer employed by the Division of Rehabilitation Services in the Department of Education who:~~

~~(i) is certified in accordance with the Maryland Police and Correctional Training Commissions; and~~

~~(ii) transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;~~

~~(12) a firefighter or paramedic employed by the Salisbury Fire Department who transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;~~

~~(13) an aviator employed by the Department of State Police to operate an aircraft for the State Emergency Medical System who transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998; or~~

~~(14) a police officer employed by the Baltimore City Community College who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1996.~~

~~26–202.~~

~~(a) Except as provided in subsection (b) of this section, an individual described in § 26–201 of this subtitle is a member of the Law Enforcement Officers' Pension System as a condition of employment.~~

~~(b) (1) Subject to paragraph (2) of this subsection, membership in the Law Enforcement Officers' Pension System is optional for an individual described in § 26–201 of this subtitle:~~

~~(i) who was employed by the Department of Natural Resources on July 1, 1990 and who elects membership on or before December 31, 2002;~~

~~(ii) who was employed by the Field Enforcement Division on June 30, 1995 and who elects membership on or before December 31, 2002;~~

~~(iii) who was employed by the Maryland Transportation Authority on June 30, 1997 and who elects membership on or before December 31, 2002;~~

~~(iv) who was employed by the Baltimore City Sheriff's Department on June 30, 1997 and who elects membership on or before December 31, 2002;~~

~~(v) who was employed by the University of Maryland Police Force on June 30, 1999 and who elects membership on or before December 31, 2002;~~

~~(vi) who is employed by a participating governmental unit on the effective date of participation on or after July 1, 1999 for that participating governmental unit and who elects membership within 6 months of the effective date of participation;~~

~~(vii) who was employed by the Maryland Port Administration Police Force and was subsequently transferred to and employed by the Maryland Transportation Authority Police Force on July 1, 1998 and who elects membership on or before December 31, 2002;~~

~~(viii) who was employed by the office of the State Fire Marshal on June 30, 1998 and who elects membership on or before December 31, 2002;~~

~~(ix) who was employed by the Morgan State University Police Force on June 30, 1999 and who elects membership on or before December 31, 2002;~~

~~(x) who was employed by the BWI Airport Fire & Rescue Department on June 30, 2000, and who elects membership on or before December 31, 2002;~~

~~(xi) who was employed by the Department of General Services, Department of Health and Mental Hygiene, Motor Vehicle Administration, and~~

~~Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and who elects membership on or before December 31, 2002;~~

~~(xii) who was employed by the Military Department as a firefighter at Martin State Airport on June 30, 2001, and who elects membership on or before December 31, 2002;~~

~~(xiii) who was employed on June 30, 2002, by the Division of Rehabilitation Services in the Department of Education as a police officer certified in accordance with the Maryland Police and Correctional Training Commissions, and who elects membership on or before December 31, 2002;~~

~~(xiv) who was employed on June 30, 2004, by the Salisbury Fire Department as a firefighter or paramedic and who elects membership on or before December 31, 2004, if eligible under Title 31, Subtitle 2A of this article;~~

~~(xv) who was employed on June 30, 2005, by the Department of State Police as an aviator operating an aircraft for the State Emergency Medical System, and who elects membership on or before December 31, 2005;~~

~~(xvi) who was employed by the Military Department as a law enforcement officer at Martin State Airport on June 30, 2007, and who elects membership on or before December 31, 2007;~~

~~(xvii) who was a member of the Department of Public Safety and Correctional Services Internal Investigative Unit who has powers granted to a police officer under § 10–701 of the Correctional Services Article on June 30, 2007, and who elects membership on or before December 31, 2007;~~ **[**~~or~~**]**

~~(xviii) who was employed on July 1, 2008, as a police officer by the Baltimore City Community College Police Force and who elects membership on or before December 31, 2008~~**; OR**

~~**(XIX) WHO WAS AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WITH POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL SERVICES ARTICLE ON JUNE 30, 2011, AND WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 2011.**~~

~~(2) To elect to be a member of the Law Enforcement Officers' Pension System, an individual shall file a written application with the State Retirement Agency.~~

~~(3) If an individual does not elect membership during the applicable period specified under paragraph (1) of this subsection, the individual may not become a member of the Law Enforcement Officers' Pension System.~~

~~26–203.1.~~

~~(a) For members who transfer from the Employees' Pension System or the Employees' Retirement System, the Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions that were made to the Employees' Retirement System and the Employees' Pension System on behalf of those members who transferred, plus the interest earned on those contributions through the date of transfer.~~

~~(b) For those full–time employees of the BWI Airport Fire & Rescue Department who were employed on or after October 1, 1993 and who elect membership in the Law Enforcement Officers' Pension System on or before December 31, 2000, the Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions made to the Employees' Retirement System and the Employees' Pension System on behalf of those transferring members, plus the interest earned on those contributions through the date of transfer.~~

~~(c) (1) For members who transfer from a local pension system, the local pension system shall transfer to the Board of Trustees the employer contributions that were made to the local pension system on behalf of those members who transferred, plus the interest earned on those contributions through the date of transfer.~~

~~(2) The Board of Trustees shall deposit any funds transferred under paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers' Pension System.~~

~~(d) (1) On or before January 1, 2006, for members who transfer from the Maryland Transit Administration Pension System established under § 7–603 of the Transportation Article, the Maryland Transit Administration shall transfer to the Board of Trustees the employer contributions made to the pension system established under § 7–603 of the Transportation Article on behalf of those members who transfer, plus the interest earned on those contributions through July 1, 2005.~~

~~(2) The Board of Trustees shall deposit any funds transferred under paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers' Pension System.~~

~~(e) (1) This subsection applies to members of the Department of Public Safety and Correctional Services Internal Investigative Unit who:~~

~~(i) have the powers granted to a police officer under § 10–701 of the Correctional Services Article; and~~

~~(ii) transfer to the Law Enforcement Officers' Pension System on or before December 31, 2007.~~

~~(2) The Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions made to the Correctional Officers' Retirement System or the Employees' Pension System on behalf of those members under paragraph (1) of this subsection, plus the interest earned on those contributions through the date of transfer.~~

~~**(F) (1) THIS SUBSECTION APPLIES TO MEMBERS OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:**~~

~~**(I) HAVE THE POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL SERVICES ARTICLE; AND**~~

~~**(II) TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2011.**~~

~~**(2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE ACCUMULATION FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM THE EMPLOYER CONTRIBUTIONS MADE TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM ON BEHALF OF THOSE MEMBERS UNDER PARAGRAPH (1) OF THIS SUBSECTION, PLUS THE INTEREST EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.**~~

~~**26–203.4.**~~

~~**(A) THIS SECTION APPLIES TO EMPLOYEES OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:**~~

~~**(1) HAVE THE POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL SERVICES ARTICLE; AND**~~

~~**(2) TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2011.**~~

~~**(B) A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM CONTRIBUTIONS AT THE RATE OF 4% OF THE MEMBER'S EARNABLE COMPENSATION AFTER JULY 1, 2000,**~~

~~INCLUDING REGULAR INTEREST ON THE CONTRIBUTIONS AT THE RATE OF 5% PER YEAR COMPOUNDED ANNUALLY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 367

(House Bill 908)

AN ACT concerning

Motor Vehicles – Leased Vehicles – Advertising Practices

FOR the purpose of prohibiting a person who leases vehicles to lessees from failing to include certain charges in calculating the base lease payment shown in an advertisement for a leased vehicle, or from advertising to the general public a capitalized cost reduction to a lessee unless the capitalized cost reduction is offered to all potential lessees; clarifying that certain provisions of law apply to an advertisement for a leased vehicle; and generally relating to advertising practices for a person who leases vehicles.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 14–2001(a) through (d)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–2003
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–313(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Article – Commercial Law

14–2001.

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

(b) (1) "Adjusted capitalized cost" means the amount which serves as the basis for determining the base lease payment, computed by subtracting from the capitalized cost any capitalized cost reduction.

(2) "Adjusted capitalized cost" is amortized during the lease term to the estimated residual value by the application of a portion of each scheduled lease payment.

(c) (1) "Capitalized cost" means the amount which, when reduced by the amount of the capitalized cost reduction, equals the adjusted capitalized cost.

(2) "Capitalized cost" shall include all items that are capitalized in the lease and, after the application of the capitalized cost reduction, amortized by the scheduled lease payments over the term of the lease.

(3) "Capitalized cost" shall include to the extent capitalized and amortized as set forth in paragraph (2) of this subsection:

(i) Taxes, registration, license, acquisition, administration, assignment, and other similar fees;

(ii) Charges for insurance, an extended warranty, mechanical repair contract, service contract, vehicle maintenance agreement, and any other similar charge;

(iii) Charges for a waiver of the contractual obligation to pay the gap amount;

(iv) Charges for accessories and installation of accessories;

(v) Charges for delivering, servicing, repairing, or improving the vehicle; and

(vi) Charges for other goods, services, and benefits incidental to the consumer lease transaction.

(4) "Capitalized cost" also shall include, to the extent capitalized and amortized as set forth in paragraph (2) of this subsection, with respect to a vehicle or other property traded–in in connection with a lease, the unpaid balance of any amount financed under an outstanding vehicle loan agreement or vehicle retail installment

contract or the unpaid portion of the early termination obligation under any lease or other obligation of the lessee.

(d) (1) "Capitalized cost reduction" means any payments made by cash, check, rebates, or similar means that are in the nature of down payments made by the lessee and any net trade–in allowance granted by the lessor at the inception of the consumer lease for the purpose of reducing the capitalized cost.

(2) "Capitalized cost reduction" does not include any base lease payments due at the inception of the lease or all of the lease payments if they are all paid at the inception of the lease.

14–2003.

(a) A person who leases vehicles to lessees may not:

(1) Make any false, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind that has the capacity, tendency, or effect of deceiving or misleading a consumer or lessee;

(2) By any means advertise or offer to the public any motor vehicle without intent to lease it as advertised or offered; **[**or**]**

(3) Misrepresent a lease of a motor vehicle as a sale**;**

(4) FAIL TO INCLUDE ANY DEALER PROCESSING OR FREIGHT CHARGES IN DETERMINING THE ADJUSTED CAPITALIZED COST USED TO CALCULATE THE BASE LEASE PAYMENT SHOWN IN AN ADVERTISEMENT FOR A LEASED VEHICLE; OR

(5) ADVERTISE TO THE GENERAL PUBLIC A CAPITALIZED COST REDUCTION TO THE LESSEE UNLESS THE CAPITALIZED COST REDUCTION IS OFFERED TO ALL POTENTIAL LESSEES.

(b) (1) Except as allowed by paragraph (2) of this subsection, in offering to allow a lessee to cure a default by entering into a new lease for the same motor vehicle, a lessor may not include in the new lease any material provision that is less favorable to the lessee than the provisions of the original lease.

(2) A lessor may include in a lease under paragraph (1) of this subsection an increase in one or more of the following:

(i) The security deposit;

(ii) The down payment paid to the lessor; or

(iii) The lease payments, so long as the total of scheduled lease payments over the term of the new lease does not exceed the total of scheduled lease payments under the original lease.

Article – Transportation

15–313.

(c) **(1)** A dealer or an agent or employee of a dealer:

[(1)**]** **(I)** May not state the purchase price of a vehicle in an advertisement unless the price is the full delivered purchase price of the vehicle, excluding only taxes, title fees, and any freight or dealer processing charge disclosed in accordance with § 15–311.1 of this subtitle; and

[(2)**]** **(II)** Shall print the full delivered purchase price in a vehicle advertisement in the largest font used in the advertisement to provide any information related to the price of the vehicle.

(2) THE ADVERTISEMENT OF A LEASED VEHICLE BY A DEALER IS GOVERNED UNDER TITLE 14, SUBTITLE 20 OF THE COMMERCIAL LAW ARTICLE.

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

Approved by the Governor, May 10, 2011.

Chapter 368

(House Bill 953)

AN ACT concerning

Allegany County – Alcoholic Beverages – 1–Day Special License

FOR the purpose of authorizing the Allegany County Board of License Commissioners to grant a certain 1–day special license for use at an entertainment event; limiting the duration of a certain license; authorizing the Allegany County Board of County Commissioners to determine the amount of a certain fee based on a certain recommendation; requiring license holders to exercise the privileges of the license on county–owned property; requiring the Board of County Commissioners to distribute a certain amount of a certain license fee to the Board of License Commissioners and donate the balance of a certain license fee

to a certain nonprofit charitable organization; requiring license holders, with the approval of the Board of County Commissioners, to designate the recipient of a certain donation; requiring that application for a certain license be made not less than a certain number of days before a certain date; making this Act an emergency measure; and generally relating to the establishment of a 1–day special license in Allegany County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(h)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 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.

(a) (1) On approval by the board of license commissioners for that jurisdiction, if any, of a proper application, made on forms prescribed by the State Comptroller, signed and sworn to, the license issuing authority may grant the types of special licenses for the periods and at the fees specified in this section.

(2) For an application for a statewide license, the Comptroller may grant the license.

(3) In Anne Arundel County, the provisions of §§ 10–103(b) and 10–202 of this article and § 10–501 of the State Government Article do not apply to an applicant for a special Class C beer license, special Class C beer and wine license, or special Class C beer, wine and liquor license for a period not to exceed 7 consecutive days from the effective date of the license.

(h) (1) The provisions of this subsection apply only in Allegany County.

(2) The Board of License Commissioners may grant special licenses of any class, except manufacturer's and wholesaler's, which entitles their holder to exercise any of the privileges conferred by the respective classes of licenses at any bona fide entertainment held or conducted by any club, society, or association at the place described in the license, for a period not exceeding seven consecutive days from

the effective date of the license, upon the payment, before the license is issued, to the Board of License Commissioners of a fee of:

(i) $20 per day for any beer or beer and light wine license; or

(ii) $50 per day, for not more than 14 consecutive days, for any beer, wine and liquor license.

(3) (i) The Board of License Commissioners may issue a special permit to holders of Class D beer and Class D beer and light wine licenses that allows the sale of beer, wine and liquor by the drink for consumption on the premises.

(ii) A holder of this special permit may continue to sell beer or beer and wine for consumption on or off the premises, but the holder may not sell liquor for consumption off the premises, or purchase or possess liquor on the premises in any size container smaller than 23 ounces or 680 milliliters.

(iii) Application for this special permit shall be made not less than 30 days prior to the day on which the permit is to take effect.

(iv) The annual fee for this special permit is $500.

(4) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A 1–DAY SPECIAL RETAIL LICENSE OF ANY CLASS THAT ENTITLES THE HOLDER TO EXERCISE ANY PRIVILEGE CONFERRED BY THAT CLASS OF LICENSE AT A BONA FIDE ENTERTAINMENT EVENT.

(II) THE LICENSE IS VALID FOR A PERIOD NOT EXCEEDING 5 CONSECUTIVE DAYS.

(III) THE FEE FOR THE LICENSE SHALL BE SET BY THE BOARD OF COUNTY COMMISSIONERS ON THE RECOMMENDATION OF THE BOARD OF LICENSE COMMISSIONERS.

(IV) THE LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE ONLY ON COUNTY–OWNED PROPERTY.

(V) THE BOARD OF COUNTY COMMISSIONERS SHALL:

1. DISTRIBUTE $100 OF THE LICENSE FEE TO THE BOARD OF LICENSE COMMISSIONERS; AND

2. DONATE THE BALANCE OF THE LICENSE FEE TO A BONA FIDE NONPROFIT CHARITABLE ORGANIZATION THAT IS TAX EXEMPT UNDER § 501(C)(3) OR (4) OF THE UNITED STATES INTERNAL REVENUE CODE.

(VI) THE LICENSE HOLDER, WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, SHALL DESIGNATE THE BONA FIDE CHARITABLE ORGANIZATION TO BE THE RECIPIENT OF THE DONATION UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH.

(VII) TO QUALIFY FOR THE LICENSE, A PERSON SHALL SUBMIT AN APPLICATION NOT LESS THAN 30 DAYS BEFORE THE DAY ON WHICH THE LICENSE IS TO TAKE EFFECT.

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 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 10, 2011.

Chapter 369

(House Bill 972)

AN ACT concerning

Building Codes – International Green Construction Code

FOR the purpose of authorizing the Department of Housing and Community Development to adopt by regulation the International Green Construction Code; authorizing local jurisdictions to adopt <u>and make local amendments to</u> the International Green Construction Code ~~as an alternative to the Maryland Building Performance Standards~~ ~~under certain circumstances~~; defining a certain term; *<u>providing for a delayed effective date;</u>* ~~altering a certain definition;~~ and generally relating to the International Green Construction Code.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–501, 12–503, and 12–504
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – State Finance and Procurement~~
~~Section 3–602.1(a)(2)~~
~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2010 Supplement)~~

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

Article – Public Safety

12–501.

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

(b) "Building" has the meaning stated in the International Building Code.

(c) "Department" means the Department of Housing and Community Development.

(d) (1) "International Building Code" means the first printing of the most recent edition of the International Building Code issued by the International Code Council.

(2) "International Building Code" does not include interim amendments or subsequent printings of the most recent edition of the International Building Code.

(e) (1) "International Energy Conservation Code" means the first printing of the most recent edition of the International Energy Conservation Code issued by the International Code Council.

(2) "International Energy Conservation Code" does not include interim amendments or subsequent printings of the most recent edition of the International Energy Conservation Code.

(F) (1) "INTERNATIONAL GREEN CONSTRUCTION CODE" MEANS THE FIRST PRINTING OF THE MOST RECENT EDITION OF THE INTERNATIONAL GREEN CONSTRUCTION CODE ISSUED BY THE INTERNATIONAL CODE COUNCIL.

(2) "INTERNATIONAL GREEN CONSTRUCTION CODE" DOES NOT INCLUDE INTERIM AMENDMENTS OR SUBSEQUENT PRINTINGS OF THE MOST RECENT EDITION OF THE INTERNATIONAL GREEN CONSTRUCTION CODE.

[(f)**] (G)** "Local jurisdiction" means the county or municipal corporation that is responsible for implementation and enforcement of the Standards under this subtitle.

[(g)**] (H)** "Standards" means the Maryland Building Performance Standards.

[(h)**] (I)** "Structure" has the meaning stated in the International Building Code.

12–503.

(a) (1) The Department shall adopt by regulation, as the Maryland Building Performance Standards, the International Building Code, including the International Energy Conservation Code, with the modifications incorporated by the Department under subsection (b) of this section.

(2) The Department shall adopt each subsequent version of the Standards within 12 months after it is issued.

(b) (1) Before adopting each version of the Standards, the Department shall:

(i) review the International Building Code to determine whether modifications should be incorporated in the Standards;

(ii) consider changes to the International Building Code to enhance energy conservation and efficiency;

(iii) accept written comments;

(iv) consider any comments received; and

(v) hold a public hearing on each proposed modification.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the Department may not adopt, as part of the Standards, a modification of a building code requirement that is more stringent than the requirement in the International Building Code.

(ii) The Department may adopt energy conservation requirements that are more stringent than the requirements in the International Energy Conservation Code, but may not adopt energy conservation requirements that are less stringent than the requirements in the International Energy Conservation Code.

(c) The Standards apply to each building or structure in the State for which a building permit application is received by a local jurisdiction on or after August 1, 1995.

(D) IN ADDITION TO THE STANDARDS, THE DEPARTMENT MAY ADOPT BY REGULATION THE INTERNATIONAL GREEN CONSTRUCTION CODE.

12–504.

(a) **(1)** A local jurisdiction may adopt local amendments to the Standards if the local amendments do not:

[(1)**]** **(I)** prohibit the minimum implementation and enforcement activities set forth in § 12–505 of this subtitle; or

[(2)**]** **(II)** weaken energy conservation and efficiency provisions contained in the Standards.

(2) ~~**INSTEAD OF ADOPTING AMENDMENTS TO THE STANDARDS UNDER PARAGRAPH (1) OF THIS SUBSECTION, A LOCAL JURISDICTION MAY ADOPT THE INTERNATIONAL GREEN CONSTRUCTION CODE AS AN ALTERNATIVE BUILDING CODE TO THE STANDARDS**~~

(I) ~~**IF**~~ ***REGARDLESS OF WHETHER*** **THE INTERNATIONAL GREEN CONSTRUCTION CODE IS** ~~**NOT**~~ **ADOPTED BY THE DEPARTMENT UNDER § 12–503(D) OF THIS SUBTITLE, A LOCAL JURISDICTION MAY ADOPT THE INTERNATIONAL GREEN CONSTRUCTION CODE.**

(II) A LOCAL JURISDICTION MAY MAKE LOCAL AMENDMENTS TO THE INTERNATIONAL GREEN CONSTRUCTION CODE.

(b) If a local jurisdiction adopts a local amendment to the Standards, the Standards as amended by the local jurisdiction apply in the local jurisdiction.

(c) If a local amendment conflicts with the Standards, the local amendment prevails in the local jurisdiction.

(d) A local jurisdiction that adopts a local amendment to the Standards shall ensure that the local amendment is adopted in accordance with applicable local law.

(e) To keep the database established under this subtitle current, a local jurisdiction that adopts a local amendment to the Standards shall provide a copy of the local amendment to the Department:

(1) at least 15 days before the effective date of the amendment; or

(2) within 5 days after the adoption of an emergency local amendment.

~~**Article – State Finance and Procurement**~~

~~3–602.1.~~

~~(a) (2) "High performance building" means a building that:~~

~~(i) **1.** meets or exceeds the current version of the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Green Building Rating System Silver rating; or~~

~~**[**(ii)**]** **2.** achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretaries of Budget and Management and General Services**; OR**~~

~~**(II) COMPLIES WITH THE REQUIREMENTS OF THE INTERNATIONAL GREEN CONSTRUCTION CODE.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2011~~ *March 1, 2012*.

Approved by the Governor, May 10, 2011.

Chapter 370

(House Bill 973)

AN ACT concerning

Dorchester County Liquor Act of 2011

FOR the purpose of repealing a certain obsolete residency requirement for voters supporting an application for an alcoholic beverages license in Dorchester County; specifying that a certain prohibition against alcoholic beverages sales at a bar or counter on Sunday does not apply in the county; repealing certain obsolete language concerning Sunday sales; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 10–103(b)(18)(i) and (iv), 10–104(a), and 11–403(a)(1) and (b)(1) and (2)(xi)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing
Article 2B – Alcoholic Beverages
Section 10–104(k)
Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 11–403(a)(11)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–403(b)(2)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 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 on forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain the following:

(18) (i) A certificate signed by at least ten citizens who are owners of real estate and registered voters of the precinct in which the business is to be conducted, stating the length of time each has been acquainted with the applicant, or in the case of a corporation with the individuals making the application; that they have examined the application of the applicant and that they have good reason to believe that all the statements contained in this application are true, and that they are of the opinion that the applicant is a suitable person to obtain the license. The certificate must have a statement that the signers of it are familiar with the premises upon which the proposed business is to be conducted, and that they believe the premises are suitable for the conduct of the business of a retail dealer in alcoholic beverages.

(iv) This certificate is not necessary for applications filed in Dorchester County, Prince George's County, Montgomery County and Anne Arundel County.

10–104.

(a) The following requirements for application for county licenses shall be applicable in these counties, as additional requirements except where inconsistent with those listed elsewhere in this subtitle:

[(k) In Dorchester County every voter, who signs the certificate supporting the application for license, shall have resided in the voting precinct in which the applicant proposes to do business, for three hundred and sixty–five consecutive days immediately prior to the date of the filing of such application, and the signature of any person who does not meet the requirements of this section, shall be null and void.**]**

11–403.

(a) (1) A retail dealer holding a Class B or C license may not sell any alcoholic beverage at a bar or counter on Sunday.

(11) THE PROHIBITION SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY IN DORCHESTER COUNTY.

(b) (1) In the jurisdictions in which this subsection is applicable, it is unlawful for anyone to sell or for any licensed dealer to deliver, give away or otherwise dispose of any alcoholic beverages on Sunday. Any person selling or any licensed dealer delivering, giving away or otherwise disposing of such beverages in such jurisdictions on Sundays is guilty of a misdemeanor and shall be fined not more than $50 for the first offense and not more than $100, or imprisoned in the county jail for not more than 30 days, or both for each succeeding offense.

(2) (i) This subsection is applicable to Caroline, Cecil, **[**Dorchester, except as provided in subparagraph (xi) of this paragraph,**]** Garrett, except as provided in paragraph (5) of this subsection, Harford, Kent, Queen Anne's, except as provided in subparagraph (v) of this paragraph, Somerset, Talbot, and Worcester (except as otherwise provided) counties.

(xi) For Dorchester County the provisions are subordinate to § 11–510 of this title.

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

Approved by the Governor, May 10, 2011.

Chapter 371

(House Bill 992)

AN ACT concerning

Calvert County – Regulation of Roads

FOR the purpose of authorizing the County Commissioners of Calvert County, by ordinance, to regulate the grading, constructing, improving, maintaining, and repairing of certain roads; authorizing the County Commissioners to ~~regulate the construction and maintenance activities of private and public utilities in~~ establish standards for utility cuts in and across county rights–of–way; authorizing the County Commissioners to regulate access to county–owned roads; authorizing the County Commissioners to establish certain minimum standards for new roads; authorizing the County Commissioners to regulate the engineering and constructing and acceptance into the county roads system of certain new public roads, bridges, sidewalks, curbs, gutters, and storm drainage facilities; authorizing the County Commissioners to establish certain fees and provide for certain civil penalties; providing for the enforcement of an ordinance enacted under this Act in the same manner and to the same extent as certain municipal infractions; authorizing the County Commissioners to seek other remedies provided by law; providing for the application of this Act; and generally relating to the authority of the County Commissioners of Calvert County to regulate roads in the county.

BY adding to
Article 25 – County Commissioners
Section 11
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article 25 – County Commissioners

11.

(A) THIS SECTION DOES NOT APPLY TO A PRIVATELY OWNED ROAD IN CALVERT COUNTY THAT HAS BEEN CONSTRUCTED ON OR BEFORE SEPTEMBER 30, 2011.

(B) BY ORDINANCE, THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY:

(1) REGULATE THE GRADING, CONSTRUCTING, IMPROVING, MAINTAINING, AND REPAIRING OF COUNTY ROADS AND NEW ROADS INTENDED FOR FUTURE PUBLIC USE, INCLUDING ROADS PROPOSED FOR ANY SUBDIVISION APPROVED BY THE CALVERT COUNTY PLANNING COMMISSION, WHETHER RECORDED OR PROPOSED, INCLUDING SIDEWALKS, CURBS, GUTTERS, DRIVEWAY ENTRANCES, STORM DRAINAGE FACILITIES, AND APPURTENANCES TO BE LOCATED IN THE SUBDIVISION;

(2) ~~REGULATE THE CONSTRUCTION AND MAINTENANCE ACTIVITIES OF PRIVATE AND PUBLIC UTILITIES IN~~ ESTABLISH STANDARDS FOR UTILITY CUTS IN AND ACROSS COUNTY RIGHTS–OF–WAY;

(3) REGULATE ACCESS TO COUNTY–OWNED ROADS;

(4) ESTABLISH MINIMUM STANDARDS TO WHICH A NEW ROAD IN A SUBDIVISION IN CALVERT COUNTY MUST BE CONSTRUCTED BEFORE THE ISSUANCE OF A BUILDING PERMIT THAT PERTAINS TO A LOT SERVED BY THE ROAD;

(5) REGULATE THE ENGINEERING AND CONSTRUCTING OF ANY NEW PUBLIC ROAD, BRIDGE, SIDEWALK, CURB, GUTTER, AND STORM DRAINAGE FACILITY PROPOSED FOR ACCEPTANCE INTO THE COUNTY ROADS SYSTEM;

(6) REGULATE THE ACCEPTANCE OF ANY NEW PUBLIC ROAD, BRIDGE, SIDEWALK, CURB, GUTTER, AND STORM DRAINAGE FACILITY INTO THE COUNTY ROADS SYSTEM;

(7) ESTABLISH FEES TO DEFRAY THE COST OF REVIEWING PLANS AND PERFORMING INSPECTIONS FOR THE CONSTRUCTION OF ROADS AND FOR UTILITY CUTS IN ACCORDANCE WITH AN ORDINANCE ENACTED UNDER THIS SECTION; AND

(8) PROVIDE FOR A CIVIL PENALTY FOR VIOLATION OF AN ORDINANCE ENACTED UNDER THIS SECTION.

(C) A VIOLATION OF AN ORDINANCE ENACTED UNDER THIS SECTION SHALL BE ENFORCED IN THE SAME MANNER AND TO THE SAME EXTENT AS PROVIDED FOR MUNICIPAL INFRACTIONS UNDER ARTICLE 23A, § 3(B) OF THE CODE.

(D) IN ADDITION TO ANY REMEDIES PROVIDED FOR UNDER AN ORDINANCE ENACTED UNDER THIS SECTION, THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY SEEK OTHER REMEDIES PROVIDED BY LAW.

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

Approved by the Governor, May 10, 2011.

Chapter 372

(House Bill 996)

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Beer Festival License

FOR the purpose of authorizing the Alcoholic Beverage Board of St. Mary's County to issue a special beer festival (BF) license; establishing certain requirements for license applicants and for holders of special beer festival licenses; establishing a certain fee; specifying that a licensee is not prohibited from holding a certain other license; requiring the Alcoholic Beverage Board to approve the time and location of a beer festival subject to certain limitations and to ensure a certain primary focus for a beer festival; requiring the Alcoholic Beverage Board to adopt certain regulations; and generally relating to beer festivals in St. Mary's County.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–806
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article 2B – Alcoholic Beverages

8–806.

(A) THE ALCOHOLIC BEVERAGE BOARD OF ST. MARY'S COUNTY MAY ISSUE A SPECIAL BEER FESTIVAL (BF) LICENSE.

(B) NOTWITHSTANDING ANY OTHER LAW, AN APPLICANT FOR A SPECIAL BF LICENSE SHALL BE A HOLDER OF AN EXISTING RETAIL ALCOHOLIC BEVERAGES LICENSE ISSUED IN THE STATE AUTHORIZING THE SALE OF BEER, A STATE CLASS 5 BREWERY LICENSE, A STATE CLASS 6 PUB–BREWERY LICENSE, OR A STATE CLASS 7 MICRO–BREWERY LICENSE.

(C) A HOLDER OF A SPECIAL BF LICENSE SHALL DISPLAY AND SELL ONLY BEER THAT IS:

(1) MANUFACTURED AND PROCESSED IN ANY STATE;

(2) PRICE FILED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMPTROLLER;

(3) DISTRIBUTED IN THE STATE AT THE TIME THE APPLICATION IS FILED; AND

(4) SOLD AT RETAIL ON THE DAYS AND FOR THE HOURS DESIGNATED FOR THE FESTIVAL FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES.

(D) THE LICENSE FEE IS $15.

(E) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL BF LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR NATURE.

(F) THE ALCOHOLIC BEVERAGE BOARD OF ST. MARY'S COUNTY SHALL:

(1) APPROVE ONE WEEKEND ANNUALLY FOR THE BEER FESTIVAL THAT DOES NOT FALL ON THE DATES CHOSEN FOR THE SOTTERLEY WINE FESTIVAL;

(2) APPROVE A LOCATION IN HISTORIC ST. MARY'S CITY FOR THIS FESTIVAL; AND

(3) ENSURE THAT THE PRIMARY FOCUSES OF THE FESTIVAL ARE BOTH THE PROMOTION OF MARYLAND BEER AND TOURISM IN HISTORIC ST. MARY'S CITY.

(G) THE ALCOHOLIC BEVERAGE BOARD OF ST. MARY'S COUNTY SHALL ADOPT REGULATIONS FOR CARRYING OUT THIS SECTION.

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

Approved by the Governor, May 10, 2011.

Chapter 373

(House Bill 1005)

AN ACT concerning

Public Utility Companies – University of Maryland, College Park Bus Service – Motor Carrier Permit Exemption – ~~Removal~~ Extension of Sunset

PG 403–11

FOR the purpose of providing that a motor carrier permit is not required for a shuttle bus service operated by the University of Maryland, College Park for its students that is also used to provide, in exchange for payment by the municipal corporation in which the University of Maryland, College Park operates shuttle bus service, transportation service to the residents of the municipal corporation; ~~removing~~ extending to a certain date the termination provision applicable to a certain motor carrier permit exemption relating to bus service provided by the University of Maryland, College Park; requiring the Department of Transportation Services in the University of Maryland, College Park, in consultation with the Public Service Commission, to report certain information to certain committees of the General Assembly on or before a certain date; and generally relating to bus service provided by the University of Maryland, College Park to its students and to the residents of a certain municipal corporation.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 9–201
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 346 of the Acts of the General Assembly of 2008
Section 3

BY repealing and reenacting, with amendments,
Chapter 347 of the Acts of the General Assembly of 2008
Section 3

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

Article – Public Utilities

9–201.

(a) Except as provided in subsection (b) of this section, a motor carrier permit is required for a passenger motor vehicle used in the transportation of persons for hire.

(b) A motor carrier permit is not required for:

(1) a motor vehicle used exclusively for the transportation of pupils to and from public or private schools;

(2) a motor vehicle operated for a period of not more than 3 months in any registration year in the transportation of persons employed at a cannery located in a county;

(3) taxicabs;

(4) public transportation for hire authorized to operate on the boardwalk in Ocean City;

(5) a vanpool operation as defined in § 11–175.1 of the Transportation Article;

(6) the public transportation system for Washington County established under § 1–603 of the Code of Public Local Laws of Washington County, Article 22 of the Code of Public Local Laws of Maryland;

(7) the public transportation system for Allegany County established under § 23–24 of the Code of Public Local Laws of Allegany County, Article 1 of the Code of Public Local Laws of Maryland;

(8) the public transportation system for Frederick County established by the Board of County Commissioners for Frederick County; or

(9) shuttle bus service operated by the University of Maryland, College Park for students enrolled at the University of Maryland, College Park and, in exchange for payment by **[**the**]** **A** municipal corporation in which the University of Maryland, College Park **[**is located**]** **OPERATES SHUTTLE BUS SERVICE**, transportation service on the shuttle bus to residents of the municipal corporation.

(c) The public duties of a common carrier may not be imposed on a person with respect to a vehicle for which a motor carrier permit is required under this section, if the vehicle is not actually engaged in public transportation.

Chapter 346 of the Acts of 2008

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008. **[**It shall remain effective for a period of ~~3~~ **6** years and, at the end of June 30, ~~2011~~ **2014**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

Chapter 347 of the Acts of 2008

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008. **[**It shall remain effective for a period of ~~3~~ **6** years and, at the end of June 30, ~~2011~~ **2014**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2013, the Department of Transportation Services in the University of Maryland, College Park, in consultation with the Public Service Commission, shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on the operations of the University of Maryland, College Park shuttle bus service and the provision of transportation services for residents of the municipal corporations in which the shuttle bus service operates, including:

(1) local resident ridership levels;

(2) applicable vehicle safety, maintenance, and inspection standards, whether self–imposed or imposed by a third party, including a governmental unit;

(3) incidents arising from shuttle bus service operations that resulted in actual or potential liability for the University or a municipal corporation for which the University provides transportation service;

(4) any indemnification agreements between the University and participating municipal corporations; and

(5) the details of any insurance policies held by the University or self–insurance plans to cover losses arising from the University's shuttle bus operations.

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

Approved by the Governor, May 10, 2011.

Chapter 374

(House Bill 1020)

AN ACT concerning

Criminal Procedure – Sex Offender Registry

FOR the purpose of altering a certain retroactive applicability of certain provisions of law so as to include a person who is convicted ~~of any felony rather than any~~

~~crime on or after a certain date~~ under certain circumstances; renaming a certain listing to be a certain registry; altering the predicate offenses and minimum age for inclusion on a certain registry of juvenile sex offenders; ~~requiring the Department of Juvenile Services to maintain a certain registry;~~ ~~altering the term of registration on a certain registry of juvenile sex offenders; providing for a reduction in the term of registration for certain juvenile registrants under certain circumstances;~~ requiring certain juvenile registrants to appear at a certain location at certain times to provide certain information and to allow the Department of ~~Public Safety and Correctional~~ Juvenile Services to take a digital image of the juvenile registrant; ~~requiring the Department of Public Safety and Correctional Services in conjunction with the Department of Juvenile Services to adopt certain regulations;~~ defining a certain term; making a clarifying change; making conforming changes; and generally relating to sex offender registration.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701(p)(1), 11–702.1, and 11–704.1
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Criminal Procedure

11–701.

(p) "Tier II sex offender" means a person who has been convicted of:

(1) conspiring to commit, attempting to commit, or committing a violation of § 3–307(a)(4) or (5) **[**of the Criminal Law Article, or**]**, § 3–324, § 11–207, or § 11–209 of the Criminal Law Article**[**, if the victim is a minor**]**;

11–702.1.

(a) Notwithstanding any other provision of law to the contrary, this subtitle shall be applied retroactively to include a person who:

(1) is under the custody or supervision of a supervising authority on October 1, 2010;

(2) was subject to registration under this subtitle on September 30, 2010; ~~or~~

(3) is convicted of any **[**crime**]** **FELONY** on or after October 1, 2010, and has a prior conviction for an offense for which registration as a sex offender is required under this subtitle***; OR***

(4) WAS CONVICTED ON OR AFTER OCTOBER 1, 2010, OF A VIOLATION OF § 3–324 OF THE CRIMINAL LAW ARTICLE, REGARDLESS OF WHETHER THE VICTIM WAS A MINOR.

(b) The term of registration for a sex offender registered under subsection (a) of this section shall be calculated from the date of release.

11–704.1.

(A) IN THIS SECTION, "JUVENILE REGISTRANT" MEANS A PERSON WHO IS REQUIRED TO BE INCLUDED IN THE REGISTRY OF JUVENILE SEX OFFENDERS UNDER SUBSECTION (B) OF THIS SECTION.

[(a)**] (B)** A person shall be included in a ~~listing~~ **REGISTRY** of juvenile sex offenders that is maintained by the Department ~~**OF JUVENILE SERVICES**~~ separately from the sex offender registry if:

(1) the person has been adjudicated delinquent for an act that, if committed by an adult, would constitute a violation of § 3–303, § 3–304, § 3–305, **[**or § 3–306 of the Criminal Law Article, or § 3–307(a)(1) or (2) or § 3–308(b)(1) of the Criminal Law Article involving conduct described in § 3–301(f)(2)**]** ~~**§ 3–306(A)(1), OR § 3–307(A)(1)(II)1, 2, OR 3**~~ ***§ 3–306(A)(1) OR (2), OR § 3–307(A)(1) OR (2)*** of the Criminal Law Article; and

(2) the person was a minor who was at least **[**13**] 14** years old at the time the delinquent act was committed.

[(b)**] (C)** The **[**listing**] REGISTRY** of juvenile sex offenders shall be accessible only by law enforcement personnel for law enforcement purposes.

[(c)**] (D)** ~~**[**~~When the juvenile court's jurisdiction over a ~~person who is included in the listing of juvenile sex offenders~~ **JUVENILE REGISTRANT** terminates under § 3–8A–07 of the Courts Article, the ~~person~~ **JUVENILE REGISTRANT** shall be removed from the ~~listing~~~~**] SUBJECT TO**~~ **REGISTRY.** ~~**SUBSECTION (E) OF THIS SECTION, THE TERM OF REGISTRATION FOR A JUVENILE REGISTRANT IS THE LIFE OF THE JUVENILE REGISTRANT.**~~

~~**(E) THE TERM OF REGISTRATION FOR A JUVENILE REGISTRANT SHALL BE REDUCED TO 25 YEARS IF, IN THE 25 YEARS FOLLOWING THE DATE ON WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:**~~

~~**(1) IS NOT ADJUDICATED DELINQUENT FOR OR CONVICTED OF ANY OFFENSE FOR WHICH A TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;**~~

~~(2) IS NOT ADJUDICATED DELINQUENT FOR OR CONVICTED OF ANY SEX OFFENSE;~~

~~(3) SUCCESSFULLY COMPLETES, WITHOUT REVOCATION, ANY PERIOD OF SUPERVISED RELEASE OR PROBATION; AND~~

~~(4) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX OFFENDER TREATMENT PROGRAM.~~

~~(F)~~ (E) A JUVENILE REGISTRANT SHALL APPEAR IN PERSON AT A LOCATION DESIGNATED BY THE DEPARTMENT OF JUVENILE SERVICES EVERY 3 MONTHS TO:

(1) UPDATE AND VERIFY WITH THE DEPARTMENT OF JUVENILE SERVICES THE INFORMATION INCLUDED IN THE REGISTRY OF JUVENILE SEX OFFENDERS UNDER THIS SECTION; AND

(2) ALLOW THE DEPARTMENT OF JUVENILE SERVICES TO TAKE A DIGITAL IMAGE OF THE JUVENILE REGISTRANT.

~~(G)~~ (F) ~~THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF JUVENILE SERVICES, SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE DEPARTMENT OF JUVENILE SERVICES RELATING TO THE REGISTRY OF JUVENILE SEX OFFENDERS UNDER THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 375

(House Bill 1095)

AN ACT concerning

Prince George's County – Alcoholic Beverages – Development District Licenses

PG 302–11

FOR the purpose of increasing the number of Class B–DD (Development District) licenses that the Board of License Commissioners may issue for restaurants in a certain area of Prince George's County; authorizing a person to obtain one other Class B license anywhere in Prince George's County for each Class B–DD license the person is issued under certain circumstances; providing that a Class B license issued under this Act for a restaurant located anywhere in Prince George's County shall remain in effect under certain circumstances, subject to certain exceptions; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(15)(vi) and (vii) and 9–217(f)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

(r) (15) (vi) 1. The Board of License Commissioners shall determine the number of Class B–DD licenses to be issued, the persons to whom Class B–DD licenses are to be issued, and the number of licenses each recipient may hold.

2. Notwithstanding subsubparagraph 1 of this subparagraph, the Board of License Commissioners may not issue a Class B–DD license to any restaurant located within a single area described in § 9–217(f)(7) of this article, if, at the time of issuance:

A. There are **[**four**]** **SIX** restaurants operating with a Class B–DD license within that area; or

B. The applicant for that license is the license holder of three Class B–DD licenses.

(vii) **1.** Notwithstanding any other provision of this article**[**,**]:**

~~1.~~ **A.** **[**a**]** **A** license holder may hold a Class B–DD license in addition to any other license issued under this article**; AND**

~~2.~~ **B.** ~~FOR~~ **SUBJECT TO SUBSUBPARAGRAPHS 2 AND 3 OF THIS SUBPARAGRAPH, FOR EACH CLASS B–DD LICENSE A PERSON IS ISSUED, THE PERSON MAY OBTAIN ONE OTHER CLASS B LICENSE LOCATED**

ANYWHERE IN THE COUNTY IF ALL REQUIREMENTS FOR THE CLASS B LICENSE ARE MET.

2. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, THE CLASS B LICENSE ISSUED TO A HOLDER OF A CLASS B–DD LICENSE FOR A RESTAURANT IN A DEVELOPMENT DISTRICT UNDER § 9–217(F)(7) OF THIS ARTICLE REMAINS IN EFFECT ONLY AS LONG AS THE RESTAURANT IN THE DEVELOPMENT DISTRICT REMAINS OPEN FOR BUSINESS AS A RESTAURANT.

3. IF THE RESTAURANT IN THE DEVELOPMENT DISTRICT IS CLOSED FOR NOT MORE THAN 6 MONTHS, THE CLASS B LICENSE SHALL REMAIN IN EFFECT.

9–217.

(f) (7) Subject to § 6–201(r)(15) of this article, the Board of License Commissioners may issue:

(i) Up to four Class B–DD (Development District) licenses for restaurants located within the Capital Plaza commercial area, consisting of commercial properties within the area bounded by the Baltimore–Washington Parkway on the west and northwest, Maryland Route 450 on the south, and Cooper Lane on the east and northeast; **[**and**]**

(ii) Up to four Class B–DD (Development District) licenses for restaurants located within the area of Greenbelt Station, located inside the Capital Beltway and adjacent to the Greenbelt Metro Station**; AND**

(III) UP TO SIX CLASS B–DD (DEVELOPMENT DISTRICT) LICENSES MAY BE ISSUED TO RESTAURANTS LOCATED WITHIN THE AREA OF RITCHIE STATION MARKETPLACE.

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

Approved by the Governor, May 10, 2011.

Chapter 376

(House Bill 1104)

AN ACT concerning

Prince George's County – Permit Program for Roadside Solicitation of Money or Donations – Sunset Extension

PG 402–11

FOR the purpose of extending the termination date for certain provisions of law authorizing the County Council of Prince George's County to enact a permit program to allow a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle; and generally relating to roadside solicitation of money or donations in Prince George's County.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–507(d) and (j)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 698 of the Acts of the General Assembly of 2009
Section 2

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

Article – Transportation

21–507.

(d) (1) This subsection applies to Prince George's County.

(2) (i) Except as provided in subsection (j) of this section, a person may not stand in a highway to solicit money or donations of any kind from the occupant of a vehicle.

(ii) An adult may not cause, encourage, allow, or petition a child under the age of 15 years to violate subparagraph (i) of this paragraph.

(iii) In this paragraph, "highway" includes:

1. Rights–of–way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and

2. Any other property acquired for the construction, operation, or use of the highway.

(3) A child under the age of 15 years may not be found guilty or adjudicated delinquent for a violation of paragraph (2)(i) of this subsection if an adult caused, encouraged, allowed, or petitioned the child in violation of paragraph (2)(ii) of this subsection.

(4) This subsection shall be enforced:

(i) By the issuance of a warning that informs the offender of the requirements of this subsection if it is the offender's first violation; and

(ii) Under § 27–101 of this article if it is the offender's second or subsequent violation.

(j) (1) The County Council of Prince George's County, by appropriate resolution or ordinance, may enact a permit program to allow a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle.

(2) At least 15 days before the date on which the permit applied for is to be effective, an applicant shall file with the county an application that contains the following information:

(i) The name, address, and age of each person who will solicit;

(ii) The name and address of the employing or sponsoring person, agency, or entity;

(iii) The exact location where each solicitor will be assigned;

(iv) The purpose of the solicitation;

(v) The time frame and duration of the solicitation;

(vi) The name, address, and telephone number of a contact person who will be able to provide additional information to the county or its designee; and

(vii) Any other information required by the county.

(3) The term of a permit may not exceed 24 hours.

(4) No more than 4 permits may be issued to the same person in a calendar year.

(5) A person to whom a permit is issued shall conspicuously display the permit while soliciting.

Chapter 698 of the Acts of 2009

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009. It shall remain effective for a period **[**2**] 4** years and, at the end of September 30, **[**2011**] 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, 2011.

Approved by the Governor, May 10, 2011.

Chapter 377

(House Bill 1134)

AN ACT concerning

Consumer Protection – Household Goods Movers – Estimates and Charges

FOR the purpose of requiring a household goods mover to provide a written estimate to a consumer before providing household goods moving services for an intrastate move; specifying the contents of the written estimate; providing that a consumer ~~that~~ who receives a binding estimate may not be required to pay more than a certain price for certain household goods moving services; providing that a consumer ~~that~~ who receives a nonbinding estimate may not be required to pay more than a certain percentage of a certain price for certain household goods moving services, plus certain excess charges; authorizing a consumer to waive the right to receive a written estimate under certain circumstances; and generally relating to the regulation of household goods movers.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 14–3101(a) and (c) through (f)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–3102.1, 14–3103, and 14–3104
Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Commercial Law
Section 14–3103
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article – Commercial Law

14–3101.

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

(c) "Consumer" has the meaning stated in § 13–101 of this article.

(d) "Household goods" means goods used primarily for personal, family, or household purposes.

(e) "Household goods mover" means a person who provides household goods moving services.

(f) (1) "Household goods moving services" means the loading, packing, moving, transporting, storing while in transit, unloading, or otherwise taking possession or control from a consumer of household goods for the purpose of moving them to another location at the direction of the consumer for a fee.

(2) "Household goods moving services" does not include moving household goods for disposal or destruction.

14–3103.

(A) <u>IN THIS SECTION, "EXCESS CHARGES" MEANS AN AMOUNT, IN EXCESS OF THE ESTIMATE PROVIDED TO A CONSUMER, CHARGED BY A HOUSEHOLD GOODS MOVER FOR ADDITIONAL SERVICES THAT:</u>

<u>(1) ARE PROVIDED BEFORE OR DURING AN INTRASTATE MOVE; AND</u>

<u>(2) ARE NECESSARY BECAUSE OF CIRCUMSTANCES THAT:</u>

<u>(I) ARE BEYOND THE CONTROL OF THE HOUSEHOLD GOODS MOVER; AND</u>

(II) COULD NOT HAVE BEEN REASONABLY ANTICIPATED BY THE HOUSEHOLD GOODS MOVER.

(B) ~~A~~ SUBJECT TO SUBSECTION (E) OF THIS SECTION, A HOUSEHOLD GOODS MOVER SHALL PROVIDE A WRITTEN ESTIMATE TO A CONSUMER BEFORE PROVIDING HOUSEHOLD GOODS MOVING SERVICES FOR AN INTRASTATE MOVE.

~~(B)~~ (C) THE WRITTEN ESTIMATE SHALL:

(1) SEPARATELY IDENTIFY EACH HOUSEHOLD GOODS MOVING SERVICE THAT THE HOUSEHOLD GOODS MOVER WILL PROVIDE AND THE PRICE OF EACH SERVICE;

(2) SEPARATELY IDENTIFY EACH FEE THAT THE CONSUMER WILL OR MAY BE REQUIRED TO PAY;

(3) STATE THE ESTIMATED TOTAL PRICE;

(4) STATE THE TIME AND METHOD OF PAYMENT FOR THE HOUSEHOLD GOODS MOVING SERVICES; AND

(5) INDICATE CLEARLY WHETHER THE ESTIMATE IS BINDING ON THE CONSUMER AND HOUSEHOLD GOODS MOVER.

~~(C)~~ (D) (1) A CONSUMER ~~THAT~~ WHO RECEIVES A BINDING ESTIMATE FROM A HOUSEHOLD GOODS MOVER MAY NOT BE REQUIRED TO PAY MORE THAN THE ESTIMATED TOTAL PRICE STATED IN THE ESTIMATE FOR THE HOUSEHOLD GOODS MOVING SERVICES DESCRIBED IN THE ESTIMATE.

(2) A CONSUMER ~~THAT~~ WHO RECEIVES A NONBINDING ESTIMATE FROM A HOUSEHOLD GOODS MOVER MAY NOT BE REQUIRED TO PAY MORE THAN ~~110%~~ 125% OF THE ESTIMATED TOTAL PRICE STATED IN THE ESTIMATE FOR THE HOUSEHOLD GOODS MOVING SERVICES DESCRIBED IN THE ESTIMATE, PLUS ANY APPLICABLE EXCESS CHARGES.

(E) A CONSUMER MAY WAIVE THE RIGHT TO RECEIVE A WRITTEN ESTIMATE UNDER SUBSECTION (A) OF THIS SECTION IF THE WAIVER IS MADE VOLUNTARILY AND WITHOUT COERCION BY THE HOUSEHOLD GOODS MOVER.

[14–3102.1.] **14–3104.**

On completion of household goods moving services for an intrastate move for a consumer, a household goods mover shall provide the consumer with a written receipt that states:

(1) The household goods mover's legal name; and

(2) The address and telephone number of:

(i) The household goods mover's resident agent in the State; or

(ii) If the household goods mover does not have a resident agent in the State, the household goods mover's principal place of business.

[14–3103.**] 14–3105.**

(a) A violation of this subtitle is an unfair or deceptive trade practice within the meaning of Title 13 of this article and is subject to the enforcement and penalty provisions contained in Title 13 of this article.

(b) In addition to being subject to the enforcement and penalty provisions contained in Title 13 of this article, a household goods mover that violates this subtitle is subject to any other civil or criminal action provided by law.

[14–3104.**] 14–3106.**

This subtitle may be cited as the Maryland Household Goods Movers Act.

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

Approved by the Governor, May 10, 2011.

Chapter 378

(House Bill 1141)

AN ACT concerning

~~Juvenile Court – Truancy Court – Petition~~
Juvenile Law – Truancy Reduction Pilot Program – Filing of Petition

FOR the purpose of repealing a certain requirement that a certain criminal charge against a certain person must be filed and dismissed or stetted before ~~filing~~ an authorized school official may file, if a child is under a certain age, a truancy petition in certain judicial circuits that have established Truancy Reduction

Pilot Programs; ~~repealing certain requirements relating to criminal charges being filed against a certain person with legal custody of a child in certain jurisdictions that have established a Truancy Reduction Pilot Program;~~ and generally relating to ~~a petition filed in truancy court~~ a Truancy Reduction Pilot Program.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8C–04
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Education~~
~~Section 7–301(e)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

~~BY repealing~~
~~Article – Education~~
~~Section 7–301(e–1)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 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

3–8C–04.

[(a)**]** An authorized school official may file with the juvenile court a petition alleging a violation of this subtitle.

[(b) If a child is under the age of 12 years, an authorized school official may file a petition under this subtitle only if:

(1) A criminal charge was filed under § 7–301 of the Education Article against the person with legal custody or care and control of the child at the time of the alleged violation; and

(2) The court dismissed or stetted the charge in accordance with § 7–301(e–1) of the Education Article.**]**

~~**Article – Education**~~

~~7–301.~~

~~(e) (1) Any person who induces or attempts to induce a child to absent himself unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed $500 or imprisonment not to exceed 30 days, or both.~~

~~(2) Any person who has legal custody or care and control of a child who is 5 years old or older and under 16 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:~~

~~(i) For a first conviction is subject to a fine not to exceed $50 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and~~

~~(ii) For a second or subsequent conviction is subject to a fine not to exceed $100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.~~

~~(3) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions which would promote the child's attendance. The suspension authority provided for in this subsection is in addition to and not in limitation of the suspension authority under § 6–221 of the Criminal Procedure Article.~~

[~~(e–1) (1) This subsection applies only:~~

~~(i) In a county in which the circuit administrative judge has established a Truancy Reduction Pilot Program under § 3–8C–02 of the Courts Article; and~~

~~(ii) To the extent that funds are provided in an annual State budget for a Truancy Reduction Pilot Program.~~

~~(2) A charge under this section may be filed in the juvenile court and assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.~~

~~(3) (i) For a person with legal custody or care and control of a child at the time of an alleged violation of this section, it is an affirmative defense to a charge under this section that the person made reasonable and substantial efforts to see that the child attended school as required by law but was unable to cause the child to attend school.~~

~~(ii) If the court finds the affirmative defense is valid, the court shall dismiss the charge under this section against the defendant.~~

~~(4) The court may condition marking a charge under this section stet on participation of the defendant in the appropriate Truancy Reduction Pilot Program under Title 3, Subtitle 8C of the Courts Article.]~~

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

Approved by the Governor, May 10, 2011.

Chapter 379

(House Bill 1143)

AN ACT concerning

Business Regulation – Secondhand Precious Metal Object Dealers – Exempted Transactions and Record Keeping Requirements

FOR the purpose of exempting certain transactions of certain retail jewelers from the requirement to hold a secondhand precious metal object dealer license; ~~authorizing certain dealers to identify certain items by certain methods;~~ requiring certain items to remain tagged for a certain period of time; requiring a certain law enforcement unit to adopt certain procedures for certain dealers to amend certain records; making certain stylistic changes; and generally relating to exempted transactions and the record keeping requirements of secondhand precious metal object dealers.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–102(b), 12–301(d) and (e), and 12–304
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

~~BY repealing~~
~~Article – Business Regulation~~
~~Section 12–301(e)~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2010 Supplement)~~

~~BY adding to~~
~~Article – Business Regulation~~
~~Section 12–301(e)~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2010 Supplement)~~

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

Article – Business Regulation

12–102.

(b) If a retail jeweler has a fixed business address in the State, this title does not apply to a transaction in which the retail jeweler:

(1) accepts, in accordance with a posted return policy, the return of an item that the jeweler originally sold;

(2) accepts, in accordance with a published trade–in policy, merchandise in trade that the jeweler originally sold;

(3) repossesses merchandise that the jeweler originally sold, if the original buyer has defaulted; **[**or**]**

(4) retains merchandise that the jeweler originally accepted for repair as a bailee for hire, if the customer who deposited the merchandise:

(i) defaulted; or

(ii) failed to reclaim the merchandise within the time agreed on with the jeweler**; OR**

(5) ACCUMULATES PIECES OF PRECIOUS METALS IN THE COURSE OF PERFORMING REPAIRS, REMOUNTINGS, FABRICATIONS, OR CUSTOM ORDERS.

12–301.

(d) **(1)** **[**A**]** ~~**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**~~ separate record entry shall be made for each item involved in a transaction.

(2) **[**However, items**]** **ITEMS** in a matching set may be recorded as a set if acquired in a single transaction.

~~**[**~~(e) **(1)** The dealer shall tag each item individually with a number that corresponds to the transaction under which it was acquired. However, items acquired in a matching set may be tagged as a set.~~**]**~~

(2) EACH ITEM TAGGED BY A DEALER UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REMAIN TAGGED FOR THE ENTIRE PERIOD THE ITEM IS STORED IN THE DEALER'S INVENTORY.

~~**(E) (1) THE DEALER MAY IDENTIFY ITEMS HELD DURING THE HOLDING PERIOD BY:**~~

~~**(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TAGGING EACH ITEM INDIVIDUALLY WITH A NUMBER THAT CORRESPONDS TO THE TRANSACTION UNDER WHICH IT WAS ACQUIRED; OR**~~

~~**(II) KEEPING THE ITEMS ACQUIRED IN EACH TRANSACTION IN A SEPARATE CONTAINER WITH EITHER THE NUMBER OF THE TRANSACTION REPORT AFFIXED TO THE CONTAINER OR A COPY OF THE TRANSACTION REPORT ATTACHED TO THE CONTAINER.**~~

~~**(2) ITEMS IN A MATCHING SET MAY BE TAGGED AS A SET IF ACQUIRED IN A SINGLE TRANSACTION.**~~

12–304.

(a) (1) A dealer shall submit the required information from each record to the primary law enforcement unit in accordance with subsection (b) of this section.

(2) If the dealer transacts business in accordance with § 12–206(b) of this title, the dealer also shall submit the required information from the records to the local law enforcement unit in accordance with subsection (b) of this section.

(3) On the request of a dealer, the Secretary shall provide to the dealer a list of local law enforcement units.

(b) (1) Subject to paragraph (2) of this subsection, the dealer shall submit the records by transmitting the required information from the records electronically, in a format acceptable to the receiving law enforcement unit, by noon of the next business day.

(2) A dealer may request an extension of up to 48 hours to submit the records required under paragraph (1) of this subsection.

(c) Each record, submitted to the primary law enforcement unit and, if applicable, local law enforcement unit, shall include:

(1) the license number of the dealer;

(2) the location of each item listed in the record; and

(3) the information required under § 12–302 of this subtitle.

(d) The required information from a record submitted under this section:

(1) shall be kept confidential;

(2) is not a public record; and

(3) is not subject to Title 10, Subtitle 6 of the State Government Article.

(E) THE PRIMARY LAW ENFORCEMENT UNIT SHALL ADOPT A PROCEDURE FOR A DEALER TO AMEND A RECORD REQUIRED TO BE SUBMITTED UNDER THIS SECTION.

[(e)**] (F)** A law enforcement unit may cease to maintain a record submitted under this section after 1 year from the date the law enforcement unit receives the copy.

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

Approved by the Governor, May 10, 2011.

Chapter 380

(House Bill 1146)

AN ACT concerning

Electronic Health Records – ~~Definition of State–Regulated Payor –~~ State Employee and Retiree Health and Welfare Benefits Program – Incentives

FOR the purpose of altering the definition of "State–regulated payor" as it relates to the regulation of electronic health records to exclude the State Employee and Retiree Health and Welfare Benefits Program; repealing a certain requirement that the Secretary of Budget and Management ensure that the State Employee and Retiree Health and Welfare Benefits Program complies with certain provisions of law governing electronic health records; stating the intent of the General Assembly that the State Employee and Retiree Health and Welfare Benefits Program support certain incentives through certain contracts; and generally relating to electronic health records.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–142(h)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 19–143(d)(5)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–503(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Article – Health – General

19–142.

(h) (1) "State–regulated payor" means**[**:

(i) The State Employee and Retiree Health and Welfare Benefits Program; and

(ii) A**]** **A** carrier issuing or delivering health benefit plans in the State.

(2) "State–regulated payor" does not include a managed care organization as defined in Title 15, Subtitle 1 of this article.

19–143.

(d) **(5)** **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM SUPPORT THE INCENTIVES PROVIDED UNDER THIS SUBSECTION THROUGH CONTRACTS BETWEEN THE PROGRAM AND THE THIRD PARTY ADMINISTRATORS ARRANGING FOR THE DELIVERY OF HEALTH CARE SERVICES TO MEMBERS COVERED UNDER THE PROGRAM.**

Article – State Personnel and Pensions

2–503.

(a) The Secretary shall:

(1) adopt regulations for the administration of the Program;

(2) ensure that the Program complies with all federal and State laws governing employee benefit plans; **AND**

(3) each year, recommend to the Governor the State share of the costs of the Program**[**; and

(4) ensure that the Program complies with Title 19, Subtitle 1, Part IV of the Health – General Article**]**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 381

(House Bill 1174)

AN ACT concerning

Correctional Services – Revocation of Parole – ~~Application of Diminution Credits and~~ Reimposition of Sentence

FOR the purpose of ~~altering a provision relating to the effect of parole violation on diminution credits so as to grant discretion to the parole commissioner hearing the parole revocation to apply certain diminution credits toward the inmate's term of confinement at a certain time;~~ altering a provision relating to the revocation of a parole order so as to authorize the parole commissioner who conducted the hearing on the revocation of an inmate's order of parole to require the inmate to serve any unserved portion of the sentence originally imposed on the inmate; *requiring the Department of Public Safety and Correctional Services to submit a certain report; providing for the termination of this Act;* and generally relating to the revocation of parole.

BY repealing and reenacting, with amendments,
Article – Correctional Services
~~Section 3–711, 7–401, and 7–403(a)~~ *Section 7–401 and 7–403(a)*
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Correctional Services

~~3–711.~~

~~If an inmate is convicted and sentenced to imprisonment for a crime committed while on parole and the parole is revoked, diminution credits that were awarded before the inmate's release on parole may~~ **[**~~not~~**], AT THE DISCRETION OF THE PAROLE COMMISSIONER HEARING THE PAROLE REVOCATION,** ~~be applied toward the inmate's term of confinement on return to the Division.~~

7–401.

(a) If a parolee is alleged to have violated a condition of parole, one commissioner shall hear the case on revocation of the parole at the time and place that the Commission designates.

(b) (1) Each individual charged with a parole violation is entitled to be represented by counsel of the individual's choice or, if eligible, counsel provided by the Public Defender's office.

(2) The Commission shall keep a record of the hearing.

(c) If the commissioner finds from the evidence that the parolee has violated a condition of parole, the commissioner may take any action that the commissioner considers appropriate, including:

(1) (i) revoking the order of parole;

(ii) setting a future hearing date for consideration for reparole; and

(iii) remanding the individual to the Division of Correction or local correctional facility from which the individual was paroled; or

(2) continuing parole:

(i) without modification of its conditions; or

(ii) with modification of its conditions, including a requirement that the parolee spend all or part of the remaining parole period in a home detention program.

(d) (1) Subject to paragraph (2) of this subsection and further action by the Commission, if the order of parole is revoked, the **[**inmate shall serve the remainder of the sentence originally imposed unless the**]** commissioner hearing the parole revocation, in the commissioner's discretion, **[**grants credit for time between

release on parole and revocation of parole**]** **MAY REQUIRE THE INMATE TO SERVE ANY UNSERVED PORTION OF THE SENTENCE ORIGINALLY IMPOSED**.

(2) An inmate may not receive credit for time between release on parole and revocation of parole if:

(i) the inmate was serving a sentence for a violent crime when parole was revoked; and

(ii) the parole was revoked due to a finding that the inmate committed a violent crime while on parole.

(e) Subject to subsection (d) of this section, if a sentence has commenced as provided under § 9–202(c)(2) of this article and the inmate is serving that sentence when the order of parole is revoked, **[**the remainder**]** **ANY REIMPOSED PORTION** of the sentence originally imposed shall begin at the expiration of any sentences which were begun under § 9–202(c)(2) of this article.

(f) (1) The inmate may seek judicial review in the circuit court within 30 days after receiving the written decision of the Commission.

(2) The court shall hear the action on the record.

7–403.

(a) (1) If a parolee is convicted of a crime committed while on parole and is sentenced to an additional term of imprisonment in any correctional facility in this State, the court shall determine if the new sentence is to run concurrently or consecutively, as required under Maryland Rule 4–351(a)(5).

(2) If the new sentence is to run consecutively:

(i) the new sentence shall begin as provided in § 9–202(c) of this article; and

(ii) **[**the**]** **ANY** reimposition of the original sentence on parole shall begin as provided in § 7–401 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of Public Safety and Correctional Services shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2–1246 of the State Government Article, on:

(1) the number of inmates whose sentences of imprisonment following a revocation of parole were reduced under the provisions of this Act, broken down by the type of crime that the inmate committed that led to the revocation of parole; and

(2) the recidivism rate of individuals released as a result of this Act from a term of imprisonment following a revocation of parole.

SECTION ~~2.~~ *3.* AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. *It shall remain effective for a period of 2 years and 9 months and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.*

Approved by the Governor, May 10, 2011.

Chapter 382

(House Bill 1190)

AN ACT concerning

Child in Need of Supervision Pilot Program – Expansion

FOR the purpose of expanding the Child in Need of Supervision Pilot Program by requiring the Secretary of Juvenile Services to include Cecil County, Montgomery County, and Prince George's County in the Pilot Program; ~~requiring~~ authorizing the Governor to include a certain general fund appropriation in the budget ~~bills~~ bill for a certain fiscal ~~years~~ year to be provided as grants to Cecil County, Montgomery County, and Prince George's County to implement the expansion of the Pilot Program; altering a certain definition; providing for a delayed effective date for certain provisions of this Act; and generally relating to the Child in Need of Supervision Pilot Program.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–10.1
Annotated Code of Maryland
(2006 Replacement Volume and 2010 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–10.1.

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

(2) (i) "Designated assessment service provider" means a community–based provider of assessment, intervention, and referral services to children alleged to be in need of supervision and their parents or guardians.

(ii) "Designated assessment service provider" includes county staff, contractors, and resources that may provide assessment, intervention, and referral services to children alleged to be in need of supervision and their parents or guardians.

(3) "Pilot community" means:

(i) Baltimore City; **[**or**]**

(ii) Baltimore County**;**

(III) CECIL COUNTY;

(IV) MONTGOMERY COUNTY; OR

(V) PRINCE GEORGE'S COUNTY.

(b) The Secretary of Juvenile Services shall establish a Department of Juvenile Services Child in Need of Supervision Pilot Program in:

(1) Baltimore City; **[**and**]**

(2) Baltimore County**;**

(3) CECIL COUNTY;

(4) MONTGOMERY COUNTY; AND

(5) PRINCE GEORGE'S COUNTY.

(c) (1) The Pilot Program shall select designated assessment service providers in each pilot community.

(2) The designated assessment service providers shall be contracted and funded by the local management board of each pilot community.

(d) On receipt of a complaint under § 3–8A–10 of this subtitle that alleges that a child in a pilot community is in need of supervision, unless the intake officer concludes under § 3–8A–10(c) of this subtitle that the court has no jurisdiction or that neither an informal adjustment nor judicial action is appropriate, the intake officer shall refer the child and the child's parents or guardians to a designated assessment

service provider for the pilot community before the intake officer may authorize the filing of a petition or peace order request or propose an informal adjustment.

(e) A designated assessment service provider shall:

(1) Meet with a child referred to the provider and the child's parents or guardians at least two and not more than six times to discuss the child's:

(i) School performance;

(ii) Family interactions;

(iii) Relationships with peers; and

(iv) Emotional and physical health, including drug and alcohol use;

(2) Review all available, relevant records concerning the child, including:

(i) Academic records;

(ii) Medical records; and

(iii) Psychiatric records;

(3) Conduct an assessment of the child; and

(4) Establish a case plan and a case record for the provision of services to the child, including:

(i) Family counseling;

(ii) Educational advocacy;

(iii) Drug and alcohol counseling;

(iv) Sex education;

(v) After–school programs;

(vi) Truancy and dropout prevention;

(vii) Transitional living services;

(viii) Mediation services;

(ix) Employment and job training services;

(x) Alternative school placement; and

(xi) Drug and alcohol counseling for the parents, guardians, or other family members of the child.

(f) An intake officer may not authorize the filing of a petition or peace order request or propose an informal adjustment for a child alleged to be in need of supervision in a pilot community unless the designated assessment service provider has filed a report with the intake officer stating:

(1) The date of the initial meeting with the child and the child's parents or guardians required under this section; and

(2) That all attempts to provide assessment, intervention, and referral services have failed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor ~~shall~~ may include a General Fund appropriation of $250,000 for the Department of Juvenile Services in ~~each~~ the budget bill for fiscal year 2013~~, and fiscal year 2014~~ for the purpose of implementing the provisions of Section 1 of this Act. Of the $250,000, $100,000 shall be provided as a grant to Prince George's County, $100,000 shall be provided as a grant to Montgomery County, and $50,000 shall be provided as a grant to Cecil County for the purpose of implementing the provisions of Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2012.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 383

(House Bill 1196)

AN ACT concerning

Sustainable Communities Tax Credit Program

FOR the purpose of altering the application of certain provisions relating to calculation of the amount of the Sustainable Communities tax credit that may be claimed under certain circumstances; ~~authorizing the allocation of the tax~~

~~credit in a certain manner;~~ altering a certain fee; authorizing the use of a certain reserve fund for certain purposes under certain circumstances; requiring the Director of the Maryland Historical Trust to reserve a certain amount in a certain reserve fund to be used for a certain purpose; requiring additional reporting; ~~providing for the application of this Act;~~ and generally relating to the Sustainable Communities Tax Credit Program.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 5A–303(a)(6) and (18)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5A–303(b)(6), (c)(1), (d), and (h)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

~~BY adding to~~
~~Article – State Finance and Procurement~~
~~Section 5A–303(e)(5)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

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

Article – State Finance and Procurement

5A–303.

(a) (6) "Commercial rehabilitation" means a rehabilitation of a structure other than a single–family, owner–occupied residence.

(18) (i) "Single–family, owner–occupied residence" means a structure or a portion of a structure occupied by the owner and the owner's immediate family as their primary or secondary residence.

(ii) "Single–family, owner–occupied residence" includes a residential unit in a cooperative project owned by or leased to a cooperative housing corporation, as defined in § 5–6B–01 of the Corporations and Associations Article, and leased for exclusive occupancy to, and occupied by, a member of the corporation and the member's immediate family under a proprietary lease.

(b) (6) (i) The Director shall adopt regulations to charge a reasonable fee to certify historic structures and rehabilitations under this section.

(ii) The Director shall set the level of the fee so that the projected proceeds from the fee will cover the costs to the Trust of administering the credit under this section and the federal historic tax credit.

(iii) The fee charged may not exceed **[**1%**] 3%** of the amount of the initial credit certificate issued for a commercial rehabilitation project or the amount of the credit for which a single–family, owner–occupied rehabilitation would be eligible based on the greater of the estimated or final qualified rehabilitation expenditures for the rehabilitation.

(iv) If the fee charged for a commercial rehabilitation is not received by the Trust within 120 days after the Trust sends notice that the fee is due, the initial credit certificate for the rehabilitation shall expire.

(v) The proceeds from the fee shall be deposited in a special fund, to be used only for the purposes of paying the costs of administering the credit under this section and the federal historic tax credit.

(vi) Any unused balance of the fund at the end of each fiscal year shall be transferred to the Reserve Fund established under subsection (d) of this section and shall increase the amount of the initial credit certificates that the Trust may issue for the following fiscal year.

(c) (1) (i) Except as otherwise provided in this section, for the taxable year in which a certified rehabilitation is completed, an individual or business entity may claim a tax credit in an amount equal to 20% of the individual's or business entity's qualified rehabilitation expenditures for the rehabilitation.

(ii) **[**An**] FOR COMMERCIAL REHABILITATIONS, AN** individual or business entity may claim a tax credit in an amount equal to 25% of the individual's or business entity's qualified rehabilitation expenditures if the certified rehabilitation is a certified historic structure and a high performance building.

(iii) **[**An**] FOR COMMERCIAL REHABILITATIONS, AN** individual or business entity may claim a tax credit in an amount equal to 10% of the individual's or business entity's qualified rehabilitation expenditures if the certified rehabilitation is a qualified rehabilitated structure.

~~**(5) THE STATE CREDIT ALLOWED UNDER THIS SECTION MAY BE ALLOCATED AMONG THE PARTNERS, MEMBERS, OR SHAREHOLDERS OF AN ENTITY IN ANY MANNER AGREED TO BY THOSE PERSONS IN WRITING.**~~

(d) (1) In this subsection, "Reserve Fund" means the Sustainable Communities Tax Credit Reserve Fund established under paragraph (2) of this subsection.

(2) (i) There is a Sustainable Communities Tax Credit Reserve Fund that is a continuing, nonlapsing special fund that is not subject to § 7–302 of this article.

(ii) The money in the Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall be credited to the General Fund.

(III) IF THE FEES PAID IN ANY FISCAL YEAR ARE LESS THAN THE DIRECTLY RELATED ADMINISTRATIVE COSTS OF OPERATING THE SUSTAINABLE COMMUNITIES TAX CREDIT PROGRAM, FUNDS IN THE RESERVE FUND SHALL BE USED FOR THE DIRECTLY RELATED ADMINISTRATIVE COSTS OF THE PROGRAM.

(3) (i) Subject to the provisions of this subsection, the Director shall issue an initial credit certificate for each commercial rehabilitation for which a plan of proposed rehabilitation is approved.

(ii) An initial credit certificate issued under this subsection shall state the maximum amount of credit under this section for which the commercial rehabilitation may qualify.

(iii) 1. Except as otherwise provided in this subparagraph and in subsection (b)(6)(vi) of this section, for any fiscal year, the Director may not issue initial credit certificates for credit amounts in the aggregate totaling more than the amount appropriated to the Reserve Fund for that fiscal year in the State budget as approved by the General Assembly.

2. If the aggregate credit amounts under initial credit certificates issued in a fiscal year total less than the amount appropriated to the Reserve Fund for that fiscal year as a result of the limitation under subsection (b)(5)(i) of this section, any excess amount may be issued under initial credit certificates for projects in a county or Baltimore City in the same fiscal year, without regard to the limitation under subsection (b)(5)(i) of this section.

3. Subject to subsubparagraph 2 of this subparagraph, if the aggregate credit amounts under initial credit certificates issued in a fiscal year total less than the amount appropriated to the Reserve Fund for that fiscal year, any excess amount shall remain in the Reserve Fund and may be issued under initial credit certificates for the next fiscal year.

4. For any fiscal year, if funds are transferred from the Reserve Fund under the authority of any provision of law other than paragraph (4) of this subsection, the maximum credit amounts in the aggregate for which the Director may issue initial credit certificates shall be reduced by the amount transferred.

5. IN EACH FISCAL YEAR, THE DIRECTOR SHALL ESTIMATE THE AMOUNT OF FEES TO BE COLLECTED BASED ON THE AMOUNT APPROPRIATED TO THE RESERVE FUND AND RESERVE THE DIFFERENCE BETWEEN THE ESTIMATED FEES AND ESTIMATED DIRECTLY RELATED ADMINISTRATIVE COSTS OF THE PROGRAM TO BE USED TO ADMINISTER THE PROGRAM.

6. IF THE RESERVATION OF FUNDS TO ADMINISTER THE PROGRAM UNDER SUBSUBPARAGRAPH 5 OF THIS SUBPARAGRAPH IS NOT NECESSARY TO COVER THE DIRECTLY RELATED ADMINISTRATIVE COSTS OF THE PROGRAM, ANY EXCESS AMOUNT SHALL REMAIN IN THE RESERVE FUND AND MAY BE ISSUED UNDER INITIAL CREDIT CERTIFICATES FOR THE NEXT FISCAL YEAR.

(iv) For each of fiscal years 2011, 2012, 2013, and 2014, the Governor shall include in the budget bill an appropriation to the Reserve Fund.

(v) Notwithstanding the provisions of § 7–213 of this article, the Governor may not reduce an appropriation to the Reserve Fund in the State budget as approved by the General Assembly.

(vi) The Director may not issue an initial credit certificate for any fiscal year after fiscal year 2014.

(4) (i) Except as provided in this paragraph, money appropriated to the Reserve Fund shall remain in the Fund.

(ii) 1. Within 15 days after the end of each calendar quarter, the Trust shall notify the Comptroller as to each commercial rehabilitation completed and certified during the quarter:

A. the maximum credit amount stated in the initial credit certificate for the project; and

B. the final certified credit amount for the project.

2. On notification that a project has been certified, the Comptroller shall transfer an amount equal to the maximum credit amount stated in the initial credit certificate for the project from the Reserve Fund to the General Fund.

(iii) 1. On or before October 1 of each year, the Trust shall notify the Comptroller as to the maximum credit amount stated in the initial credit certificate for each commercial rehabilitation for which the initial credit certificate has expired under subsection (c)(3) of this section as of the end of the prior fiscal year.

2. On notification that the initial credit certificate for a project has expired under subsection (c)(3) of this section, the Comptroller shall transfer an amount equal to the maximum credit amount stated in the initial credit certificate for the project from the Reserve Fund to the General Fund.

(h) (1) On or before December 15 of each fiscal year, the Director shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, on:

(i) the initial credit certificates awarded for commercial rehabilitations under this section for that fiscal year;

(ii) the tax credits awarded for certified rehabilitations completed in the preceding fiscal year; **[**and**]**

(iii) whether the tax credits awarded for certified rehabilitations completed in the preceding fiscal year were located in:

1. a Main Street Maryland community;

2. beginning in fiscal 2012, a sustainable community;

3. a local historic district; or

4. a national register district**; AND**

(IV) THE ESTIMATED AMOUNT OF DIRECTLY RELATED ADMINISTRATIVE COSTS RESERVED IN THE RESERVE FUND, THE ESTIMATED AMOUNT OF FEES TO BE COLLECTED, THE ACTUAL DIRECTLY RELATED ADMINISTRATIVE COSTS, AND THE ACTUAL AMOUNT OF FEES COLLECTED.

~~SECTION 2. AND BE IT FURTHER ENACTED, That § 5A–303(c)(5) of the State Finance and Procurement Article, as enacted by this Act, shall be construed to apply retroactively and shall be applied to and interpreted to affect any commercial rehabilitation project for which an application of a plan of proposed rehabilitation is approved by the Director of the Maryland Historical Trust on or after January 1, 2005.~~

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

Approved by the Governor, May 10, 2011.

Chapter 384

(House Bill 1218)

AN ACT concerning

Frederick County – Beer, Wine and Liquor Tasting License

FOR the purpose of creating in Frederick County a beer, wine and liquor tasting license; specifying to whom the licenses may be issued; setting maximum limits on the amounts of certain individual servings; specifying that the license may be issued for tasting or sampling purposes only; providing for a license fee; and generally relating to alcoholic beverages licenses in Frederick County.

BY renumbering
Article 2B – Alcoholic Beverages
Section 8–406.1 and 8–406.2, respectively
to be Section 8–406.2 and 8–406.3, respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–406.1
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–406.1 and 8–406.2, respectively, of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 8–406.2 and 8–406.3, respectively.

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 BEER, WINE AND LIQUOR TASTING (BWLT) LICENSE.

(C) A BEER, WINE AND LIQUOR TASTING LICENSE MAY BE ISSUED ONLY TO A HOLDER OF A <u>CLASS A</u> BEER, WINE AND LIQUOR LICENSE.

(D) A BEER, WINE AND LIQUOR TASTING LICENSE AUTHORIZES THE CONSUMPTION OF ONE–HALF AN OUNCE OF LIQUOR FROM A GIVEN BRAND AND 1.5 OUNCES FROM ALL BRANDS BY ANY ONE PERSON IN A SINGLE DAY FOR TASTING AND SAMPLING PURPOSES ONLY.

(E) THE LIMITATIONS ON THE CONSUMPTION OF BEER AND WINE UNDER § 8–406 OF THIS SUBTITLE APPLY TO A BEER, WINE AND LIQUOR TASTING LICENSE.

(F) THE BOARD SHALL SET THE ANNUAL FEE FOR A BEER, WINE AND LIQUOR TASTING LICENSE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 385

(House Bill 1240)

AN ACT concerning

Counties – Natural Resources – ~~Right~~ Authorization to Harvest Seafood and Engage in the Seafood Industry

FOR the purpose of expanding the application of certain provisions to authorize ~~counties~~ the governing body of a county to adopt a certain ordinance, resolution, or regulation ~~relating to the right to~~ or take certain other action to authorize a person to harvest seafood and engage in the seafood industry ~~and to harvest seafood~~ in accordance with certain requirements; providing that in the event of a conflict, federal law, State law, or a certain written program guidance preempts any ordinance, resolution, or regulation or any other action taken by ~~a~~ the governing body of a county under this Act; and generally relating to the authority of the governing body of a county to authorize a person to harvest seafood and engage in ~~certain activities related to~~ the seafood industry ~~and to harvest seafood~~.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 232
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article 25 – County Commissioners

232.

(a) Subject to subsection (b) of this section, the governing body of **[**Calvert County, Dorchester County, Queen Anne's County, or Somerset County**]** **A COUNTY** may adopt an ordinance, resolution, or regulation or take any other action that the governing body considers necessary to authorize a person to:

(1) Use the person's personal property or real estate to operate a seafood business;

(2) Buy or sell seafood;

(3) Store equipment used in the person's seafood business;

(4) Enjoy the quiet conduct of the person's seafood business in conformance with county and State requirements; and

(5) Harvest seafood.

(b) (1) Before adopting an ordinance, resolution, or regulation under subsection (a) of this section, the governing body of the county in which the ordinance, resolution, or regulation will apply shall:

(i) Hold a public hearing and provide reasonable notice of the hearing; and

(ii) Obtain the written consent of the Secretary of Natural Resources.

(2) An ordinance, resolution, or regulation adopted without the written consent of the Secretary of Natural Resources is void and without legal effect.

(c) In the event of a conflict, federal law, State law, or written program guidance issued by a federal or State agency shall preempt any ordinance, resolution, or regulation adopted or any **OTHER** action taken by the governing body of **[**Calvert County, Dorchester County, Queen Anne's County, or Somerset County**]** **A COUNTY** under this section.

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

Approved by the Governor, May 10, 2011.

Chapter 386

(House Bill 1242)

AN ACT concerning

Baltimore County – Miscellaneous Business Licenses – Fees

FOR the purpose of ~~authorizing the County Executive and County Council of Baltimore County to establish~~ altering certain license fees that applicants are required to pay ~~for acting as a cigarette retailer, for selling cigarettes at retail,~~ for keeping a billiard table for commercial use, for doing certain construction business, for keeping a garage where motor vehicles are stored for a fee, for doing the business of cleaning or laundering, for doing business as a plumber or gas fitter, for operating a restaurant, for doing business as a trader, and for operating a chain store; and generally relating to business license fees in Baltimore County.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section ~~16–204(b)(1), 16–302,~~ 17–504, 17–603, 17–803, 17–1103, 17–1504, 17–1604, 17–1808(a), and 17–1809(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

Article – Business Regulation

~~16–204.~~

~~(b) (1) An applicant for a license to act as a retailer shall:~~

~~(i) obtain the county license required under § 16–301 of this title;~~

~~(ii) submit to the clerk an application for each permanent or temporary place of business located in the same enclosure and operated by the same applicant; and~~

~~(iii) **1.** **EXCEPT IN BALTIMORE COUNTY,** pay to the clerk a fee of $30**; AND**~~

~~2. IN BALTIMORE COUNTY, PAY TO THE CLERK THE FEE ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY.~~

~~16–302.~~

~~For each county license, an applicant shall:~~

~~(1) submit an application to the clerk; and~~

~~(2) pay to the clerk a license fee of:~~

~~(i) $25 in a county other than Cecil County OR BALTIMORE COUNTY; [or]~~

~~(ii) $50 in Cecil County; OR~~

~~(III) IN BALTIMORE COUNTY, THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY.~~

17–504.

An applicant for a billiard table license shall pay to the clerk a license fee of:

(1) $10 for each billiard table in a county other than Baltimore City**, BALTIMORE COUNTY,** or Cecil County;

(2) $20 for each billiard table in Cecil County; ~~[or]~~

(3) $40 for each billiard table in Baltimore City~~; OR~~

~~(4) THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY FOR EACH BILLIARD TABLE IN BALTIMORE COUNTY~~.

17–603.

(a) An applicant for a construction license shall pay to the clerk a license fee of:

(1) $15 for a construction license in a county other than Baltimore City**, BALTIMORE COUNTY,** or Cecil County;

(2) $40 for a construction license in Baltimore City **OR BALTIMORE COUNTY**; ~~[or]~~

(3) $30 for a construction license in Cecil County~~; OR~~

~~(4) THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY FOR A CONSTRUCTION LICENSE IN BALTIMORE COUNTY~~.

(b) (1) Except as provided in paragraph (2) of this subsection, an applicant for a nonresident construction license shall pay to the clerk:

(i) a license fee of:

1. $50 for a nonresident construction license in a county other than Baltimore City **OR BALTIMORE COUNTY**; ~~[or]~~

2. $60 for a nonresident construction license in Baltimore City **OR BALTIMORE COUNTY**; ~~[and]~~ ~~OR~~

~~3. THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY FOR A NONRESIDENT CONSTRUCTION LICENSE IN BALTIMORE COUNTY; AND~~

(ii) for each contract for which the applicant is required to get an additional nonresident construction license, an additional license fee of:

1. $50, if the contract will be performed in a county other than Baltimore City **OR BALTIMORE COUNTY**; ~~[or]~~

2. $60, if the contract will be performed in Baltimore City **OR BALTIMORE COUNTY**~~; OR~~

~~3. THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY, IF THE CONTRACT WILL BE PERFORMED IN BALTIMORE COUNTY~~.

(2) An applicant for a nonresident construction license who is incorporated or has its principal office in another state shall pay to the clerk the total fees imposed in that state on a similar nonresident business if the total fees are higher than the total license fees under this section.

17–803.

(a) (1) An applicant for a garage license shall pay to the clerk a license fee based on the floor area of each garage.

(2) In a county other than Baltimore City **OR BALTIMORE COUNTY**, the license fee is:

(i) $20 for a garage with not more than 2,000 square feet;

(ii) $40 for a garage with more than 2,000 and not more than 3,000 square feet;

(iii) $75 for a garage with more than 3,000 and not more than 5,000 square feet;

(iv) $125 for a garage with more than 5,000 and not more than 7,500 square feet;

(v) $200 for a garage with more than 7,500 and not more than 10,000 square feet; or

(vi) $200 for a garage with more than 10,000 square feet plus $50 for each additional 5,000 square feet or part of 5,000 square feet.

(3) In Baltimore City **OR BALTIMORE COUNTY**, the license fee is $6 for each 100 square feet of each garage.

~~(4) IN BALTIMORE COUNTY, THE LICENSE FEE IS THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY BASED, SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON THE FLOOR AREA OF EACH GARAGE.~~

(b) The floor area on which the license fee is based is the total floor area of all floors of the garage, excluding:

(1) the space occupied by a machine shop that is defined by permanent partitions; and

(2) the floor area of a space 15 feet wide and extending the entire length or depth of the garage on each floor on which a law requires that a space be kept open.

17–1103.

(a) An applicant for a license shall pay to the clerk the applicable license fee.

(b) In a county other than Baltimore City **OR BALTIMORE COUNTY**, the license fee is:

(1) $15 for a business that employs not more than 10 individuals;

(2) $50 for a business that employs 11 to 20 individuals; and

(3) $100 for a business that employs more than 20 individuals.

(c) In Baltimore City **OR BALTIMORE COUNTY**, the license fee is:

(1) $40 for a business that employs not more than 10 individuals;

(2) $125 for a business that employs 11 to 20 individuals; and

(3) $250 for a business that employs more than 20 individuals.

~~**(D) IN BALTIMORE COUNTY, THE LICENSE FEE IS THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY.**~~

17–1504.

(a) Except as otherwise provided in subsection (b) or (c) of this section, an applicant for a plumber's license shall pay to the clerk a license fee of:

(1) $5 for each place of business in a municipal corporation with a population of less than 5,000;

(2) $10 for each place of business in a municipal corporation with a population of 5,000 to 9,999;

(3) $15 for each place of business in a municipal corporation with a population of 10,000 or more; or

(4) $40 for each place of business in Baltimore City **OR BALTIMORE COUNTY**.

(b) ~~**(1)**~~ In Cecil County, an applicant for a plumber's license shall pay to the clerk a license fee of $30.

~~**(2) IN BALTIMORE COUNTY, AN APPLICANT FOR A PLUMBER'S LICENSE SHALL PAY TO THE CLERK THE LICENSE FEE ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY.**~~

(c) An applicant for a plumber's license who is incorporated or has its principal office in another state shall pay to the clerk the fee imposed in that state on a similar nonresident business if that fee is higher than the appropriate license fee under this section.

17–1604.

An applicant for a restaurant license shall pay to the clerk a license fee of:

(1) $50 for each place of business in Baltimore City**, BALTIMORE COUNTY,** or Cecil County;

(2) $25 for each place of business in a municipal corporation with a population of 8,000 or more in any other county; ~~[or]~~

(3) $10 for each place of business elsewhere in the State ~~EXCEPT IN BALTIMORE COUNTY; OR~~

~~(4) THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY FOR EACH PLACE OF BUSINESS IN BALTIMORE COUNTY~~.

17–1808.

(a) (1) Except as otherwise provided in this section, an applicant for a trader's license shall pay to the clerk a license fee based on the value of the applicant's stock–in–trade.

(2) In a county other than Baltimore City **OR BALTIMORE COUNTY**, the license fee is:

(i) $15, if the value of the applicant's stock–in–trade is not more than $1,000;

(ii) $18, if the value is more than $1,000 but not more than $1,500;

(iii) $20, if the value is more than $1,500 but not more than $2,500;

(iv) $25, if the value is more than $2,500 but not more than $4,000;

(v) $30, if the value is more than $4,000 but not more than $6,000;

(vi) $40, if the value is more than $6,000 but not more than $8,000;

(vii) $50, if the value is more than $8,000 but not more than $10,000;

(viii) $65, if the value is more than $10,000 but not more than $15,000;

(ix) $80, if the value is more than $15,000 but not more than $20,000;

(x) $100, if the value is more than $20,000 but not more than $30,000;

(xi) $125, if the value is more than $30,000 but not more than $40,000;

(xii) $150, if the value is more than $40,000 but not more than $50,000;

(xiii) $200, if the value is more than $50,000 but not more than $75,000;

(xiv) $250, if the value is more than $75,000 but not more than $100,000;

(xv) $300, if the value is more than $100,000 but not more than $150,000;

(xvi) $350, if the value is more than $150,000 but not more than $200,000;

(xvii) $400, if the value is more than $200,000 but not more than $300,000;

(xviii) $500, if the value is more than $300,000 but not more than $400,000;

(xix) $600, if the value is more than $400,000 but not more than $500,000;

(xx) $750, if the value is more than $500,000 but not more than $750,000; or

(xxi) $800, if the value is more than $750,000.

(3) In Baltimore City, the license fee is:

(i) $20, if the value of the applicant's stock–in–trade is not more than $1,000;

(ii) $40, if the value is more than $1,000 but not more than $5,000;

(iii) $80, if the value is more than $5,000 but not more than $10,000;

(iv) $160, if the value is more than $10,000 but not more than $50,000;

(v) $375, if the value is more than $50,000 but not more than $100,000;

(vi) $1,000, if the value is more than $100,000 but not more than $300,000;

(vii) $1,500, if the value is more than $300,000 but not more than $750,000; or

(viii) $2,125, if the value is more than $750,000.

(4) IN BALTIMORE COUNTY, THE LICENSE FEE IS ~~THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL OF BALTIMORE COUNTY~~:

(I) $20, IF THE VALUE OF THE APPLICANT'S STOCK–IN–TRADE IS NOT MORE THAN $1,000;

(II) $40, IF THE VALUE IS MORE THAN $1,000 BUT NOT MORE THAN $5,000;

(III) $80, IF THE VALUE IS MORE THAN $5,000 BUT NOT MORE THAN $10,000;

(IV) $160, IF THE VALUE IS MORE THAN $10,000 BUT NOT MORE THAN $50,000;

(V) $375, IF THE VALUE IS MORE THAN $50,000 BUT NOT MORE THAN $100,000;

(VI) $450, IF THE VALUE IS MORE THAN $100,000 BUT NOT MORE THAN $200,000;

(VII) $500, IF THE VALUE IS MORE THAN $200,000 BUT NOT MORE THAN $300,000;

(VIII) $775, IF THE VALUE IS MORE THAN $300,000 BUT NOT MORE THAN $400,000;

(IX) $1,000, IF THE VALUE IS MORE THAN $400,000 BUT NOT MORE THAN $500,000;

(X) $1,250, IF THE VALUE IS MORE THAN $500,000 BUT NOT MORE THAN $750,000; AND

(XI) $1,600, IF THE VALUE IS MORE THAN $750,000.

17–1809.

(b) (1) An applicant for a chain store license shall pay to the clerk a license fee based on the value of the applicant's stock–in–trade under § 17–1808 of this subtitle and an additional license fee.

(2) In a county other than Baltimore City**, BALTIMORE COUNTY,** or Cecil County, the additional license fee is:

(i) $5 for each store for 2 to 5 stores;

(ii) $20 for each store for 6 to 10 stores;

(iii) $100 for each store for 11 to 20 stores; or

(iv) $150 for each store for more than 20 stores.

(3) In Baltimore City **OR BALTIMORE COUNTY**, the additional license fee is:

(i) $12 for each store for 2 to 5 stores;

(ii) $50 for each store for 6 to 10 stores;

(iii) $250 for each store for 11 to 20 stores; or

(iv) $375 for each store for more than 20 stores.

(4) In Cecil County, the additional license fee is:

(i) $10 for each store for 2 to 5 stores;

(ii) $30 for each store for 6 to 10 stores;

(iii) $100 for each store for 11 to 20 stores; and

(iv) $300 for each store for more than 20 stores.

~~(5) IN BALTIMORE COUNTY, THE ADDITIONAL LICENSE FEE IS THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY.~~

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

Approved by the Governor, May 10, 2011.

Chapter 387

(House Bill 1246)

AN ACT concerning

Condominiums and Homeowners Associations – Priority of ~~Liens – "The Residential Association Sustainability Act of 2011"~~ Liens

FOR the purpose of providing that, in the case of a foreclosure of a mortgage or deed of trust on ~~or for~~ a condominium unit, a certain portion of ~~a certain lien~~ the condominium's liens on the ~~condominium~~ unit~~, including certain late fees, interest, and any attorney's fees and costs for establishing the lien,~~ has priority over the claim of the holder of a first mortgage or first deed of trust under certain circumstances; providing that the portion of a condominium's liens that has a certain priority shall consist of a certain amount of unpaid regular assessments not exceeding a certain amount; requiring the governing body of a condominium to provide certain information to the holder of a first mortgage or first deed of trust under certain circumstances; providing that a certain portion of a condominium's liens does not have priority under certain circumstances; providing that certain lot owners in a homeowners association are liable for certain assessments and charges; allowing a homeowners association to enforce the payment of certain assessments and charges by imposition of a contract lien under certain circumstances; providing that, in the case of a foreclosure of a mortgage or deed of trust on a lot in a homeowners association, a certain portion of ~~a~~ the homeowners ~~association~~ association's ~~lien, including certain late fees, interest, and any attorney's fees and costs for establishing the lien,~~ liens on the lot has priority over the claim of the holder of a first mortgage or first deed of trust under certain circumstances; ~~providing that certain provisions of this Act do not affect or limit the priority of certain liens, mortgages, or deeds of trust;~~

~~providing for the abrogation of certain provisions of this Act on the occurrence of certain contingencies~~ providing that the portion of a homeowners association's liens that has a certain priority shall consist of a certain amount of unpaid regular assessments not exceeding a certain amount; requiring the governing body of a homeowners association to provide certain information to the holder of a first mortgage or first deed of trust under certain circumstances; providing that a certain portion of a homeowner association's liens does not have priority under certain circumstances; requiring a statement of lien for certain liens under the Maryland Contract Lien Act to include certain information about regular monthly assessments for common expenses under certain circumstances; providing for the application of this Act; making stylistic changes; and generally relating to liens on condominium units and lots in ~~developments with~~ homeowners associations.

BY renumbering
Article – Real Property
Section 11B–117
to be Section 11B–118
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–110(d) and 14–203(j)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 11–110(f) and 11B–117
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11B–117 of Article – Real Property of the Annotated Code of Maryland be renumbered to be Section(s) 11B–118.

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

Article – Real Property

11–110.

(d) **(1)** Payment of assessments, together with interest, late charges, if any, costs of collection and reasonable attorney's fees may be enforced by the

imposition of a lien on a unit in accordance with the provisions of the Maryland Contract Lien Act.

(2) Suit for any deficiency following foreclosure may be maintained in the same proceeding, and suit to recover any money judgment for unpaid assessments may also be maintained in the same proceeding, without waiving the right to seek to impose a lien under the Maryland Contract Lien Act.

~~**(3) (I) THIS PARAGRAPH DOES NOT LIMIT OR AFFECT THE PRIORITY OF A MORTGAGE OR DEED OF TRUST HELD BY OR FOR THE BENEFIT OF, PURCHASED BY, ASSIGNED TO, OR SECURING AN INDEBTEDNESS TO:**~~

~~**1. THE STATE;**~~

~~**2. A UNIT OF STATE GOVERNMENT; OR**~~

~~**3. AN INSTRUMENTALITY OF THE STATE.**~~

~~**(II) IN THE CASE OF A FORECLOSURE OF A DEED OF TRUST, A MORTGAGE INSTRUMENT, OR AN ENCUMBRANCE RECORDED BEFORE A CONDOMINIUM'S LIEN, THE PORTION OF THE CONDOMINIUM'S LIEN ON A UNIT CONSISTING OF NOT MORE THAN 6 MONTHS OF UNPAID ASSESSMENTS, LATE FEES, INTEREST, AND ANY ATTORNEY'S FEES AND COSTS ASSOCIATED WITH ESTABLISHING THE LIEN, LEVIED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DECLARATION OR BYLAWS OF THE CONDOMINIUM, SHALL HAVE PRIORITY OVER A CLAIM OF THE HOLDER OF A FIRST MORTGAGE OR DEED OF TRUST RECORDED AGAINST THE UNIT ON OR AFTER OCTOBER 1, 2011.**~~

(F) (1) THIS SUBSECTION DOES NOT LIMIT OR AFFECT THE PRIORITY OF ANY LIEN, SECURED INTEREST, OR OTHER ENCUMBRANCE WITH PRIORITY THAT IS HELD BY OR FOR THE BENEFIT OF, PURCHASED BY, ASSIGNED TO, OR SECURING ANY INDEBTEDNESS TO:

(I) THE STATE OR ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE;

(II) ANY UNIT OF STATE GOVERNMENT OR THE GOVERNMENT OF ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE; OR

(III) AN INSTRUMENTALITY OF THE STATE OR ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

(2) IN THE CASE OF A FORECLOSURE OF A MORTGAGE OR DEED OF TRUST ON A UNIT IN A CONDOMINIUM, A PORTION OF THE CONDOMINIUM'S

LIENS ON THE UNIT, AS PRESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION, SHALL HAVE PRIORITY OVER A CLAIM OF THE HOLDER OF A FIRST MORTGAGE OR A FIRST DEED OF TRUST THAT IS RECORDED AGAINST THE UNIT ON OR AFTER OCTOBER 1, 2011.

(3) THE PORTION OF THE CONDOMINIUM'S LIENS THAT HAS PRIORITY UNDER PARAGRAPH (2) OF THIS SUBSECTION:

(I) SHALL CONSIST SOLELY OF NOT MORE THAN 4 MONTHS, OR THE EQUIVALENT OF 4 MONTHS, OF UNPAID REGULAR ASSESSMENTS FOR COMMON EXPENSES THAT ARE LEVIED BY THE CONDOMINIUM IN ACCORDANCE WITH THE REQUIREMENTS OF THE DECLARATION OR BYLAWS OF THE CONDOMINIUM;

(II) MAY NOT INCLUDE:

1. INTEREST;

2. COSTS OF COLLECTION;

3. LATE CHARGES;

4. FINES;

5. ATTORNEY'S FEES;

6. SPECIAL ASSESSMENTS; OR

7. ANY OTHER COSTS OR SUMS DUE UNDER THE DECLARATION OR BYLAWS OF THE CONDOMINIUM OR AS PROVIDED UNDER ANY CONTRACT, LAW, OR COURT ORDER; AND

(III) MAY NOT EXCEED A MAXIMUM OF $1,200.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AT THE REQUEST OF THE HOLDER OF A FIRST MORTGAGE OR FIRST DEED OF TRUST ON A UNIT IN A CONDOMINIUM, THE GOVERNING BODY SHALL PROVIDE TO THE HOLDER WRITTEN INFORMATION ABOUT THE PORTION OF ANY LIEN FILED UNDER THE MARYLAND CONTRACT LIEN ACT THAT HAS PRIORITY AS PRESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION, INCLUDING INFORMATION THAT IS SUFFICIENT TO ALLOW THE HOLDER TO DETERMINE THE BASIS FOR THE PORTION OF THE LIEN THAT HAS PRIORITY.

(II) AT THE TIME OF MAKING A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE HOLDER SHALL PROVIDE THE GOVERNING BODY OF THE CONDOMINIUM WITH THE WRITTEN CONTACT INFORMATION OF THE HOLDER.

(III) IF THE GOVERNING BODY OF THE CONDOMINIUM FAILS TO PROVIDE WRITTEN INFORMATION TO THE HOLDER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH WITHIN 30 DAYS AFTER THE FILING OF THE STATEMENT OF LIEN AMONG THE LAND RECORDS OF EACH COUNTY IN WHICH THE CONDOMINIUM IS LOCATED, THE PORTION OF THE CONDOMINIUM'S LIENS DOES NOT HAVE PRIORITY AS PRESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

11B–117.

(A) AS PROVIDED IN THE DECLARATION, A LOT OWNER SHALL BE LIABLE FOR ALL HOMEOWNERS ASSOCIATION ASSESSMENTS AND CHARGES THAT COME DUE DURING THE TIME THAT THE LOT OWNER OWNS THE LOT.

(B) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW, A HOMEOWNERS ASSOCIATION MAY ENFORCE THE PAYMENT OF THE ASSESSMENTS AND CHARGES PROVIDED IN THE DECLARATION BY THE IMPOSITION OF A LIEN ON A LOT IN ACCORDANCE WITH THE MARYLAND CONTRACT LIEN ACT.

~~(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, IN THE CASE OF A FORECLOSURE OF A DEED OF TRUST, A MORTGAGE INSTRUMENT, OR AN ENCUMBRANCE RECORDED BEFORE A HOMEOWNERS ASSOCIATION'S LIEN, THAT PORTION OF A HOMEOWNERS ASSOCIATION'S LIEN ON A LOT CONSISTING OF NOT MORE THAN 6 MONTHS OF UNPAID ASSESSMENTS, LATE FEES, INTEREST, AND ANY ATTORNEY'S FEES AND COSTS ASSOCIATED WITH ESTABLISHING THE LIEN, LEVIED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DECLARATION OR BYLAWS OF THE HOMEOWNERS ASSOCIATION, SHALL HAVE PRIORITY OVER A CLAIM OF THE HOLDER OF A FIRST MORTGAGE OR DEED OF TRUST RECORDED AGAINST THE LOT ON OR AFTER OCTOBER 1, 2011.~~

~~(D) THIS SECTION DOES NOT LIMIT OR AFFECT THE PRIORITY OF:~~

~~(1) A HOMEOWNERS ASSOCIATION'S LIEN PROVIDED FIRST PRIORITY OVER A DEED OF TRUST OR MORTGAGE BY THE HOMEOWNERS ASSOCIATION'S DECLARATION OR BYLAWS; OR~~

~~(2) A MORTGAGE OR DEED OF TRUST HELD BY OR FOR THE BENEFIT OF, PURCHASED BY, ASSIGNED TO, OR SECURING AN INDEBTEDNESS TO:~~

~~(I) THE STATE;~~

~~(II) A UNIT OF STATE GOVERNMENT; OR~~

~~(III) AN INSTRUMENTALITY OF THE STATE.~~

(C) (1) THIS SUBSECTION DOES NOT LIMIT OR AFFECT THE PRIORITY OF ~~ANY~~:

~~(I) A HOMEOWNERS ASSOCIATION'S LIEN PROVIDED FIRST PRIORITY OVER A DEED OF TRUST OR MORTGAGE BY THE HOMEOWNERS ASSOCIATION'S DECLARATION OR BYLAWS; OR~~

(I) A LIEN FOR THE ANNUAL CHARGE PROVIDED FIRST PRIORITY OVER A DEED OF TRUST OR MORTGAGE BY THE DEED, AGREEMENT, AND DECLARATION OF COVENANTS, EASEMENTS, CHARGES, AND LIENS DATED DECEMBER 13, 1966, AND RECORDED IN THE LAND RECORDS OF HOWARD COUNTY (THE COLUMBIA ASSOCIATION DECLARATION); OR

(II) ANY LIEN, SECURED INTEREST, OR OTHER ENCUMBRANCE WITH PRIORITY THAT IS HELD BY OR FOR THE BENEFIT OF, PURCHASED BY, ASSIGNED TO, OR SECURING ANY INDEBTEDNESS TO:

~~(I)~~ 1. THE STATE OR ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE;

~~(II)~~ 2. ANY UNIT OF STATE GOVERNMENT OR THE GOVERNMENT OF ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE; OR

~~(III)~~ 3. AN INSTRUMENTALITY OF THE STATE OR ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

(2) IN THE CASE OF A FORECLOSURE OF A MORTGAGE OR DEED OF TRUST ON A LOT IN A HOMEOWNERS ASSOCIATION, A PORTION OF THE HOMEOWNERS ASSOCIATION'S LIENS ON THE LOT, AS PRESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION, SHALL HAVE PRIORITY OVER A CLAIM OF THE HOLDER OF A FIRST MORTGAGE OR A FIRST DEED OF TRUST THAT IS RECORDED AGAINST THE LOT ON OR AFTER OCTOBER 1, 2011.

(3) THE PORTION OF THE HOMEOWNERS ASSOCIATION'S LIENS THAT HAS PRIORITY UNDER PARAGRAPH (2) OF THIS SUBSECTION:

(I) SHALL CONSIST SOLELY OF NOT MORE THAN 4 MONTHS, OR THE EQUIVALENT OF 4 MONTHS, OF UNPAID REGULAR ASSESSMENTS FOR COMMON EXPENSES THAT ARE LEVIED BY THE HOMEOWNERS ASSOCIATION IN ACCORDANCE WITH THE REQUIREMENTS OF THE DECLARATION OR BYLAWS OF THE HOMEOWNERS ASSOCIATION;

(II) MAY NOT INCLUDE:

1. INTEREST;

2. COSTS OF COLLECTION;

3. LATE CHARGES;

4. FINES;

5. ATTORNEY'S FEES;

6. SPECIAL ASSESSMENTS; OR

7. ANY OTHER COSTS OR SUMS DUE UNDER THE DECLARATION OR BYLAWS OF THE HOMEOWNERS ASSOCIATION OR AS PROVIDED UNDER ANY CONTRACT, LAW, OR COURT ORDER; AND

(III) MAY NOT EXCEED A MAXIMUM OF $1,200.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AT THE REQUEST OF THE HOLDER OF A FIRST MORTGAGE OR FIRST DEED OF TRUST ON A LOT IN A HOMEOWNERS ASSOCIATION, THE GOVERNING BODY SHALL PROVIDE TO THE HOLDER WRITTEN INFORMATION ABOUT THE PORTION OF ANY LIEN FILED UNDER THE MARYLAND CONTRACT LIEN ACT THAT HAS PRIORITY AS PRESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION, INCLUDING INFORMATION THAT IS SUFFICIENT TO ALLOW THE HOLDER TO DETERMINE THE BASIS FOR THE PORTION OF THE LIEN THAT HAS PRIORITY.

(II) AT THE TIME OF MAKING A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE HOLDER SHALL PROVIDE THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION WITH THE WRITTEN CONTACT INFORMATION OF THE HOLDER.

(III) IF THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION FAILS TO PROVIDE WRITTEN INFORMATION TO THE HOLDER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH WITHIN 30 DAYS AFTER THE FILING OF THE STATEMENT OF LIEN AMONG THE LAND RECORDS OF EACH COUNTY IN WHICH THE HOMEOWNERS ASSOCIATION IS LOCATED, THE PORTION OF THE HOMEOWNERS ASSOCIATION'S LIENS DOES NOT HAVE PRIORITY AS PRESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

14–203.

(j) **(1)** [A] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A** statement of lien is sufficient for purposes of this subtitle if it is in substantially the following form:

STATEMENT OF LIEN

This is to certify that the property described as _____ is subject to a lien under Title 14, Subtitle 2 of the Real Property Article, Maryland Annotated Code, in the amount of $_____. The property is owned by _____.

I hereby affirm under the penalty of perjury that notice was given under § 14–203(a) of the Real Property Article, and that the information contained in the foregoing statement of lien is true and correct to the best of my knowledge, information, and belief.

_____
(name of party claiming lien)

(2) (I) THIS PARAGRAPH APPLIES ONLY TO A LIEN THAT IS SUBJECT TO § 11–110(F) OR § 11B–117(C) OF THIS ARTICLE.

(II) IN ADDITION TO SATISFYING THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, A STATEMENT OF LIEN IS SUFFICIENT FOR PURPOSES OF THIS SUBTITLE IF THE STATEMENT INCLUDES SPECIFIC INFORMATION ABOUT THE AMOUNT OF THE REGULAR MONTHLY ASSESSMENTS, OR THE EQUIVALENT OF THE REGULAR MONTHLY ASSESSMENTS, FOR COMMON EXPENSES IN SUBSTANTIALLY THE FOLLOWING FORM:

THE AMOUNT OF THE REGULAR MONTHLY ASSESSMENTS, OR THE EQUIVALENT OF THE REGULAR MONTHLY ASSESSMENTS, FOR COMMON EXPENSES, THAT IS THE BASIS OF THE PRIORITY PORTION OF THIS LIEN AS PROVIDED IN § 11–110(F) OR § 11B–117(C) OF THE REAL PROPERTY ARTICLE, IS $_____. THIS SUM REPRESENTS _____ MONTHS OF UNPAID REGULAR ASSESSMENTS, AT $_____ PER MONTH.

~~SECTION 3. AND BE IT FURTHER ENACTED, That the changes to § 11–110 of the Real Property Article, as enacted by Section 2 of this Act, shall be abrogated and of no further force or effect if the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association by rule, regulation, or policy ceases to purchase first mortgages on condominium units in this State. The Secretary of State, within 5 days of determining that the contingency provided in this section has been met, shall notify in writing the Department of Legislative Services, Legislative Services Building, 90 State Circle, Annapolis, Maryland 21401.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That the addition of § 11B–117 to the Real Property Article, as enacted by Section 2 of this Act, shall be abrogated and of no further force or effect if the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association by rule, regulation, or policy ceases to purchase first mortgages on lots in developments with homeowners associations in this State. The Secretary of State, within 5 days of determining that the contingency provided in this section has been met, shall notify in writing the Department of Legislative Services, Legislative Services Building, 90 State Circle, Annapolis, Maryland 21401.~~

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 first mortgage or first deed of trust on a condominium unit or a lot in a homeowners association that is recorded before the effective date of this Act.

SECTION ~~5.~~ 4. AND BE IT FURTHER ENACTED, That~~, subject to the provisions of Sections 3 and 4 of this Act,~~ this Act shall take effect October 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 388

(House Bill 1274)

AN ACT concerning

Charles County – Alcoholic Beverages – Class B–Stadium (Baseball Stadium) On–Sale Beer, Wine and Liquor License

FOR the purpose of altering a Class B–Stadium (baseball stadium) beer and light wine license in Charles County to be a Class B–Stadium (baseball stadium) on–sale beer, wine and liquor license; allowing a patron to consume and carry beer and wine anywhere on the premises of the baseball stadium; allowing a patron to consume liquor only in the enclosed stadium dining area or bar and prohibiting a patron from carrying liquor out of the enclosed stadium dining

area or bar; authorizing the Charles County Board of License Commissioners to adopt certain regulations; and generally relating to the issuance of a Class B–Stadium (baseball stadium) on–sale beer, wine and liquor license in Charles County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(j)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

(j) (6) (i) There is a Class B–Stadium (baseball stadium) on–sale beer **[**and light**],** wine **AND LIQUOR** license.

(ii) The Board of License Commissioners may issue a 7–day Class B–Stadium license to:

1. The owner of any professional team franchise, whether the franchise is a partnership, corporation, or limited liability company; or

2. A private concessionaire that is under contract with the County or a professional baseball team franchise.

(iii) A Class B–Stadium license authorizes the holder to sell beer **[**and light**],** wine**, AND LIQUOR** on the premises of a baseball stadium owned or operated by the County to individuals present at baseball games or other events held at the stadium.

(iv) Except as provided in subparagraph (v) of this paragraph, beer **[**and light**],** wine**, AND LIQUOR** shall be served in plastic, styrofoam, or paper containers on the stadium premises.

(v) Beer **[**or light**],** wine**, AND LIQUOR** may be served in glass containers in an enclosed stadium dining area in which patrons are seated.

(VI) A PATRON:

1. MAY CONSUME AND CARRY BEER AND WINE ANYWHERE ON THE STADIUM PREMISES; BUT

2. MAY CONSUME LIQUOR ONLY IN THE ENCLOSED STADIUM DINING AREA OR BAR; AND

3. MAY NOT CARRY LIQUOR OUT OF THE ENCLOSED STADIUM DINING AREA OR BAR.

~~(vi)~~ **(VII)** The annual fee for the Class B–Stadium license is $2,200.

~~(vii)~~ **(VIII)** Except for a distributor of beer who is conducting business with a holder of a Class B–Stadium license for the purposes of this paragraph, the holder may not allow any individual to carry alcoholic beverages onto or from the licensed premises.

~~(VIII)~~ **(IX) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT ADDITIONAL REGULATIONS CONSISTENT WITH THIS PARAGRAPH RELATING TO:**

1. THE MANNER OF DISPENSING ALCOHOLIC BEVERAGES;

2. THE NUMBER OF OUTLETS AUTHORIZED TO DISPENSE ALCOHOLIC BEVERAGES; AND

3. THE HOURS AND DAYS OF SALE OF ALCOHOLIC BEVERAGES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 389

(House Bill 1282)

AN ACT concerning

Transportation – Vehicle Parking Facilities – Motorcycle Parking

FOR the purpose of requiring vehicle parking facilities that are owned, leased, or operated by the State or a political subdivision of the State or that receive funding from the State or a political subdivision of the State to allow

motorcycles to park in the facilities, subject to certain charges; defining certain terms; and generally relating to the parking of motorcycles in vehicle parking facilities.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 4–101(j)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 26–301.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Article – Transportation

4–101.

(j) "Vehicle parking facility" means a controlled entrance and exit building, structure, surface lot, and other facility for parking vehicles, for which fees or charges are established for the use of the facility.

26–301.1.

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

(2) "FUNDING" INCLUDES ANY FORM OF ASSURANCE, GUARANTEE, GRANT PAYMENT, CREDIT, TAX CREDIT, OR OTHER ASSISTANCE.

(3) "VEHICLE PARKING FACILITY" HAS THE MEANING STATED IN § 4–101 OF THIS ARTICLE.

(B) A VEHICLE PARKING FACILITY SHALL ALLOW MOTORCYCLES TO PARK IN THE FACILITY, SUBJECT TO THE CHARGES ESTABLISHED BY THE FACILITY, IF:

(1) THE FACILITY IS OWNED, OPERATED, OR LEASED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE; OR

(2) THE FACILITY RECEIVES FUNDING FROM THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 390

(House Bill 1292)

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Licenses and Fees

FOR the purpose of altering certain alcoholic beverages license fees in Anne Arundel County; establishing a Class WT wine tasting (on–premises) license in Anne Arundel County; establishing a certain administrative fee; specifying the scope of a certain administrative fee; requiring the Anne Arundel County Board of License Commissioners to determine the fee for a certain license; altering a certain exception relating to a certain prohibition against the playing of live music by holders of alcoholic beverage licenses or club licenses; establishing a special entertainment license in Anne Arundel County; authorizing the Board of License Commissioners to issue a special outdoor entertainment license to a holder of a special entertainment license; ~~altering a certain provision of law relating to the reimbursement for certain expenses incurred by members of the Board of License Commissioners;~~ altering a certain definition; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; making stylistic changes; and generally relating to the issuance of alcoholic beverage licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 5–101(a)(1), 5–201(a)(1), 5–202(b)(1), 5–301(a)(1), 5–401(a)(1), 6–101(a)(1), 6–201(a)(1), 6–301(a)(1) and (c)(5)(i), (6)(i), and (7)(i), 7–101(b)(1)(i), 8–202(e)(1), (h)(1), and (i)(1), ~~and~~ 8–202.1(c)(1), and 15–109(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 5–101(c)(1), 5–201(c)(2), 5–202(d), 5–301(c), 5–401(c)(1), 6–101(c), 6–201(c), 6–301(c)(2), (5)(ii), (6)(ii), and (7)(ii), 6–401(c), 7–101(b)(2) and

(d)(2), 8–202(d)(5), (e)(3), (h)(4)(i), and (i)(4)(i), 8–202.1(f), 8–302(a), 8–402(c), (f), and (g), 10–104(c)(1), 10–502(a), and 12–202(a)~~, and 15–109(e)~~

Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–402(f) and 10–502(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–402(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 444 of the Acts of the General Assembly of 2010)

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

Article 2B – Alcoholic Beverages

5–101.

(a) (1) A Class A beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail, in any quantity to any consumers, at the place described in the license. The holder shall deliver the beer and light wines in a sealed package or container, which package or container may not be opened nor its contents consumed on the premises where sold.

(c) (1) In Anne Arundel County the annual license fee is **[**$200**] $240**.

5–201.

(a) (1) A Class B beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises or elsewhere.

(c) (2) The annual license fee for a Class B beer and light wine license is **[**$400**] $480**.

5–202.

(b) (1) A Class H beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises.

(d) In Anne Arundel County the annual license fee is **[**$300**] $360**.

5–301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail to bona fide members and their guests, at any club, at the place described in the license, for consumption on the premises only.

(c) In Anne Arundel County the annual license fee is **[**$100**] $120**.

5–401.

(a) (1) A Class D beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes its holder to keep for sale and to sell beer and light wines at retail, at the place described in the license, for consumption on the premises or elsewhere. The license may not be issued for any drugstore.

(c) (1) (i) In Anne Arundel County the annual license fee is **[**$400**] $480**.

(ii) This license does not apply in the City of Annapolis.

6–101.

(a) (1) A Class A beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any quantity, at the place described in the license. The licensee shall deliver the alcoholic beverages in a sealed package or container and the package or container may not be opened nor its contents consumed on the premises where sold.

(c) In Anne Arundel County the annual license fee is **[**$600**] $720**.

6–201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and

the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(c) (1) The provisions of this subsection apply only in Anne Arundel County and do not apply to the City of Annapolis.

(2) The annual fee for a Class B license is **[**$900**] $1,080**.

(3) (i) A Class H beer, wine and liquor license authorizes the holder to keep for sale and sell beer, wine and liquor at retail at any restaurant for consumption on the premises.

(ii) The annual fee for this license is **[**$800**] $960**.

6–301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at any club, at the place described in the license, for consumption on the premises only.

(c) (2) The annual license fee is **[**$400**] $480**.

(5) (i) There is a special Class C (yacht club) license.

(ii) The annual license fee is **[**$1,500**] $1,800**.

(6) (i) There is a special Class C (golf and country club) license.

(ii) The annual license fee is **[**$1,500**] $1,800**.

(7) (i) There is a special Class C (country club) license.

(ii) The annual license fee is **[**$625**] $750**.

6–401.

(c) (1) This subsection applies only in Anne Arundel County.

(2) There are two type Class D beer, wine and liquor licenses:

(i) A limited Class D license which allows for on premises consumption only.

(ii) A Class D license which allows for consumption on premises or elsewhere.

(3) (i) The annual license fee for a limited Class D license is **[**$900**] $1,080**.

(ii) The annual license fee for a Class D on– and off–sale license is **[**$1,000**] $1,200**.

(4) The Board, upon the filing of an application for any new Class D beer, wine and liquor license, may limit the sale of alcoholic beverages to consumption only on the premises.

7–101.

(b) (1) (i) Subject to subsection (a) of this section, a special Class C beer license or a special Class C beer and wine license entitles the holder to exercise any of the privileges conferred by the respective classes of licenses for the use of any person holding any bona fide entertainment conducted by any club, society or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date thereof.

(2) In Anne Arundel County:

(i) The fee is **[**$10**] $25** per day; and

(ii) The provisions of §§ 10–103(b) and 10–202 of this article and § 10–501 of the State Government Article do not apply to an applicant for either the special Class C beer license or the special Class C beer and wine license.

(d) (2) In Anne Arundel County:

(i) A special beer, wine and liquor license, Class C licensee may purchase beer from a wholesaler;

(ii) The fee is **[**$25**] $50** per day; and

(iii) The provisions of §§ 10–103(b) and 10–202 of this article and § 10–501 of the State Government Article do not apply to an applicant for the license.

8–202.

(d) (5) (i) The annual fee for each beer and light wine "special Sunday license" is **[**$50**] $60**.

(ii) The annual fee for each beer, wine and liquor "special Sunday license" is **[**$100**] $120**.

(e) (1) There is a racetrack license.

(3) The license fee is **[**$50**] $60** per day to be paid on January 1 for the racing of the preceding year, payable to the Board. It entitles the holder to sell at one or more locations within its park.

(h) (1) There is a resort complex license.

(4) (i) The annual license fee is **[**$1,500**] $1,800**.

(i) (1) There is a motel/hotel–restaurant license.

(4) (i) The annual license fee for each separate establishment is **[**$3,000**] $3,600**.

8–202.1.

(c) (1) There is a 7–day Class BLX (deluxe restaurant) (on–sale) beer, wine and liquor license.

(f) The annual license fee is **[**$1,000**] $1,200**.

8–302.

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

(2) "Board" means the Anne Arundel County Board of License Commissioners.

(3) "Festival" means the Anne Arundel County Beer and Wine Festival **AND THE BENSON–HAMMOND HOUSE STRAWBERRY FESTIVAL**.

8–402.

(c) There is a Class BWST cordial, beer, and wine (on–premises) tasting license, a **CLASS** BWT beer and wine (on–premises) tasting license, **[**and**]** a **CLASS** WS wine sampling (on–premises) license**, AND A CLASS WT WINE TASTING (ON–PREMISES) LICENSE**.

(F) (1) A CLASS WT WINE TASTING (ON–PREMISES) LICENSE MAY ONLY BE ISSUED TO A HOLDER OF A CLASS BWL LICENSE OR A HOLDER OF A CLASS BW LICENSE.

(2) A CLASS WT WINE TASTING (ON–PREMISES) LICENSE AUTHORIZES A HOLDER TO PERMIT THE ON–PREMISES CONSUMPTION FOR TASTING OR SAMPLING PURPOSES ONLY OF LIGHT WINE TO BE SERVED IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH GIVEN BRAND TO ANY ONE PERSON.

(3) THE ANNUAL LICENSE FEE IS:

(I) $150 FOR A HOLDER OF A CLASS BWL LICENSE; AND

(II) $50 FOR A HOLDER OF A CLASS BW LICENSE.

[(f)**] (G)** The provisions of this section are not restricted by:

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

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

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

10–104.

(c) (1) In Anne Arundel County, **ANY ADMINISTRATIVE ACTION THAT REQUIRES A HEARING, INCLUDING [**the**] AN** application for a new license **[**of any class**], A TRANSFER OF A LICENSE TO A THIRD PARTY, OR A CHANGE OF OWNERSHIP OF A MAJORITY INTEREST IN A LICENSE,** shall be accompanied by payment of **[**a**] AN ADMINISTRATIVE** fee of $200 payable to the Board. This sum is in addition to any other fee required for a license in Anne Arundel County, and the **[**application**] ADMINISTRATIVE** fee may not be returned whether the **[**license**] REQUESTED ADMINISTRATIVE ACTION** is granted or denied. The **[**application**] ADMINISTRATIVE** fee shall be used by the Board to cover the expenses of the Board in connection with its functions. The provisions of this subsection do not apply to any application for a license by way of renewal **[**or by way of transfer for the same premises**]**.

10–502.

(a) Except as **OTHERWISE** provided in **[**subsection (b) of**]** this section, whenever any license issued under this article has been lost or destroyed, the license issuing authority issuing such a license shall have the power, upon application under oath, and upon payment of a fee of $1, to issue another license, upon which shall be

endorsed the word "duplicate" in addition to all of the information which appeared upon the original license.

(E) IN ANNE ARUNDEL COUNTY, THE BOARD OF LICENSE COMMISSIONERS SHALL DETERMINE THE FEE FOR A DUPLICATE LICENSE.

12–202.

(a) **[**In**]** **EXCEPT FOR PIPED–IN BACKGROUND MUSIC OR ONE TELEVISION SCREEN, IN** Anne Arundel County no holder of any class of alcoholic beverage license or the holder of a club license shall permit the playing of music of any kind **[**(except one radio speaker or one television screen)**]**, **INCLUDING LIVE MUSIC, A KARAOKE MACHINE, OR A DISC JOCKEY,** or dancing, floor shows, or any other similar type of entertainment on the licensed premises or on adjacent property over which the licensee has ownership or control, except:

(1) Any holder of a Class B, Class D, or Class H license shall be permitted to play recorded music of any kind, or live music with no more than two musicians if the licensee obtains a special music license. A special music license may be issued in the same manner as any other special license. The annual fee for the license shall be $100. Dancing, floor shows, or other similar live entertainment may not be permitted.

(2) (I) ANY HOLDER OF A CLASS B, CLASS D, OR CLASS H LICENSE MAY ALLOW THE PLAYING OF MORE THAN ONE TELEVISION, LIVE MUSIC WITH NOT MORE THAN FOUR MUSICIANS, KARAOKE, AND A DISC JOCKEY, PROVIDED THE LICENSEE OBTAINS A SPECIAL ENTERTAINMENT LICENSE THAT SHALL BE ISSUED IN THE SAME MANNER AS ANY OTHER SPECIAL LICENSE.

(II) THE ANNUAL FEE FOR A SPECIAL ENTERTAINMENT LICENSE IS:

1. $300 FOR A LICENSEE HOLDING A BEER, WINE AND LIQUOR LICENSE; AND

2. $200 FOR A LICENSEE HOLDING A BEER AND WINE LICENSE.

(III) A HOLDER OF A SPECIAL ENTERTAINMENT LICENSE MAY NOT ALLOW DANCING, FLOOR SHOWS, OR SIMILAR LIVE ENTERTAINMENT.

[(2)**]** **(3)** (i) Except as provided in subparagraph (ii) of this paragraph, any holder of a Class B, Class D or Class H license shall be permitted to have music, dancing and other legal forms of entertainment, provided the licensee obtains a special dancing license which shall be issued in the same manner as any

other special license. The annual fee shall be $400 when issued to a licensee holding a beer, wine and liquor license and $200 when issued to a licensee holding a beer and wine license.

(ii) A Class H license that is located within 1,000 feet in a straight line from entry to entry from a church or school may not obtain a special dancing license.

[(3)**] (4)** Any holder of a Class C license shall be permitted to have music, dancing and other legal forms of entertainment, provided the licensee obtains a special dancing license which shall be issued in the same manner as any other special license at no additional charge.

[(4)**] (5)** (i) The Board may issue a special outdoor license to a holder of a Class B, Class C, Class D, or Class H license.

(ii) A special outdoor license under this paragraph entitles the holder to provide outdoor table service to customers on the grounds of the licensed establishment.

(iii) The annual fee for a special outdoor license is $100.

(iv) Before a special outdoor license is renewed, a holder shall obtain approval from the Board.

[(5)**] (6)** (i) The Board may issue a special outdoor entertainment license to a holder of a Class B, Class C, Class D, and Class H license who also holds a special dancing license **[**or**],** a special music license**, OR A SPECIAL ENTERTAINMENT LICENSE** under paragraph (1), (2), **[**or**]** (3)**, OR (4)** of this subsection.

(ii) A special outdoor entertainment license under this paragraph entitles the holder to provide:

1. The same form of entertainment outdoors that the holder is allowed to provide indoors under the holder's special dancing license **[**or**],** special music license**, OR SPECIAL ENTERTAINMENT LICENSE**; and

2. Outdoor table service or cafe service.

[(6)**] (7)** All special licenses set forth in paragraphs (1), (2), (3), (4), **[**and**]** (5)**, AND (6)** of this subsection shall be authorized by the Board of License Commissioners for Anne Arundel County only when the Board finds:

(i) That the use of the licensed premises for such purposes shall not be in violation of any fire, health, or building regulation of Anne Arundel County,

(ii) That the applicant can adequately control the persons using the licensed premises,

(iii) That the granting of such special license is necessary for the accommodation of the public,

(iv) That the operation of the premises under such special license will not unduly disturb the peace of the residents of the neighborhood in which the place of business is located, and

(v) That in the opinion of the Board the granting of such special license will not be detrimental to the general public welfare.

15–109.

(c) ~~**(1)**~~ In Anne Arundel County the chairman of the Board of License Commissioners shall receive annually as salary not more than $18,000; each other member of the Board shall receive annually as salaries not more than $15,000**[**, plus reimbursement for expenses reasonably incurred by them**]**.

~~**(2) SUBJECT TO THE APPROVAL OF THE COMPTROLLER, EACH MEMBER OF THE BOARD SHALL RECEIVE $300 EACH MONTH FOR THE REIMBURSEMENT FOR EXPENSES REASONABLY INCURRED BY THE MEMBER.**~~

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

Article 2B – Alcoholic Beverages

8–402.

(c) There is a Class BWT beer and wine (on–premises) tasting license **[**and**]**, a **CLASS** WS wine sampling (on–premises) license**, AND A CLASS WT WINE TASTING (ON–PREMISES) LICENSE**.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapter 444 of the Acts of the General Assembly of 2010. If that termination provision takes effect, Article 2B, § 8–402(c) of the Annotated Code of Maryland, as enacted by Section 1 of this Act, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 391

(House Bill 1315)

AN ACT concerning

Howard County – Orphans' Court Sessions

Ho. Co. 9–11

FOR the purpose of requiring the Orphans' Court in Howard County to determine when to hold its sessions for the transaction of business.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–106(g)
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

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

Article – Estates and Trusts

2–106.

(g) **(1)** In Charles County, the sessions of the Court shall be held on at least one day each week, as determined by the Court, for the transaction of business.

(2) IN HOWARD COUNTY, THE SESSIONS OF THE COURT SHALL BE HELD AS DETERMINED BY THE COURT FOR THE TRANSACTION OF BUSINESS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 392

(House Bill 1327)

AN ACT concerning

Criminal Law – Salvia Divinorum – Distribution to Individual Under 21 Years of Age – Penalties

FOR the purpose of altering the penalties for a conviction for the crime of distributing Salvia divinorum to a person under the age of 21 years; and generally relating to the crime of distributing Salvia divinorum to a person under the age of 21 years.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–131
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

Article – Criminal Law

10–131.

(a) A person may not distribute Salvia divinorum to an individual under the age of 21 years.

(b) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued by an employer, a government unit, or an institution of higher education that positively identified the purchaser or recipient as at least 21 years of age.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(1) **[**$300**] $1,000** for a first violation;

(2) **[**$1,000**] $2,000** for a second violation occurring within 2 years after the first violation; and

(3) **[**$3,000**] $6,000** for each subsequent violation occurring within 2 years after the preceding violation.

(d) For purposes of this section, each separate incident at a different time and occasion is a separate violation.

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

Approved by the Governor, May 10, 2011.

Chapter 393

(House Bill 1334)

AN ACT concerning

Worcester County – Berlin – Alcoholic Beverages – Micro–Brewery License

FOR the purpose of allowing a holder of a Class D beer license in the Town of Berlin in Worcester County to be issued a Class 7 micro–brewery license by the Comptroller under certain circumstances; specifying the hours for certain consumer sales; making a stylistic change; and generally relating to micro–breweries in Worcester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article 2B – Alcoholic Beverages

2–208.

(a) There is a Class 7 micro–brewery (on– and off–sale) license.

(b) The license shall be issued:

(1) By the State Comptroller;

(2) Only in the following jurisdictions:

(i) Allegany County;

(ii) Baltimore City;

(iii) Baltimore County;

(iv) The City of Annapolis;

(v) Anne Arundel County;

(vi) Calvert County;

(vii) Carroll County;

(viii) Charles County;

(ix) Dorchester County;

(x) Frederick County;

(xi) Garrett County;

(xii) Harford County;

(xiii) Howard County;

(xiv) Montgomery County;

(xv) Prince George's County;

(xvi) Talbot County;

(xvii) Wicomico County; and

(xviii) Worcester County;

(3) (i) Only to a holder of a Class B beer, wine and liquor (on–sale) license that is issued for use on the premises of a restaurant located in a jurisdiction listed in paragraph (2) of this subsection; **[**or**]**

(II) TO A HOLDER OF A CLASS D BEER (OFF–SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE IF THE PREMISES ARE LOCATED IN THE TOWN OF BERLIN IN WORCESTER COUNTY; OR

[(ii)**] (III)** To a holder of a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license if the premises are located in the 22nd Alcoholic Beverages District of Prince George's County; and

(4) In addition to item (3) of this subsection, in Montgomery County only to a holder of a Class H beer and light wine license that is issued for use on the premises of a restaurant located in the County.

(c) (1) A holder of a Class 7 micro–brewery license:

(i) May brew and bottle malt beverages at the license location;

(ii) May obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro–brewery location to bottle malt beverages brewed at the micro–brewery location only;

(iii) May contract with the holder of a Class 5 brewery license, a Class 7 micro–brewery license, or a Class 2 rectifying license held under § 2–203 of this subtitle or the holder of a nonresident dealer's permit to brew and bottle malt beverages on their behalf;

(iv) May store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery to a licensed wholesaler, an authorized person outside this State, and for shipment back to the micro–brewery location for sale on the retail premises;

(v) May not collectively brew, bottle, or contract for more than 22,500 barrels of malt beverages each calendar year; and

(vi) May enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or wine and beer festival and the return of any unused beer if:

1. The beer festival or wine and beer festival is in a sales territory for which the holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act; and

2. The temporary delivery agreement is in writing.

(2) A Class 7 licensee who wishes to produce more than the barrelage authorized under paragraph (1)(v) of this subsection shall divest of any Class B, D, or any other retail license and obtain a Class 5 manufacturer's license.

(3) For the purposes of determining the barrelage limitation under paragraph (1)(v) of this subsection, any salable beer produced under contractual arrangements accrues only to the Class 7 micro–brewery licensee who is the brand owner.

(4) In Allegany County only, the holder of a Class 7 license:

(i) May brew in one location and may contract for the bottling of the malt beverage in another location; and

(ii) Need not meet the hotel/motel requirements for a Class B beer, wine and liquor licensee but shall meet the requirements for those Class B restaurants.

(d) (1) The on–sale privilege authorizes the holder, each calendar year, to sell at retail up to 4,000 barrels of beer brewed under this license to customers for consumption on the licensed premises.

(2) The off–sale privilege authorizes the holder to sell and deliver beer brewed under this license to:

(i) Any wholesaler licensed under this article to sell beer in this State; or

(ii) Any person who is located in a state other than Maryland who is authorized under the laws of that state to receive brewed beverages.

(3) (i) This paragraph applies only in:

1. Allegany County;

2. The City of Annapolis;

3. Anne Arundel County;

4. Baltimore City;

5. Baltimore County;

6. Calvert County;

7. Carroll County;

8. Charles County;

9. Dorchester County;

10. Frederick County;

11. Garrett County;

12. Harford County;

13. Howard County;

14. Montgomery County;

15. Prince George's County;

16. Talbot County;

17. Wicomico County; and

18. Worcester County.

(ii) The holder may sell at retail beer brewed under this license to customers for consumption off the licensed premises in refillable containers that are sealed by the micro–brewery licensee at the time of each refill.

(e) A holder of a Class 7 micro–brewery license:

(1) May not own, operate or be affiliated with any other manufacturer of beer except for a Class 2 rectifying license authorized by subsection (c)(1)(ii) of this section; and

(2) Notwithstanding § 2–201(b) of this subtitle, may not be granted a wholesale alcoholic beverages license.

(f) (1) **[**The**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** hours and days for consumer sales under **[**this**] A CLASS 7 MICRO–BREWERY** license are as established for **[**a**]:**

(I) A Class B license in the respective jurisdictions listed in subsection (b)(2) of this section**, FOR A HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE; OR**

(II) A CLASS D BEER LICENSE IN WORCESTER COUNTY, FOR A HOLDER OF A CLASS D BEER LICENSE IN THE TOWN OF BERLIN IN WORCESTER COUNTY.

(2) For Class D licensees in the 22nd Alcoholic Beverages District in Prince George's County only, the hours and days for consumer sales under this license are as established for a Class D license in Prince George's County.

(g) In Montgomery County, a holder of a Class 7 micro–brewery license shall enter into a written agreement with the Department of Liquor Control for Montgomery County for the sale and resale of malt beverages brewed under this license in accordance with this article.

(h) For Talbot County, the Office of the Comptroller of Maryland shall specify which local license is the equivalent of the Class B beer, wine and liquor license specified in subsection (b)(3) of this section.

(i) In Carroll County, the distance restriction requirement for micro–breweries is found in § 9–207 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.

Chapter 394

(Senate Bill 281)

AN ACT concerning

~~Baltimore County and~~ Prince George's County – Orphans' Court Judges – Qualifications

FOR the purpose of proposing an amendment to the Maryland Constitution to prescribe different qualifications for judges of the Orphans' Court for ~~Baltimore County and~~ Prince George's County; requiring judges of the Orphans' Court for ~~Baltimore County and~~ Prince George's County to have been admitted to practice law in this State and be members in good standing of the Maryland Bar; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Article IV – Judiciary Department
Section 40

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three–fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Article IV – Judiciary Department

40.

(a) The qualified voters of the several Counties, except Montgomery County~~,~~ ~~**PRINCE GEORGE'S COUNTY,**~~ and Harford County, shall elect three Judges of the Orphans' Courts of Counties who shall be citizens of the State and residents, for the twelve months preceding, in the County for which they may be elected.

(b) The qualified voters of the City of Baltimore shall elect three Judges of the Orphans' Court for Baltimore City who shall be citizens of the State and residents,

for the twelve months preceding, in Baltimore City and who have been admitted to practice law in this State and are members in good standing of the Maryland Bar.

~~(C) THE QUALIFIED VOTERS OF BALTIMORE COUNTY SHALL ELECT THREE JUDGES OF THE ORPHANS' COURT FOR BALTIMORE COUNTY WHO SHALL BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS PRECEDING, IN BALTIMORE COUNTY AND WHO HAVE BEEN ADMITTED TO PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE MARYLAND BAR.~~

~~(C)~~ ~~(D)~~ ***(C)*** **THE QUALIFIED VOTERS OF PRINCE GEORGE'S COUNTY SHALL ELECT THREE JUDGES OF THE ORPHANS' COURT FOR PRINCE GEORGE'S COUNTY WHO SHALL BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS PRECEDING, IN PRINCE GEORGE'S COUNTY AND WHO HAVE BEEN ADMITTED TO PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE MARYLAND BAR.**

[(c)**]** ~~(D)~~ ~~(E)~~ ***(D)*** The Judges shall have all the powers now vested in the Orphans' Courts of the State, subject to such changes as the Legislature may prescribe.

[(d)**]** ~~(E)~~ ~~(F)~~ ***(E)*** Each of the Judges shall be paid such compensation as may be regulated by Law, to be paid by the City or Counties, respectively.

[(e)**]** ~~(F)~~ ~~(G)~~ ***(F)*** In case of a vacancy in the office of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable person to fill the vacancy for the residue of the term.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects ~~only one county~~ ~~multiple jurisdictions~~ *only one county* and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments ~~do not~~ apply.

SECTION 3. AND BE IT FURTHER ENACTED, That the aforegoing section proposed as an amendment to the Maryland Constitution shall be submitted to the qualified voters of the State at the next general election to be held in November, 2012 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

Assigned a chapter number, enactment subject to constitutional referendum, May 10, 2011.

Chapter 395

(House Bill 70)

Budget Bill

Fiscal Year 2012

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2012, 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, 2011, and ending June 30, 2012, as hereinafter indicated.

PAYMENTS TO CIVIL DIVISIONS OF THE STATE

A15O00.01 Disparity Grants		
General Fund Appropriation		110,927,160

GENERAL ASSEMBLY OF MARYLAND

B75A01.01 Senate		
General Fund Appropriation		11,511,571
B75A01.02 House of Delegates		
General Fund Appropriation		21,914,878
B75A01.03 General Legislative Expenses		
General Fund Appropriation		1,016,257

DEPARTMENT OF LEGISLATIVE SERVICES

B75A01.04 Office of the Executive Director		
General Fund Appropriation	10,677,192	
Special Fund Appropriation	100,000	10,777,192

B75A01.05 Office of Legislative Audits	
General Fund Appropriation	12,119,263
B75A01.06 Office of Legislative Information Systems	
General Fund Appropriation	4,830,407
B75A01.07 Office of Policy Analysis	
General Fund Appropriation	15,361,197

SUMMARY

Total General Fund Appropriation	77,430,765
Total Special Fund Appropriation	100,000
Total Appropriation	77,530,765

JUDICIARY

Provided that a ~~$8,894,860~~ ~~*$12,500,000*~~ ***$9,500,000*** General Fund reduction is made for operating expenditures. This reduction shall be allocated among the ~~following~~ divisions. ~~and fund types:~~

~~Program~~	~~Comptroller Subobject~~	~~General Funds~~
~~C00A00.01~~	~~0401 – In–State Routine Operations~~	~~27,379~~
~~C00A00.01~~	~~0402 – In–State/ Conferences/Seminars/Training~~	~~30,773~~
~~C00A00.01~~	~~0802 – Agriculture~~	~~126,817~~
~~C00A00.01~~	~~0804 – Printing/Reproduction~~	~~66,336~~
~~C00A00.01~~	~~0817 – Legal Services~~	~~98,188~~
~~C00A00.01~~	~~0828 – Office Assistance~~	~~73,231~~
~~C00A00.01~~	~~0899 – Other Contractual Svcs Non–DP~~	~~139,040~~
~~C00A00.04~~	~~0812 – Building/Road Repairs and Maintenance~~	~~525,218~~
~~C00A00.05~~	~~0402 – In–State/ Conferences/Seminars/Training~~	~~120,033~~
~~C00A00.06~~	~~0401 – In–State Routine Operations~~	~~57,637~~
~~C00A00.06~~	~~0804 – Printing/Reproduction~~	~~38,159~~
~~C00A00.06~~	~~0819 – Education/Training Contracts~~	~~266,390~~
~~C00A00.06~~	~~0828 – Office Assistance~~	~~82,468~~
~~C00A00.06~~	~~0899 – Other Contractual Svcs Non–DP~~	~~347,411~~
~~C00A00.07~~	~~0817 – Legal Services~~	~~213,674~~
~~C00A00.09~~	~~0809 – Equipment Repairs and Maintenance~~	~~376,718~~
~~C00A00.10~~	~~0804 – Printing/Reproduction~~	~~140,724~~
~~C00A00.10~~	~~0806 – Microfilming~~	~~408,647~~
~~C00A00.10~~	~~0808 – Equipment Rental~~	~~113,801~~
~~C00A00.10~~	~~0809 – Equipment Repairs and Maintenance~~	~~241,332~~
~~C00A00.10~~	~~0812 – Building/Road Repairs and Maintenance~~	~~400,884~~
	~~Unallocated~~	~~5,000,000~~
	~~Total General Funds~~	~~8,894,860~~

C00A00.01 Court of Appeals

General Fund Appropriation ..... ~~13,844,398~~
13,360,294

C00A00.02 Court of Special Appeals

General Fund Appropriation		8,862,520

C00A00.03 Circuit Court Judges

General Fund Appropriation	60,108,883	
Federal Fund Appropriation.....	433,529	60,542,412

C00A00.04 District Court

General Fund Appropriation		147,307,175

Funds are appropriated in other agency budgets to 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		148,527

C00A00.06 Administrative Office of the Courts

General Fund Appropriation	23,389,416	

Special Fund Appropriation~~, provided that this appropriation shall be reduced by $500,000 contingent upon enactment of HB 72 or SB 87 to remove the mandatory annual transfer of $500,000 in general funds from abandoned property funds to the Maryland Legal Services Corporation.~~

~~Further provided~~***, provided*** that $500,000 of this appropriation may not be expended until the Maryland Legal Services Corporation (MLSC) submits a report to the budget committees outlining its procedures for auditing all grant recipients to determine whether grant funds are expended in an appropriate manner. The report shall include a comprehensive summary of all policies and practices for tracking grant spending by MLSC grant recipients and accounting for all funds expended to ensure that MLSC funds target indigent residents in need of legal services. Furthermore, MLSC shall demonstrate that each grant recipient maintains all appropriate

accounting controls and safeguards, including annual independent audits, to ensure that State funds are used as intended. The report shall be submitted by November 1, 2011, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees	16,600,000	
Federal Fund Appropriation	199,827	40,189,243
C00A00.07 Court Related Agencies		
General Fund Appropriation		6,018,795
C00A00.08 State Law Library		
General Fund Appropriation	2,639,080	
Special Fund Appropriation	9,350	2,648,430
C00A00.09 Judicial Information Systems		
General Fund Appropriation	29,393,485	
Special Fund Appropriation	7,144,392	36,537,877
C00A00.10 Clerks of the Circuit Court		
General Fund Appropriation	78,328,409	
Special Fund Appropriation	16,949,873	
Federal Fund Appropriation	2,735,389	98,013,671
C00A00.11 Family Law Division		
General Fund Appropriation	15,856,688	
Federal Fund Appropriation	226,494	16,083,182
C00A00.12 Major Information Technology Development Projects		
Special Fund Appropriation		11,850,410

SUMMARY

Total General Fund Appropriation	385,413,272
Total Special Fund Appropriation	52,554,025

Total Federal Fund Appropriation		3,595,239
Total Appropriation		441,562,536

OFFICE OF THE PUBLIC DEFENDER

C80B00.01 General Administration		
General Fund Appropriation		5,989,249
C80B00.02 District Operations		
General Fund Appropriation	73,001,448	
Special Fund Appropriation	77,877	73,079,325

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C80B00.03 Appellate and Inmate Services		
General Fund Appropriation		5,858,974
C80B00.04 Involuntary Institutionalization Services		
General Fund Appropriation		1,336,801

SUMMARY

Total General Fund Appropriation	86,186,472
Total Special Fund Appropriation	77,877
Total Appropriation	86,264,349

OFFICE OF THE ATTORNEY GENERAL

~~Provided that a reduction of $1,000,000 is made for operating expenditures. This reduction shall be allocated according to the following fund types:~~

~~Fund~~	~~Amount~~
~~General~~	~~766,298~~
~~Special~~	~~150,077~~
~~Federal~~	~~83,625~~

~~Further provided that a reduction of $500,000 is made for turnover expectancy (comptroller subobject 0189). This reduction shall be allocated according to the following fund types:~~

~~Fund~~	~~Amount~~
~~General~~	~~383,149~~
~~Special~~	~~75,038~~
~~Federal~~	~~41,813~~

C81C00.01 Legal Counsel and Advice

General Fund Appropriation, provided that the General Fund appropriation is reduced by $1,584,485. The Governor is authorized to process a reimbursable fund budget amendment for $1,584,485 to recover the indirect costs incurred by the Division of Legal Counsel and Advice to support assistant attorneys general budgeted in other Executive Branch agencies.

Further provided that $100,000 of the General Fund appropriation may not be expended until the Office of the Attorney General (OAG) submits a report to the budget committees detailing the costs incurred by the Division of Legal Counsel and Advice to support assistant attorneys general budgeted in other State units, including other branches of State government and higher education. For all attorneys that report to the Attorney General and are budgeted within other Executive Branch State agencies or other branches of government, the report shall include:

(1) a schedule of budgeted salaries and benefits for attorneys,

as well as additional non-personnel costs for operations such as supplies, phones, rent, computers, and training;

(2) the amount of time spent by attorneys writing reports, opinions and other documents as requested by other parties; and

(3) a detailed summary of fees incurred annually by OAG, State agencies, and other branches of government for outside legal services and legal experts.

The report shall be submitted by November 1, 2011, 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 6,095,857

Special Fund Appropriation 551,361 6,647,218

C81C00.04 Securities Division

General Fund Appropriation 2,249,837

C81C00.05 Consumer Protection Division

General Fund Appropriation 2,583,238

Special Fund Appropriation 2,383,055 4,966,293

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.06 Antitrust Division		
General Fund Appropriation		930,723
C81C00.09 Medicaid Fraud Control Unit		
General Fund Appropriation	741,689	
Federal Fund Appropriation	2,225,063	2,966,752
C81C00.10 People's Insurance Counsel Division		
Special Fund Appropriation		568,896
C81C00.12 Juvenile Justice Monitoring Program		
General Fund Appropriation		722,802
C81C00.14 Civil Litigation Division		
General Fund Appropriation	2,102,660	
Special Fund Appropriation	489,871	2,592,531
C81C00.15 Criminal Appeals Division		
General Fund Appropriation		2,433,943
C81C00.16 Criminal Investigation Division		
General Fund Appropriation		1,638,926
Funds are appropriated in other agency budgets to 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		528,427
C81C00.18 Correctional Litigation Division		
General Fund Appropriation		361,251
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	20,389,353
Total Special Fund Appropriation	3,993,183
Total Federal Fund Appropriation	2,225,063
Total Appropriation	26,607,599

OFFICE OF THE STATE PROSECUTOR

C82D00.01 General Administration		
General Fund Appropriation		1,269,446

MARYLAND TAX COURT

C85E00.01 Administration and Appeals		
General Fund Appropriation		642,791

PUBLIC SERVICE COMMISSION

C90G00.01 General Administration and Hearings		
Special Fund Appropriation	~~8,106,744~~ *8,045,911*	
Federal Fund Appropriation	436,962	~~8,543,706~~ *8,482,873*
C90G00.02 Telecommunications Division		
Special Fund Appropriation		637,856
C90G00.03 Engineering Investigations		
Special Fund Appropriation	1,038,001	
Federal Fund Appropriation	264,096	1,302,097
C90G00.04 Accounting Investigations		
Special Fund Appropriation		684,368
C90G00.05 Common Carrier Investigations		
Special Fund Appropriation		1,313,847
C90G00.06 Washington Metropolitan Area Transit Commission		

Special Fund Appropriation 373,290

C90G00.07 Rate Research and Economics
Special Fund Appropriation 831,811

C90G00.08 Hearing Examiner Division
Special Fund Appropriation 688,076

C90G00.09 Staff Attorney
Special Fund Appropriation 852,271

C90G00.10 Integrated Resource Planning Division
Special Fund Appropriation 370,275

SUMMARY

Total Special Fund Appropriation 14,835,706
Total Federal Fund Appropriation 701,058

Total Appropriation 15,536,764

OFFICE OF THE PEOPLE'S COUNSEL

C91H00.01 General Administration
Special Fund Appropriation 3,181,700

SUBSEQUENT INJURY FUND

C94I00.01 General Administration
Special Fund Appropriation 1,979,938

UNINSURED EMPLOYERS' FUND

C96J00.01 General Administration
Special Fund Appropriation 1,137,400

WORKERS' COMPENSATION COMMISSION

C98F00.01 General Administration
Special Fund Appropriation 14,087,290

BOARD OF PUBLIC WORKS

D05E01.01 Administration Office
General Fund Appropriation 823,047

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 2012 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 500,000

D05E01.05 Wetlands Administration
General Fund Appropriation 194,782

D05E01.10 Miscellaneous Grants to Private Non–Profit Groups
General Fund Appropriation 5,808,467

To provide annual grants to private groups and sponsors which have statewide implications and merit State support.

Council of State Governments	151,249
Historic Annapolis Foundation	482,000
Maryland Zoo in Baltimore	5,175,218

D05E01.15 Payments of Judgments Against the State
General Fund Appropriation 213,125

SUMMARY

Total General Fund Appropriation 7,539,421

EXECUTIVE DEPARTMENT – GOVERNOR

D10A01.01 General Executive Direction and Control		
General Fund Appropriation		10,552,985

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF THE DEAF AND HARD OF HEARING

D11A04.01 Executive Direction		
General Fund Appropriation		325,277

DEPARTMENT OF DISABILITIES

D12A02.01 General Administration		
General Fund Appropriation	2,733,842	
Special Fund Appropriation	167,545	
Federal Fund Appropriation	2,246,363	5,147,750

Funds are appropriated in other agency budgets to 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, provided that $480,218 of this appropriation is contingent upon the enactment of legislation authorizing the redistribution of proceeds from the Regional Greenhouse Gas Initiative in the Strategic Energy Investment Fund	~~2,200,807~~ 2,187,628	

Federal Fund Appropriation	~~4,402,348~~ 3,865,096	~~6,603,155~~ 6,052,724
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.		
D13A13.02 The Jane E. Lawton Conservation Loan Program – Capital Appropriation		
Special Fund Appropriation		~~3,000,000~~ 2,500,000
D13A13.03 State Agency Loan Program – Capital Appropriation		
Special Fund Appropriation		2,500,000
D13A13.05 Residential Electricity Rate Relief Program		
Special Fund Appropriation		1,334,000
D13A13.06 Energy Efficiency and Conservation Programs, Low and Moderate Income Residential Sector		
Special Fund Appropriation, provided that $427,630 of this appropriation is contingent upon the enactment of legislation authorizing the redistribution of proceeds from the Regional Greenhouse Gas Initiative in the Strategic Energy Investment Fund		2,928,540
D13A13.07 Energy Efficiency and Conservation Programs, All Other Sectors		
Special Fund Appropriation, provided that $427,630 of this appropriation is contingent upon the enactment of legislation authorizing the redistribution of proceeds from the Regional Greenhouse Gas Initiative in the Strategic Energy Investment Fund	513,156	
Federal Fund Appropriation	1,288,150	1,801,306

D13A13.08 Renewable and Clean Energy Programs and Initiatives		
Special Fund Appropriation, provided that $4,618,404 of this appropriation is contingent upon the enactment of legislation authorizing the redistribution of proceeds from the Regional Greenhouse Gas Initiative in the Strategic Energy Investment Fund		7,164,857

SUMMARY

Total Special Fund Appropriation	19,128,181
Total Federal Fund Appropriation	5,153,246
Total Appropriation	24,281,427

BOARDS, COMMISSIONS, AND OFFICES

D15A05.01 Survey Commissions		
General Fund Appropriation		105,000
D15A05.03 Office of Minority Affairs		
General Fund Appropriation		1,227,722
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
D15A05.05 Governor's Office of Community Initiatives		
General Fund Appropriation	2,125,247	
Special Fund Appropriation	219,000	
Federal Fund Appropriation	5,506,649	7,850,896
Funds are appropriated in other agency budgets to 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	710,778	
Special Fund Appropriation	273,247	984,025
D15A05.07 Health Care Alternative Dispute Resolution Office		
General Fund Appropriation	338,746	
Special Fund Appropriation	45,000	383,746
D15A05.16 Governor's Office of Crime Control and Prevention		
General Fund Appropriation*, provided that the appropriation made for the purpose of contractual employee salaries shall be reduced by $17,990, contingent upon the failure of HB 739 transferring the responsibility and funding for the sexual assault crisis programs and domestic violence programs from the Department of Human Resources to the Governor's Office of Crime Control and Prevention*	~~68,707,052~~ ~~68,686,062~~ *68,704,052*	
Special Fund Appropriation	2,284,465	
Federal Fund Appropriation	30,415,656	~~101,407,173~~ ~~101,386,183~~ *101,404,173*
D15A05.20 State Commission on Criminal Sentencing Policy		
General Fund Appropriation		351,229
D15A05.22 Governor's Grants Office		
General Fund Appropriation	357,509	
Special Fund Appropriation	55,000	412,509

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.

D15A05.23 State Labor Relations Board

General Fund Appropriation		122,717

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	74,043,000
Total Special Fund Appropriation	2,876,712
Total Federal Fund Appropriation	35,922,305
Total Appropriation	112,842,017

SECRETARY OF STATE

D16A06.01 Office of the Secretary of State

General Fund Appropriation	1,944,152	
Special Fund Appropriation	399,561	2,343,713

HISTORIC ST. MARY'S CITY COMMISSION

D17B01.51 Administration

General Fund Appropriation	1,881,305	
Special Fund Appropriation	888,489	
Federal Fund Appropriation	67,356	2,837,150

GOVERNOR'S OFFICE FOR CHILDREN

D18A18.01 Governor's Office for Children

General Fund Appropriation	1,642,572

BOARD OF PUBLIC WORKS – INTERAGENCY COMMITTEE FOR SCHOOL CONSTRUCTION

D25E03.01 General Administration

General Fund Appropriation	1,544,537

D25E03.02 Aging Schools Program

General Fund Appropriation, provided that this appropriation shall be reduced by $6,108,990 contingent upon the enactment of legislation to reduce the required appropriation for the Aging Schools program		7,623,266

SUMMARY

Total General Fund Appropriation		9,167,803

DEPARTMENT OF AGING

D26A07.01 General Administration

General Fund Appropriation	22,265,596	
Special Fund Appropriation	362,652	
Federal Fund Appropriation	31,256,892	53,885,140

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D26A07.02 Senior Centers Operating Fund

General Fund Appropriation		500,000

SUMMARY

Total General Fund Appropriation		22,765,596
Total Special Fund Appropriation		362,652
Total Federal Fund Appropriation		31,256,892
Total Appropriation		54,385,140

COMMISSION ON HUMAN RELATIONS

D27L00.01 General Administration

General Fund Appropriation	2,627,845	
Federal Fund Appropriation	636,506	3,264,351

MARYLAND STADIUM AUTHORITY

D28A03.02 Maryland Stadium Facilities Fund		
Special Fund Appropriation		20,000,000
D28A03.55 Baltimore Convention Center		
General Fund Appropriation		9,124,406
D28A03.58 Ocean City Convention Center		
General Fund Appropriation		2,819,505
D28A03.59 Montgomery County Convention Center		
General Fund Appropriation		1,762,938
D28A03.60 Hippodrome Performing Arts Center		
General Fund Appropriation		1,000,000

SUMMARY

Total General Fund Appropriation	14,706,849
Total Special Fund Appropriation	20,000,000
Total Appropriation	34,706,849

STATE BOARD OF ELECTIONS

D38I01.01 General Administration		
General Fund Appropriation		4,146,911
D38I01.02 Help America Vote Act		
General Fund Appropriation	8,502,413	
Special Fund Appropriation	6,642,198	
Federal Fund Appropriation	2,298,740	17,443,351

SUMMARY

Total General Fund Appropriation	12,649,324
Total Special Fund Appropriation	6,642,198
Total Federal Fund Appropriation	2,298,740
Total Appropriation	21,590,262

MARYLAND STATE BOARD OF CONTRACT APPEALS

D39S00.01 Contract Appeals Resolution		
General Fund Appropriation		628,536

DEPARTMENT OF PLANNING

D40W01.01 Administration		
General Fund Appropriation		2,897,411
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
D40W01.02 Communications and Intergovernmental Affairs		
General Fund Appropriation		1,037,922
D40W01.03 Planning Data Services		
General Fund Appropriation	1,536,006	
Special Fund Appropriation	298,323	1,834,329
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
D40W01.04 Planning Services		
General Fund Appropriation	~~2,232,590~~ 2,178,629	
Federal Fund Appropriation	53,146	~~2,285,736~~ 2,231,775
Funds are appropriated in other agency budgets to 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, provided that ~~$500,000~~ ~~$140,000~~ *$500,000* of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the use of funds from the Maryland Heritage Areas Authority Financing Fund to cover operating expenses	1,001,969	
Special Fund Appropriation	3,213,278	
Federal Fund Appropriation	228,806	4,444,053

Funds are appropriated in other agency budgets to 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	1,811,059	
Special Fund Appropriation	602,003	
Federal Fund Appropriation	76,407	2,489,469

Funds are appropriated in other agency budgets to 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	808,866	
Special Fund Appropriation	61,171	
Federal Fund Appropriation	327,539	1,197,576

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

D40W01.10 Preservation Services

General Fund Appropriation	444,329	
Special Fund Appropriation	295,642	
Federal Fund Appropriation	261,570	1,001,541

D40W01.11 Historic Preservation – Capital Appropriation

Special Fund Appropriation		100,000

D40W01.12 Sustainable Communities Tax Credit

General Fund Appropriation***, provided that $2,000,000 of this appropriation made for the purpose of providing tax credits for qualified rehabilitation expenditures may not be expended for that purpose but instead may be transferred only by budget amendment to T00G00.06 Film Production Rebate Program in the Department of Business and Economic Development to be used to fund film production rebates contingent upon the failure of HB 1148 and SB 672. 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***~~, provided that $3,000,000 of this appropriation made for the purpose of providing tax credits for qualified rehabilitation expenditures may not be expended for that purpose but instead may be transferred only by budget amendment to T00G00.06 Film Production Rebate Program in the Department of Business and Economic Development to be used to fund film production rebates. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise for any other purpose and shall revert to the General Fund~~ ..... ~~10,000,000~~ ~~*7,000,000*~~

		9,000,000
D40W01.13 Office of Smart Growth		
General Fund Appropriation		222,997

SUMMARY

Total General Fund Appropriation	20,939,188
Total Special Fund Appropriation	4,570,417
Total Federal Fund Appropriation	947,468
Total Appropriation	26,457,073

MILITARY DEPARTMENT

MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE

D50H01.01 Administrative Headquarters		
General Fund Appropriation	2,865,615	
Special Fund Appropriation	52,276	
Federal Fund Appropriation	52,964	2,970,855
D50H01.02 Air Operations and Maintenance		
General Fund Appropriation	633,159	
Federal Fund Appropriation	4,204,140	4,837,299
D50H01.03 Army Operations and Maintenance		
General Fund Appropriation	3,556,160	
Special Fund Appropriation	121,991	
Federal Fund Appropriation	7,232,993	10,911,144
D50H01.04 Capital Appropriation		
Federal Fund Appropriation		27,823,000
D50H01.05 State Operations		
General Fund Appropriation	2,565,402	
Federal Fund Appropriation	2,937,675	5,503,077
D50H01.06 Maryland Emergency Management Agency		
General Fund Appropriation	2,228,719	

Special Fund Appropriation	12,625,000	
Federal Fund Appropriation	35,958,007	50,811,726

SUMMARY

Total General Fund Appropriation	11,849,055
Total Special Fund Appropriation	12,799,267
Total Federal Fund Appropriation	78,208,779
Total Appropriation	102,857,101

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

D53T00.01 General Administration

Special Fund Appropriation	12,437,271	
Federal Fund Appropriation	129,136	12,566,407

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D53T00.02 Major Information Technology Development Projects

Special Fund Appropriation	65,360

SUMMARY

Total Special Fund Appropriation	12,502,631
Total Federal Fund Appropriation	129,136
Total Appropriation	12,631,767

DEPARTMENT OF VETERANS AFFAIRS

D55P00.01 Service Program

General Fund Appropriation	1,133,101

D55P00.02 Cemetery Program

General Fund Appropriation	1,675,059	
Special Fund Appropriation	642,881	
Federal Fund Appropriation	1,392,106	3,710,046

D55P00.03 Memorials and Monuments Program

General Fund Appropriation		342,766

D55P00.05 Veterans Home Program

General Fund Appropriation	3,660,821	
Federal Fund Appropriation	11,806,107	15,466,928

D55P00.08 Executive Direction

General Fund Appropriation	874,757	
Special Fund Appropriation	235,000	1,109,757

D55P00.11 Outreach and Advocacy

General Fund Appropriation		184,088

SUMMARY

Total General Fund Appropriation	7,870,592
Total Special Fund Appropriation	877,881
Total Federal Fund Appropriation	13,198,213
Total Appropriation	21,946,686

STATE ARCHIVES

D60A10.01 Archives

General Fund Appropriation	2,167,848	
Special Fund Appropriation	6,201,158	8,369,006

D60A10.02 Artistic Property

General Fund Appropriation	219,033	
Special Fund Appropriation	101,336	320,369

SUMMARY

Total General Fund Appropriation	2,386,881
Total Special Fund Appropriation	6,302,494

Total Appropriation 8,689,375

MARYLAND HEALTH INSURANCE PLAN

HEALTH INSURANCE SAFETY NET PROGRAMS

D79Z02.01 MHIP High–Risk Pools

Special Fund Appropriation	125,928,594	
Federal Fund Appropriation	22,583,680	148,512,274

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D79Z02.02 Senior Prescription Drug Assistance Program

Special Fund Appropriation	~~18,053,492~~
	17,703,492

SUMMARY

Total Special Fund Appropriation	143,632,086
Total Federal Fund Appropriation	22,583,680
Total Appropriation	166,215,766

MARYLAND INSURANCE ADMINISTRATION

INSURANCE ADMINISTRATION AND REGULATION

D80Z01.01 Administration and Operations

Special Fund Appropriation, *provided that $100,000 of this appropriation may not be expended until the Maryland Insurance Administration:*

(1) works with the Health Services Cost Review Commission and

the Maryland Health Care Commission to develop a mechanism for identifying hospital rate adjustments and assessments as components to be considered in the Administration's process for reviewing and approving premium rates for health insurance policies and contracts issued or delivered in the State by insurers, nonprofit health service plans, and health maintenance organizations;

(2) takes into account in its work under provision (1):

(i) the tools available to the Administration for supporting active premium rate review under laws regulating medical loss ratios;

(ii) the requirements of Section 1003 "Ensuring That Consumers Get Value For Their Dollars" of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010, and any regulations adopted or guidance issued under the Acts ("Affordable Care Act") for annual reviews of unreasonable premium increases and State grants;

(iii) the observations relating to premium rate review and approval and interagency regulatory coordination contained in the Hilltop Institute report "Premium Rate Review of Private Health Insurers in Maryland

and Opportunities for State Regulatory Coordination under Health Care Reform" issued on January 20, 2011; and

(iv) any recommendations that result from the analysis of rate review and public disclosure processes undertaken by the Administration with grant money provided under the Affordable Care Act; and

(3) reports, on or before November 1, 2011, on its findings and recommendations for the mechanism to be developed under provision (1) to the budget committees, the Senate Finance Committee, and the House Health and Government Operations Committee. The budget committees shall have 45 days to review and comment on the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted as required above 27,872,738

D80Z01.05 Rate Stabilization Fund
Special Fund Appropriation 200,000

SUMMARY

Total Special Fund Appropriation 28,072,738

CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

D90U00.01 General Administration
Special Fund Appropriation 561,197

OFFICE OF ADMINISTRATIVE HEARINGS

D99A11.01 General Administration

Special Fund Appropriation	815,595

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COMPTROLLER OF MARYLAND

OFFICE OF THE COMPTROLLER

E00A01.01 Executive Direction		
General Fund Appropriation	2,859,358	
Special Fund Appropriation	504,586	3,363,944
E00A01.02 Financial and Support Services		
General Fund Appropriation	1,922,378	
Special Fund Appropriation	339,355	2,261,733

Funds are appropriated in other agency budgets to 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	4,781,736
Total Special Fund Appropriation	843,941
Total Appropriation	5,625,677

GENERAL ACCOUNTING DIVISION

E00A02.01 Accounting Control and Reporting	
General Fund Appropriation	5,138,576

BUREAU OF REVENUE ESTIMATES

E00A03.01 Estimating of Revenues	
General Fund Appropriation	824,274

REVENUE ADMINISTRATION DIVISION

E00A04.01 Revenue Administration		
General Fund Appropriation	27,565,735	
Special Fund Appropriation	4,075,681	31,641,416

E00A04.02 Major Information Technology Development Projects		
Special Fund Appropriation		1,570,997

SUMMARY

Total General Fund Appropriation	27,565,735
Total Special Fund Appropriation	5,646,678
Total Appropriation	33,212,413

COMPLIANCE DIVISION

E00A05.01 Compliance Administration		
General Fund Appropriation	21,645,291	
Special Fund Appropriation~~, provided that this appropriation shall be reduced by $500,000 contingent upon the enactment of legislation to repeal the provisions of law related to the current notification procedure for abandoned property including the requirement to advertise abandoned property in local newspapers on an annual basis in certain jurisdictions~~.....	~~7,975,052~~	~~29,620,343~~
	7,950,276	29,595,567

FIELD ENFORCEMENT DIVISION

E00A06.01 Field Enforcement Administration		
General Fund Appropriation	2,268,834	
Special Fund Appropriation	2,842,418	5,111,252

CENTRAL PAYROLL BUREAU

E00A09.01 Payroll Management

General Fund Appropriation, provided that this appropriation shall be reduced by $50,000 contingent upon the enactment of legislation to authorize a processing fee from judgment creditors and student loan

collection agencies associated with certain payroll garnishments	2,363,840	
Special Fund Appropriation	110,902	2,474,742

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

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	~~12,254,981~~ 12,230,288	
Special Fund Appropriation	2,031,085	~~14,286,066~~ 14,261,373

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E00A10.03 Maryland Integrated Tax System Administration Center

General Fund Appropriation	620,576	
Special Fund Appropriation	71,143	691,719

SUMMARY

Total General Fund Appropriation	12,850,864
Total Special Fund Appropriation	2,102,228

Total Appropriation		14,953,092

STATE TREASURER'S OFFICE

TREASURY MANAGEMENT

E20B01.01 Treasury Management		
General Fund Appropriation	4,688,128	
Special Fund Appropriation	620,100	5,308,228

Funds are appropriated in other agency budgets to 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	65,000	
Special Fund Appropriation	2,185,000	2,250,000

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

E50C00.01 Office of the Director
General Fund Appropriation 2,754,677

E50C00.02 Real Property Valuation
General Fund Appropriation, provided that ~~$28,565,601~~ ~~$15,869,779~~ *$28,565,601* of this appropriation shall be reduced upon enactment of legislation that distributes ~~90%~~ ~~50%~~ *90%* of the cost of the Real Property Valuations program to the counties and Baltimore City. Authorization is granted to process a special fund budget amendment of ~~$28,565,601~~ ~~$15,869,779~~ *$28,565,601* to replace the aforementioned general fund amount 31,739,557

E50C00.04 Office of Information Technology
General Fund Appropriation, provided that ~~$2,339,317~~ ~~$1,299,621~~ *$2,339,317* of this appropriation shall be reduced upon enactment of legislation that distributes ~~90%~~ ~~50%~~ *90%* of the cost of the Real Property Valuations program to the counties and Baltimore City. Authorization is granted to process a special fund budget amendment of ~~$2,339,317~~ ~~$1,299,621~~ *$2,339,317* to replace the aforementioned general fund amount 2,599,241

E50C00.05 Business Property Valuation
General Fund Appropriation, provided that ~~$2,963,120~~ ~~$1,646,178~~ *$2,963,120* of this appropriation shall be reduced upon enactment of legislation that distributes ~~90%~~ ~~50%~~ *90%* of the cost of the Real Property Valuations program to the counties and Baltimore City. Authorization is granted to process a special fund budget amendment of ~~$2,963,120~~ ~~$1,646,178~~ *$2,963,120* to replace the aforementioned general fund amount 3,292,356

E50C00.06 Tax Credit Payments		
General Fund Appropriation		79,413,000
E50C00.08 Property Tax Credit Programs		
General Fund Appropriation	1,698,822	
Special Fund Appropriation	767,034	2,465,856
E50C00.10 Charter Unit		
General Fund Appropriation	65,411	
Special Fund Appropriation	4,844,785	4,910,196

SUMMARY

Total General Fund Appropriation	121,563,064
Total Special Fund Appropriation	5,611,819
Total Appropriation	127,174,883

STATE LOTTERY AGENCY

E75D00.01 Administration and Operations

Special Fund Appropriation***, provided that $250,000 of this appropriation may not be expended until the State Lottery Agency submits a report concerning the sale of traditional lottery games over the Internet. The report shall review progress made by other jurisdictions and the federal government in this area; review federal and State law; and detail the agency's proposal regarding the development and implementation of Internet lottery sales and the impact Internet sales may have on existing Lottery retailers. The report shall be submitted to the budget committees by December 15, 2011, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget***

amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees.

Further provided that no portion of this appropriation may be expended for the implementation of the sales of traditional lottery games over the Internet until the Legislative Policy Committee has had 45 days to review and comment ..... ~~54,292,303~~
53,892,303

E75D00.02 Video Lottery Terminal Operations

General Fund Appropriation	~~29,567,465~~ 29,362,923	
Special Fund Appropriation	139,758,900	~~169,326,365~~ 169,121,823

SUMMARY

Total General Fund Appropriation	29,362,923
Total Special Fund Appropriation	193,651,203
Total Appropriation	223,014,126

PROPERTY TAX ASSESSMENT APPEALS BOARDS

E80E00.01 Property Tax Assessment Appeals Boards

General Fund Appropriation	971,199

DEPARTMENT OF BUDGET AND MANAGEMENT

OFFICE OF THE SECRETARY

F10A01.01 Executive Direction
General Fund Appropriation 1,418,986

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 1,119,071

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A01.03 Central Collection Unit
Special Fund Appropriation 11,333,785

F10A01.04 Division of Procurement Policy and Administration
General Fund Appropriation 2,221,418

SUMMARY

Total General Fund Appropriation	4,759,475
Total Special Fund Appropriation	11,333,785
Total Appropriation	16,093,260

OFFICE OF PERSONNEL SERVICES AND BENEFITS

F10A02.01 Executive Direction
General Fund Appropriation 1,643,290

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 803,389

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.06 Division of Classification and Salary
General Fund Appropriation 2,054,910

F10A02.07 Division of Recruitment and Examination
General Fund Appropriation 1,738,217

F10A02.08 Statewide Expenses

Provided that no funding for employee bonuses may be provided to employees in any bargaining unit that has received salary adjustments through bargained agreements during fiscal 2011 or will receive such in fiscal 2012. ***Employees that are members of bargaining units that receive salary adjustments, but***

occupy positions not subject to increases under the unit's agreement, may receive bonus funds. Further provided that employee bonus payments shall be restricted to employees who began State service prior to July 1, 2011.

General Fund Appropriation, provided that funds appropriated for employee death benefits, employee bonuses, the State Law Enforcement Officers Labor Alliance collective bargaining agreement, and rate increases for community providers may be transferred to programs of other State agencies	44,988,275	
Special Fund Appropriation, provided that funds appropriated for employee bonuses and the State Law Enforcement Officers Labor Alliance collective bargaining agreement may be transferred to programs of other State agencies	11,226,066	
Federal Fund Appropriation, provided that funds appropriated for employee bonuses and rate increases for community providers may be transferred to programs of other State agencies	7,361,405	63,575,746

SUMMARY

Total General Fund Appropriation	51,228,081
Total Special Fund Appropriation	11,226,066
Total Federal Fund Appropriation	7,361,405
Total Appropriation	69,815,552

OFFICE OF BUDGET ANALYSIS

F10A05.01 Budget Analysis and Formulation

General Fund Appropriation	2,540,843

OFFICE OF CAPITAL BUDGETING

F10A06.01 Capital Budget Analysis and

Formulation
General Fund Appropriation 974,824

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 $1,000,000 of this appropriation shall be reduced contingent upon the enactment of legislation allowing the use of the 9–1–1 Fund to support the costs of the Department of State Police Computer Aided Design/Records Management System (CADS/RMS) Major Information Technology Development Project.

Further provided that ~~$942,950~~ ~~$523,861~~ *$942,950* of this appropriation shall be reduced contingent upon enactment of legislation that distributes ~~90%~~ ~~50%~~ *90%* of the cost of State Department of Assessments and Taxation's Major Information Technology Development Project Program to the counties and Baltimore City. Authorization is granted to process a special fund budget amendment of ~~$942,950~~ ~~$523,861~~ *$942,950* to replace the aforementioned general fund amount 5,003,052
Special 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 $100,000 of this appropriation made for the purpose of the

Department of Human Resources' (DHR) Health Care Reform project may not be expended until DHR submits a report to the budget committees on the Concept Proposal, Information Technology Project Request, and integration with the Department of Health and Mental Hygiene's Health Care Reform project that was approved by the department's Chief Information Officer. The budget committees shall have 45 days to review and comment from the date of the submission of the report. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees.

Further provided that $900,000 of this appropriation made for the purpose of the Department of Health and Mental Hygiene's (DHMH) Health Care Reform project may not be expended until DHMH submits a report to the budget committees on the Concept Proposal, Information Technology Project Request, and integration with the Department of Human Resources' Health Care Reform project that was approved by the department's Chief Information Officer. The budget committees shall have 45 days to review and comment from the date of the submission of the report. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees 5,862,431 10,865,483

OFFICE OF INFORMATION TECHNOLOGY

Provided that 1.0 authorized position in this budget is abolished.

F50B04.01 State Chief of Information Technology

General Fund Appropriation 861,541

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.02 Enterprise Information Systems
General Fund Appropriation 2,708,707

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.03 Application Systems Management
General Fund Appropriation 5,296,089

Funds are appropriated in other agency budgets to 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 344,137

Funds are appropriated in other agency budgets to 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 1,389,886

Funds are appropriated in other agency budgets to 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 8,607,471

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.07 Web Systems
General Fund Appropriation 1,652,279

F50B04.09 Telecommunications Access of Maryland
Special Fund Appropriation 6,666,938

F50B04.10 Capital Appropriation
Federal Fund Appropriation 43,762,819

SUMMARY

Total General Fund Appropriation	11,908,502
Total Special Fund Appropriation	15,618,546
Total Federal Fund Appropriation	43,762,819
Total Appropriation	71,289,867

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

STATE RETIREMENT AGENCY

G20J01.01 State Retirement Agency Special Fund Appropriation	25,489,779
G20J01.02 Major Information Technology Development Projects Special Fund Appropriation	2,500,000

SUMMARY

Total Special Fund Appropriation	27,989,779

TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

G50L00.01 Maryland Supplemental Retirement Plan Board and Staff Special Fund Appropriation	1,561,962

DEPARTMENT OF GENERAL SERVICES

OFFICE OF THE SECRETARY

H00A01.01 Executive Direction		
General Fund Appropriation		1,394,601
H00A01.02 Administration		
General Fund Appropriation		3,040,444
SUMMARY		
Total General Fund Appropriation		4,435,045

OFFICE OF FACILITIES SECURITY

H00B01.01 Facilities Security		
General Fund Appropriation	7,380,128	
Special Fund Appropriation	68,772	
Federal Fund Appropriation	246,621	7,695,521

Funds are appropriated in other agency budgets to 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	28,008,730	
Special Fund Appropriation	616,065	
Federal Fund Appropriation	816,940	29,441,735

Funds are appropriated in other agency budgets to 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		1,750,173

SUMMARY

Total General Fund Appropriation	29,758,903
Total Special Fund Appropriation	616,065
Total Federal Fund Appropriation	816,940
Total Appropriation	31,191,908

OFFICE OF PROCUREMENT AND LOGISTICS

H00D01.01 Procurement and Logistics

General Fund Appropriation	3,056,108	
Special Fund Appropriation	611,352	3,667,460

Funds are appropriated in other agency budgets to 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		1,173,316

Funds are appropriated in other agency budgets to 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, 2011	8,694,747	
Special Fund Appropriation	422,367	9,117,114

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

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 2012, no commitment of funds in excess of $250,000 may be made nor may such an amount be transferred, by budget amendment or otherwise, for any project or purpose not normally arising in connection with the ordinary ongoing operation of MDOT and not contemplated in the approved budget or the last published Consolidated Transportation Program without 45 days of review and comment by the budget committees.

The Maryland Department of Transportation (MDOT) shall not expend funds on any job or position of employment approved in this budget in excess of 8,806 positions and 140 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 2012. The level of contractual

full–time equivalents may be exceeded only if MDOT notifies the budget committees of the need and justification for additional contractual personnel due to:

(1) business growth at the Helen Delich Bentley Port of Baltimore or Baltimore/Washington International Thurgood Marshall Airport, which demands additional personnel; or

(2) emergency needs that must be met, such as transit security or highway maintenance.

The Secretary shall use the authority under Sections 2–101 and 2–102 of the Transportation Article to implement this provision. However, any authorized job or position to be filled above the regular position ceiling approved by the Board of Public Works shall count against the Rule of 100 imposed by the General Assembly. The establishment of new jobs or positions of employment not authorized in the fiscal 2012 budget shall be subject to Section 7–236 of the State Finance and Procurement Article and the Rule of 100.

THE SECRETARY'S OFFICE

J00A01.01 Executive Direction

Special Fund Appropriation, *provided that $250,000 of this appropriation made for the purpose of administration of the Secretary's Office may not be expended until the Secretary's Office in the Maryland Department of Transportation (MDOT) submits a report to the budget committees on the potential construction of an intermodal freight facility. The report shall include the following information for any site in Maryland under consideration:*

(1) an analysis of the traffic impact on

a selected route for truck traffic, including State and local roadways;

(2) an analysis of the range of the number of trucks operating on local roadways;

(3) the feasibility of requiring a certain percentage of containers to be delivered to the site by rail compared to roadway;

(4) an analysis of a feasible cap on the number of trucks to the site per hour and per day;

(5) an analysis of the feasibility of accelerating unfunded road projects in the vicinity of the site;

(6) an analysis of the timeframe for the project to be completed once the site is selected;

(7) an analysis of the impact on MARC commuter rail service from increased freight traffic on the railways, as well as the impact on any additional infrastructure improvements on the Camden and New Brunswick lines as the result of the proposed intermodal facility;

(8) the amount of State direct and indirect subsidy, if any, required for CSX operations beyond the capital expenditures; ~~and~~

(9) how MDOT will create a transparent and open process so that the concerns of the community and governmental agencies will be heard and considered during the site selection ~~process.~~ ***process; and***

(10) for each site an analysis shall

be done that looks at how to maximize the distance to, and minimize the impacts upon, more densely populated residential areas.

The report shall be submitted by October 1, 2011, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees. ~~26,361,549~~ 26,073,090

J00A01.02 Operating Grants–In–Aid

Special Fund Appropriation, provided that no more than $4,052,178 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.

Further provided that no expenditures in excess of $4,052,178 may occur unless the department provides notification to the budget committees to justify the need for additional expenditures due to either provision (1) or (2) above, and the budget committees have 45 days to review and comment following receipt of the notification 4,052,178

Federal Fund Appropriation 9,083,148 13,135,326

J00A01.03 Facilities and Capital Equipment

Special Fund Appropriation, provided that no funds may be expended by the Secretary's Office for any system preservation or

minor project with a total project cost in excess of $500,000 that is not currently included in the fiscal 2011–2016 Consolidated Transportation Program except as outlined below:

(1) the Secretary shall notify the budget committees of any proposed system preservation or minor project with a total project cost in excess of $500,000, including the need and justification for the project, and its total cost; and

(2) the budget committees shall have 45 days to review and comment upon the proposed system preservation or minor project 40,448,474

Federal Fund Appropriation 15,000,000 55,448,474

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.

J00A01.04 Washington Metropolitan Area Transit – Operating
Special Fund Appropriation 238,950,000

J00A01.05 Washington Metropolitan Area Transit – Capital
Special Fund Appropriation 146,616,000

J00A01.07 Office of Transportation Technology Services
Special Fund Appropriation 36,842,772

SUMMARY

Total Special Fund Appropriation 492,982,514
Total Federal Fund Appropriation 24,083,148

Total Appropriation 517,065,662

DEBT SERVICE REQUIREMENTS

Consolidated Transportation Bonds may be issued in any amount provided that the aggregate outstanding and unpaid balance of these bonds and bonds of prior issues may not exceed $1,888,995,000 as of June 30, 2012. Further provided that the amount paid for debt service shall be reduced by any proceeds generated from net bond sale premiums, provided that those revenues are recognized by the department and reflected in the Transportation Trust Fund forecast.

The Maryland Department of Transportation (MDOT) shall submit with its annual September and January financial forecasts information on (1) anticipated and actual nontraditional debt outstanding as of June 30 of each year; and (2) anticipated and actual debt service payments for each outstanding nontraditional debt issuance from fiscal 2011 through 2022. Nontraditional debt is defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond; such debt includes, but is not limited to, Certificates of Participation; debt backed by customer facility charges, passenger facility charges, or other revenues; and debt issued by the Maryland Economic Development Corporation or any other third party on behalf of MDOT.

The total aggregate outstanding and unpaid principal balance of nontraditional debt, defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond issued by the Maryland Department of Transportation (MDOT), may not exceed $627,815,000 as of June 30, 2012. 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 budget committees 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, 2012, and the total amount by which the fiscal 2012 debt service payment for all nontraditional debt would increase following the additional issuance; and

(2) the budget committees shall have 45 days to review and comment on the proposed additional issuance before the publication of a preliminary official statement. The budget committees 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.

J00A04.01 Debt Service Requirements		
Special Fund Appropriation		184,671,475

STATE HIGHWAY ADMINISTRATION

J00B01.01 State System Construction and Equipment		
Special Fund Appropriation	281,906,704	
Federal Fund Appropriation	523,146,000	805,052,704
J00B01.02 State System Maintenance		
Special Fund Appropriation	187,313,231	
Federal Fund Appropriation	6,823,144	194,136,375

J00B01.03 County and Municipality Capital Funds		
Special Fund Appropriation	4,875,000	
Federal Fund Appropriation	57,648,000	62,523,000
J00B01.04 Highway Safety Operating Program		
Special Fund Appropriation	6,829,960	
Federal Fund Appropriation	11,183,618	18,013,578
J00B01.05 County and Municipality Funds		
Special Fund Appropriation, provided that 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 reduced by an amount not to exceed $388,000, prior to the distribution of funds to the county. The funds will be retained in the Transportation Trust Fund. The reduction would occur after the deduction of sinking fund requirements for county transportation bonds from highway user revenues		134,280,018
J00B01.08 Major Information Technology Development Projects		
Special Fund Appropriation	1,472,000	
Federal Fund Appropriation	4,400,000	5,872,000

SUMMARY

Total Special Fund Appropriation	616,676,913
Total Federal Fund Appropriation	603,200,762
Total Appropriation	1,219,877,675

MARYLAND PORT ADMINISTRATION

J00D00.01 Port Operations		
Special Fund Appropriation		44,999,818

J00D00.02 Port Facilities and Capital Equipment		
Special Fund Appropriation	93,488,440	
Federal Fund Appropriation	1,062,000	94,550,440

SUMMARY

Total Special Fund Appropriation	138,488,258
Total Federal Fund Appropriation	1,062,000
Total Appropriation	139,550,258

MOTOR VEHICLE ADMINISTRATION

J00E00.01 Motor Vehicle Operations		
Special Fund Appropriation	164,767,959	
Federal Fund Appropriation	176,500	164,944,459
J00E00.03 Facilities and Capital Equipment		
Special Fund Appropriation		17,240,630
J00E00.08 Major Information Technology Development Projects		
Special Fund Appropriation		500,000

SUMMARY

Total Special Fund Appropriation	182,508,589
Total Federal Fund Appropriation	176,500
Total Appropriation	182,685,089

MARYLAND TRANSIT ADMINISTRATION

J00H01.01 Transit Administration		
Special Fund Appropriation		53,685,749
J00H01.02 Bus Operations		
Special Fund Appropriation	264,546,443	
Federal Fund Appropriation	30,278,599	294,825,042

J00H01.04 Rail Operations		
Special Fund Appropriation	202,334,171	
Federal Fund Appropriation	18,344,851	220,679,022
J00H01.05 Facilities and Capital Equipment		
Special Fund Appropriation	139,594,701	
Federal Fund Appropriation	217,763,000	357,357,701
J00H01.06 Statewide Programs Operations		
Special Fund Appropriation	72,914,079	
Federal Fund Appropriation	11,111,196	84,025,275
J00H01.08 Major Information Technology Development Projects		
Special Fund Appropriation		4,006,000

SUMMARY

Total Special Fund Appropriation	737,081,143
Total Federal Fund Appropriation	277,497,646
Total Appropriation	1,014,578,789

MARYLAND AVIATION ADMINISTRATION

J00I00.02 Airport Operations		
Special Fund Appropriation	174,552,682	
Federal Fund Appropriation	656,191	175,208,873
J00I00.03 Airport Facilities and Capital Equipment		
Special Fund Appropriation	44,411,000	
Federal Fund Appropriation	8,732,000	53,143,000
J00I00.08 Major Information Technology Development Projects		
Special Fund Appropriation		4,126,000

SUMMARY

Total Special Fund Appropriation	223,089,682
Total Federal Fund Appropriation	9,388,191
Total Appropriation	232,477,873

DEPARTMENT OF NATURAL RESOURCES

Provided that contingent upon the enactment of HB 72 or SB 87 to eliminate the Department of Natural Resources' payment in lieu of taxes to local jurisdictions, the following appropriations shall be reduced:

		General Funds	Special Funds
K00A02.09	Forest Service appropriation for administrative expenses	$1,740,000	$0
K00A04.01	Statewide Operation appropriation for park earnings by $1,600,000	0	1,600,000
K00A04.06	Revenue Operations appropriation for park earnings	0	140,000
Total		$1,740,000	$1,740,000

Further provided that authorization is hereby provided to process a Special Fund budget amendment of $1,740,000 to use these special funds to replace the aforementioned General Fund amount.

OFFICE OF THE SECRETARY

K00A01.01 Secretariat		
General Fund Appropriation	224,465	
Special Fund Appropriation	1,234,746	
Federal Fund Appropriation	117,018	1,576,229
K00A01.02 Office of the Attorney General		
General Fund Appropriation	640,677	
Special Fund Appropriation	720,261	1,360,938
K00A01.03 Finance and Administrative Service		
General Fund Appropriation	1,689,040	
Special Fund Appropriation	2,325,094	
Federal Fund Appropriation	155,532	4,169,666

K00A01.04 Human Resource Service		
General Fund Appropriation	157,409	
Special Fund Appropriation	423,084	
Federal Fund Appropriation	37,921	618,414
K00A01.05 Information Technology Service		
General Fund Appropriation	2,033,206	
Special Fund Appropriation	2,498,486	
Federal Fund Appropriation	123,400	4,655,092
K00A01.06 Office of Communications and Marketing		
General Fund Appropriation	323,980	
Special Fund Appropriation	435,314	759,294
K00A01.07 Major Information Technology Development Projects Program		
Special Fund Appropriation	1,210,000	
Federal Fund Appropriation	180,000	1,390,000

SUMMARY

Total General Fund Appropriation	5,068,777
Total Special Fund Appropriation	8,846,985
Total Federal Fund Appropriation	613,871
Total Appropriation	14,529,633

FOREST SERVICE

It is the intent of the General Assembly that the Department of Natural Resources increase the number of timber harvests in State forests in order to increase the amount of revenue generated.

K00A02.09 Forest Service

General Fund Appropriation~~, provided that this appropriation shall be reduced by~~

~~$2,374,852 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 $2,374,852 to use these special funds to replace the aforementioned General Fund amount~~ 2,572,379
Special Fund Appropriation 6,873,683
Federal Fund Appropriation 1,452,469 10,898,531

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 140,682
Special Fund Appropriation 5,966,272
Federal Fund Appropriation 3,823,956 9,930,910

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 33,944,808
Federal Fund Appropriation 711,300 34,656,108

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program.

Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A04.06 Revenue Operations
Special Fund Appropriation 1,500,274

SUMMARY

Total Special Fund Appropriation	35,445,082
Total Federal Fund Appropriation	711,300
Total Appropriation	36,156,382

LAND ACQUISITION AND PLANNING

K00A05.05 Land Acquisition and Planning
Special Fund Appropriation 3,262,069

K00A05.10 Outdoor Recreation Land Loan
Special Fund Appropriation ..... ~~69,031,534~~
2,717,000

Provided that of the Special Fund Allowance, $48,189,692 represents that share of Program Open Space Revenues available for State projects and $20,841,842 represents that share of Program Open Space Revenues available for local programs. These amounts may be used for any State projects or local share authorized in Chapter 403, Laws of Maryland, 1969 as amended, or in Chapter 81, Laws of Maryland, 1984; Chapter 106, Laws of Maryland, 1985; Chapter 109, Laws of Maryland, 1986; Chapter 121, Laws of Maryland, 1987; Chapter 10, Laws of Maryland, 1988; Chapter 14, Laws of Maryland, 1989; Chapter 409, Laws of Maryland, 1990; Chapter 3, Laws of Maryland, 1991; Chapter 4, 1st Special Session, Laws of Maryland, 1992; Chapter 204, Laws of Maryland, 1993; Chapter 8, Laws of Maryland, 1994; Chapter 7, Laws of

Maryland, 1995; Chapter 13, Laws of Maryland, 1996; Chapter 3, Laws of Maryland, 1997; Chapter 109, Laws of Maryland, 1998; Chapter 118, Laws of Maryland, 1999; Chapter 204, Laws of Maryland, 2000; Chapter 102, Laws of Maryland, 2001; Chapter 290, Laws of Maryland, 2002; Chapter 204, Laws of Maryland, 2003; Chapter 432, Laws of Maryland, 2004; Chapter 445, Laws of Maryland, 2005; Chapter 46, Laws of Maryland, 2006; Chapter 488, Laws of Maryland, 2007; Chapter 336, Laws of Maryland, 2008; Chapter 485, Laws of Maryland, 2009; Chapter 483, Laws of Maryland, 2010; and for any of the following State and Local Projects.

Further provided that contingent upon the enactment of HB 72 or SB 87, $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 $20,841,842
Land Acquisitions $22,220,491

Department of Natural Resources Capital Improvements:

Natural Resource Development Fund $4,625,567
Critical Maintenance Program $4,000,000
Ocean City Beach Replenishment Fund $1,000,000
Dam Rehabilitation $500,000

Subtotal $10,125,567

Heritage Conservation Fund $2,076,256

Rural Legacy $13,767,378

Allowance, State Projects $48,189,692

~~Notwithstanding the appropriations above,~~

~~the Special Fund appropriation for the Outdoor Recreation Land Loan shall be reduced by $66,314,534 contingent on the enactment of legislation crediting $66,314,534 of the transfer tax revenues to the General Fund. The reduction shall be distributed in the following manner:~~

~~Program Open Space – State Acquisition .....$21,579,747~~
~~Program Open Space – Local Share .....$20,841,842~~
~~Program Open Space – Capital Improvements .....$10,125,567~~
~~Rural Legacy .....$13,767,378~~

~~Total .....$66,314,534~~

Federal Fund Appropriation	3,000,000	~~72,031,534~~ 5,717,000

SUMMARY

Total Special Fund Appropriation	5,979,069
Total Federal Fund Appropriation	3,000,000
Total Appropriation	8,979,069

LICENSING AND REGISTRATION SERVICE

K00A06.01 General Direction

Special Fund Appropriation		3,644,344

NATURAL RESOURCES POLICE

K00A07.01 General Direction

General Fund Appropriation	5,159,406	
Special Fund Appropriation	2,081,114	
Federal Fund Appropriation	1,728,114	8,968,634

K00A07.04 Field Operations

General Fund Appropriation	18,150,578	
Special Fund Appropriation	6,667,017	
Federal Fund Appropriation	2,256,822	27,074,417

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	23,309,984
Total Special Fund Appropriation	8,748,131
Total Federal Fund Appropriation	3,984,936
Total Appropriation	36,043,051

ENGINEERING AND CONSTRUCTION

K00A09.01 General Direction

General Fund Appropriation	75,867	
Special Fund Appropriation	4,108,244	4,184,111

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	75,867
Total Special Fund Appropriation	5,108,244
Total Appropriation	5,184,111

CRITICAL AREA COMMISSION

K00A10.01 Critical Area Commission		
General Fund Appropriation		2,160,082

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BOATING SERVICES

K00A11.01 Boating Services		
Special Fund Appropriation	5,980,462	
Federal Fund Appropriation	494,978	6,475,440

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	410,000	
Federal Fund Appropriation	500,000	910,000

SUMMARY

Total Special Fund Appropriation	6,390,462
Total Federal Fund Appropriation	994,978
Total Appropriation	7,385,440

RESOURCE ASSESSMENT SERVICE

K00A12.05 Power Plant Assessment Program		
Special Fund Appropriation		7,219,883
K00A12.06 Monitoring and Ecosystem Assessment		
General Fund Appropriation	2,728,898	
Special Fund Appropriation	1,978,893	
Federal Fund Appropriation	1,319,337	6,027,128

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	1,029,408	
Special Fund Appropriation	377,874	
Federal Fund Appropriation	250,655	1,657,937

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	3,758,306
Total Special Fund Appropriation	9,576,650
Total Federal Fund Appropriation	1,569,992
Total Appropriation	14,904,948

MARYLAND ENVIRONMENTAL TRUST

K00A13.01 General Direction		
General Fund Appropriation	473,166	
Special Fund Appropriation	51,671	524,837

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WATERSHED SERVICES

K00A14.02 Watershed Services

General Fund Appropriation	2,537,893	
Special Fund Appropriation, provided that this appropriation shall be reduced by ~~$18,669,444~~ ~~$21,669,444~~ ~~*$18,669,444*~~ ***$20,169,444*** contingent upon the enactment of legislation to allocate Chesapeake Bay 2010 Trust Fund revenue to the General Fund.		
Further provided that $600,000 of this appropriation made for the purpose of funding Chesapeake and Atlantic Coastal Bays 2010 Trust Fund related activities may not be expended for that purpose but instead may be used only to initiate a three–year program of purchasing and placing water quality monitoring stations in streams that originate outside of Maryland. The stations shall be placed at the point where the main branch of the streams enter Maryland and at the point where the streams empty into a tributary of the Chesapeake Bay. It is the intent of the General Assembly that additional funding be provided in fiscal 2013 and 2014 in order to complete the purchase and placement of the water quality monitoring stations. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled	44,620,417	
Federal Fund Appropriation	6,770,649	53,928,959

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	5,352,561	
Special Fund Appropriation	11,152,983	
Federal Fund Appropriation	12,130,713	28,636,257

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

L00A11.01 Executive Direction		
General Fund Appropriation		2,821,079
L00A11.02 Administrative Services		
General Fund Appropriation		1,332,109
L00A11.03 Central Services		
General Fund Appropriation	806,865	
Federal Fund Appropriation	316,500	1,123,365
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		74,229
L00A11.05 Maryland Agricultural Land Preservation Foundation		
Special Fund Appropriation		1,907,844
L00A11.11 Capital Appropriation		
Special Fund Appropriation~~, provided that this appropriation shall be reduced by $19,555,275 contingent upon the enactment of legislation crediting transfer tax revenues to the General Fund~~		~~23,755,275~~ 4,200,000

SUMMARY

Total General Fund Appropriation	5,034,282
Total Special Fund Appropriation	6,107,844
Total Federal Fund Appropriation	316,500
Total Appropriation	11,458,626

OFFICE OF MARKETING, ANIMAL INDUSTRIES, AND CONSUMER SERVICES

L00A12.01 Office of the Assistant Secretary		
General Fund Appropriation		185,338
L00A12.02 Weights and Measures		
General Fund Appropriation	404,158	
Special Fund Appropriation	1,386,243	1,790,401
L00A12.03 Food Quality Assurance		
General Fund Appropriation	34,470	
Special Fund Appropriation	1,645,616	
Federal Fund Appropriation	~~256,551~~	~~1,936,637~~
	116,551	1,796,637
L00A12.04 Maryland Agricultural Statistics Services		
General Fund Appropriation	78,000	
Federal Fund Appropriation	16,000	94,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A12.05 Animal Health		
General Fund Appropriation	2,158,138	
Special Fund Appropriation	393,287	
Federal Fund Appropriation	420,371	2,971,796
L00A12.07 State Board of Veterinary Medical Examiners		
Special Fund Appropriation		532,646
L00A12.08 Maryland Horse Industry Board		
Special Fund Appropriation		310,940
L00A12.09 Aquaculture Development and Seafood Marketing		
General Fund Appropriation	286,043	
Special Fund Appropriation	6,000	292,043

Funds are appropriated in other agency budgets to 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	627,084	
Special Fund Appropriation	4,363,854	
Federal Fund Appropriation	1,813,179	6,804,117

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A12.11 Maryland Agricultural Fair Board		
Special Fund Appropriation		~~1,460,000~~
		900,000
L00A12.13 Tobacco Transition Program		
Special Fund Appropriation		1,238,000
L00A12.20 Maryland Agricultural and Resource–Based Industry Development Corporation		
General Fund Appropriation~~, provided that this appropriation shall be reduced by $1,750,000 contingent upon the enactment of legislation reducing the mandated amount of funds for the Maryland Agricultural and Resource-Based Industry Development Corporation~~		2,750,000

SUMMARY

Total General Fund Appropriation	6,523,231
Total Special Fund Appropriation	10,776,586
Total Federal Fund Appropriation	2,366,101

Total Appropriation		19,665,918

OFFICE OF PLANT INDUSTRIES AND PEST MANAGEMENT

L00A14.01 Office of the Assistant Secretary		
General Fund Appropriation		174,068
L00A14.02 Forest Pest Management		
General Fund Appropriation	1,312,571	
Special Fund Appropriation	261,818	
Federal Fund Appropriation	92,996	1,667,385
L00A14.03 Mosquito Control		
General Fund Appropriation	1,357,268	
Special Fund Appropriation	1,416,706	2,773,974
L00A14.04 Pesticide Regulation		
Special Fund Appropriation	796,052	
Federal Fund Appropriation	276,542	1,072,594
L00A14.05 Plant Protection and Weed Management		
General Fund Appropriation	947,604	
Special Fund Appropriation	211,558	
Federal Fund Appropriation	715,297	1,874,459

Funds are appropriated in other agency budgets to 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	739,876	
Special Fund Appropriation	233,253	973,129
L00A14.09 State Chemist		
Special Fund Appropriation	2,179,681	
Federal Fund Appropriation	176,918	2,356,599

Funds are appropriated in other units of the Department of Agriculture budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	4,531,387
Total Special Fund Appropriation	5,099,068
Total Federal Fund Appropriation	1,261,753
Total Appropriation	10,892,208

OFFICE OF RESOURCE CONSERVATION

L00A15.01 Office of the Assistant Secretary
General Fund Appropriation 281,658

L00A15.02 Program Planning and Development
General Fund Appropriation 365,187

Funds are appropriated in other agency budgets to 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<u>, provided that $500,000 of this appropriation for the Maryland Department of Agriculture (MDA) made for the purpose of general operating expenses may not be expended until MDA provides a report on soil conservation district field personnel position counts and funding for the fiscal 2011 actual, fiscal 2012 working appropriation, and fiscal 2013 allowance. The scope of the report is as follows:</u>

(1) the number of contractual and permanent soil conservation district field personnel positions (defined as soil conservation planner, soil conservation associate, and soil conservation engineering technician positions); and

(2) the amount of funding budgeted by fund for regular position expenses directly attributable to field personnel and, separately, operating expenses indirectly associated with field personnel.

The report shall be submitted in conjunction with submission of the fiscal 2013 budget and annually thereafter and the budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees 8,416,230

Special Fund Appropriation	~~1,220,955~~ 448,570	
Federal Fund Appropriation	216,872	~~9,854,057~~ 9,081,672

Funds are appropriated in other agency budgets to 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	816,923	
Special Fund Appropriation	~~18,328,891~~ 6,273,835	~~19,145,814~~ 7,090,758

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.06 Nutrient Management

General Fund Appropriation	1,561,102

Funds are appropriated in other agency budgets to 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	11,441,100
Total Special Fund Appropriation	6,722,405
Total Federal Fund Appropriation	216,872
Total Appropriation	18,380,377

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

OFFICE OF THE SECRETARY

M00A01.01 Executive Direction

General Fund Appropriation, *provided that $100,000 of this appropriation intended for the executive direction of the Department of Health and Mental Hygiene may not be expended until the department convenes a workgroup of interested parties to:*

(1) examine the sustainability of special fund revenues supporting the Medicaid program;

(2) examine the significant drivers of costs in the Medicaid program; and

(3) make recommendations to reduce expenditures and expenditure growth in the Medicaid program through program restructuring or any other means. In developing these recommendations, the workgroup shall incorporate recommendations being developed by other existing workgroups working on Medicaid–related reforms.

The department shall submit a report based on the workgroup's findings and recommendations to the budget committees by December 15, 2011, 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 ..... ~~9,181,777~~ 8,928,260

Federal Fund Appropriation ..... 3,206,872 ~~12,388,649~~ 12,135,132

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00A01.02 Operations

General Fund Appropriation	~~15,873,199~~	
	15,831,595	
Special Fund Appropriation	410,000	
Federal Fund Appropriation	13,302,400	~~29,585,599~~
		29,543,995

Funds are appropriated in other agency budgets to 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	24,759,855
Total Special Fund Appropriation	410,000
Total Federal Fund Appropriation	16,509,272
Total Appropriation	41,679,127

REGULATORY SERVICES

M00B01.03 Office of Health Care Quality

General Fund Appropriation	~~10,013,249~~	
	9,935,649	
Special Fund Appropriation	615,374	
Federal Fund Appropriation	~~6,667,372~~	~~17,295,995~~
	6,615,639	17,166,662

M00B01.04 Health Professionals Boards and Commission

General Fund Appropriation	327,213	
Special Fund Appropriation	11,982,057	12,309,270

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.

M00B01.05 Board of Nursing
Special Fund Appropriation 7,445,011

M00B01.06 Maryland Board of Physicians
Special Fund Appropriation 8,877,337

SUMMARY

Total General Fund Appropriation	10,262,862
Total Special Fund Appropriation	28,919,779
Total Federal Fund Appropriation	6,615,639
Total Appropriation	45,798,280

DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES

M00F01.01 Executive Direction

General Fund Appropriation	1,288,992	
Federal Fund Appropriation	300,000	1,588,992

INFECTIOUS DISEASE AND ENVIRONMENTAL HEALTH ADMINISTRATION

M00F02.03 Infectious Disease and Environmental Health Services

General Fund Appropriation~~, provided that this appropriation shall be reduced by $334,152 contingent upon the enactment of legislation requiring accreditation of youth camps~~	10,090,068	
Special Fund Appropriation	24,039,727	
Federal Fund Appropriation	64,964,834	99,094,629

Funds are appropriated in other agency budgets to pay for services provided by

this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00F02.07 Core Public Health Services

General Fund Appropriation, provided that $100,000 of this appropriation, made for the purpose of administering Core Public Health funding, may not be expended until the Department of Health and Mental Hygiene provides a report to the budget committees on the department's progress in implementing a local health department review process. Specifically, the report shall advise the budget committees of the agency's review of local health department program manuals, procedures, and inspection files to ensure local jurisdictions are in compliance with the Code of Maryland Regulations. The budget committees shall have 45 days from the receipt of the report to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees	37,283,484	
Federal Fund Appropriation	4,493,000	41,776,484

SUMMARY

Total General Fund Appropriation	47,373,552
Total Special Fund Appropriation	24,039,727
Total Federal Fund Appropriation	69,457,834
Total Appropriation	140,871,113

FAMILY HEALTH ADMINISTRATION

M00F03.02 Family Health Services and Primary Care

General Fund Appropriation	20,306,205	
Special Fund Appropriation	~~15,057,346~~	
	57,346	
Federal Fund Appropriation	125,497,881	~~160,861,432~~
		145,861,432

M00F03.06 Prevention and Disease Control

General Fund Appropriation	11,302,610	
Special Fund Appropriation	34,254,512	
Federal Fund Appropriation	12,636,751	58,193,873

Funds are appropriated in other agency budgets to 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	31,608,815
Total Special Fund Appropriation	34,311,858
Total Federal Fund Appropriation	138,134,632
Total Appropriation	204,055,305

OFFICE OF THE CHIEF MEDICAL EXAMINER

M00F05.01 Post Mortem Examining Services

General Fund Appropriation	10,023,955	
Federal Fund Appropriation	205,047	10,229,002

Funds are appropriated in other agency budgets to 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		17,405,574

WESTERN MARYLAND CENTER

M00I03.01 Services and Institutional Operations		
General Fund Appropriation	22,449,080	
Special Fund Appropriation	1,134,622	23,583,702

Funds are appropriated in other agency budgets to 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	19,023,922	
Special Fund Appropriation	4,001,046	23,024,968

LABORATORIES ADMINISTRATION

M00J02.01 Laboratory Services		
General Fund Appropriation	19,439,723	
Special Fund Appropriation	574,815	
Federal Fund Appropriation	3,243,745	23,258,283

Funds are appropriated in other agency budgets to 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		1,950,691

Funds are appropriated in other agency budgets to pay for services provided by

this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

ALCOHOL AND DRUG ABUSE ADMINISTRATION

M00K02.01 Alcohol and Drug Abuse Administration

General Fund Appropriation ..... ~~83,141,343~~ 83,045,943

Special Fund Appropriation, provided that $1,250,000 of this appropriation made for the purpose of providing problem gambling services, may not be expended until the Department of Health and Mental Hygiene provides a report to the budget committees on how funds for problem gambling services and treatment will be allocated to the 24 local health departments under the Problem Gambling Fund. Specifically, the report shall outline how the department will account for the variation in the prevalence of gambling among local jurisdictions when distributing funds in fiscal 2012. Furthermore, the report shall describe how the department will establish a network of clinically appropriate services for problem gamblers as required by Chapter 4 of the 2007 Special Session. This includes the provision of inpatient and residential services; outpatient services; intensive outpatient services; continuing care services; educational services; services for victims of domestic violence; and other preventive or rehabilitative services or treatment. Lastly, the report shall update the committees on the establishment of a 24–hour hotline for compulsive and problem gamblers. The budget committees shall have 45 days from the receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other

purpose and shall be canceled if the report is not submitted to the budget committees	23,191,185	
Federal Fund Appropriation	38,442,201	~~144,774,729~~ 144,679,329

Funds are appropriated in other agency budgets to 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 any cost containment actions anticipated in the Mental Hygiene Administration's fee–for–service and grants– and contract–based community mental health services budget as introduced by the Governor be implemented to minimize the loss of federal Medicaid funds and the impact on persons with serious mental illness as well as community providers of services to those persons.

Provided that $100,000 of the General Fund appropriation intended to support the provision of community mental health services may not be expended until the Mental Hygiene Administration submits to the budget committees:

(1) by July 1, 2011, a report detailing the cost containment actions implemented by the administration in the fiscal 2012 budget; and

(2) by December 1, 2011, a report detailing the impact of cost containment actions on access to care for persons with serious mental illness and on the financial condition of providers.

The budget committees shall have 45 days

from the receipt of each report to review and comment. Funds restricted pending the receipt of the reports may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted to the budget committees.

~~Provided~~ ***Further provided*** that $78,000 in general funds made to support the operations of Spring Grove Hospital Center, $49,000 in general funds made to support the operations of Springfield Hospital Center, $43,000 in general funds made to support the operations of Clifton T. Perkins Hospital Center, $16,000 in general funds made to support the operations of Thomas B. Finan Hospital Center, and $14,000 in general funds made to support the operations of Eastern Shore Hospital Center may not be expended for that purpose but instead may be used only to fund an independent study that includes:

(1) an analysis of short– and long–term population and placement trends to determine the potential demand for State–run psychiatric hospital capacity including the maximum appropriate use of community–based alternatives;

(2) best practices for facility operations, including building size and configuration;

(3) appropriate site locations based on future demand; and

(4) any other information the Department of Health and Mental Hygiene (DHMH) considers important in determining the future need for State–run

psychiatric hospital capacity.

DHMH shall submit a copy of the study to the budget committees by December 1, 2011. 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 if the study is not undertaken.

M00L01.01 Program Direction

General Fund Appropriation, provided that $50,000 of this appropriation provided for Executive Direction may not be expended for that purpose but instead may be used only for a contract with the Maryland Economic Development Corporation (MEDCO) for the purpose of developing a Redevelopment Plan for Spring Grove Hospital Center. MEDCO shall undertake this report in conjunction with the Department of Planning and the Department of Business and Economic Development. The report shall include detail on:

(1) *a parcel dedicated for the* construction ~~and financing~~ of a new hospital *as well as financing options* ~~based on the bed need determined by an independent report to be commissioned by the Department of Health and Mental Hygiene~~;

(2) a parcel with size and need dedicated for the University of Maryland Baltimore County;

(3) a parcel with size and need dedicated for recreation space for Baltimore County; and

(4) the remaining parcel dedicated to mixed use development.

The report shall also:

(1) identify opportunities to maximize federal Medicaid dollars;

(2) identify the utilization of Tax Increment Financing opportunities;

(3) evaluate future tax revenue; and

(4) evaluate how to utilize parcel sale proceeds to benefit the Community Mental Health Service Delivery System.

The report shall be submitted to the budget committees by September 1, 2011, and the budget committees shall have 45 days to review and comment. 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 6,149,558

Federal Fund Appropriation 2,342,978 8,492,536

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.

M00L01.02 Community Services

General Fund Appropriation ..... ~~76,845,498~~
~~76,545,498~~
~~76,845,498~~
76,745,498

Special Fund Appropriation 158,605

Federal Fund Appropriation ..... 31,818,400 ~~108,822,503~~
~~108,522,503~~
~~108,822,503~~
108,722,503

Funds are appropriated in other agency budgets to 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 ~~$1,000,000~~ ***$3,000,000*** in general funds appropriated for the provision of private institutional care to youth may not be used for that purpose and instead may be used only to support community–based residential treatment diversion programming. 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	~~338,000,650~~ ~~335,000,650~~ ~~336,000,650~~ ***338,000,650***	
Special Fund Appropriation	15,850,000	
Federal Fund Appropriation	~~317,694,694~~ ~~314,694,694~~ ~~315,694,694~~ ***317,694,694***	~~671,545,344~~ ~~665,545,344~~ ~~667,545,344~~ ***671,545,344***

SUMMARY

Total General Fund Appropriation	420,895,706
Total Special Fund Appropriation	16,008,605
Total Federal Fund Appropriation	351,856,072
Total Appropriation	788,760,383

WALTER P. CARTER COMMUNITY MENTAL HEALTH CENTER

M00L03.01 Services and Institutional Operations

General Fund Appropriation	146,456

THOMAS B. FINAN HOSPITAL CENTER

M00L04.01 Services and Institutional Operations		
General Fund Appropriation	17,064,138	
Special Fund Appropriation	1,321,126	18,385,264

REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS – BALTIMORE

M00L05.01 Services and Institutional Operations		
General Fund Appropriation	10,764,340	
Special Fund Appropriation	1,908,978	
Federal Fund Appropriation	72,071	12,745,389

CROWNSVILLE HOSPITAL CENTER

M00L06.01 Services and Institutional Operations		
General Fund Appropriation	940,043	
Special Fund Appropriation	383,458	1,323,501

EASTERN SHORE HOSPITAL CENTER

M00L07.01 Services and Institutional Operations		
General Fund Appropriation	18,427,137	
Special Fund Appropriation	12,692	18,439,829

SPRINGFIELD HOSPITAL CENTER

M00L08.01 Services and Institutional Operations		
General Fund Appropriation	~~72,373,820~~ ~~72,324,009~~ *72,373,820*	
Special Fund Appropriation	255,164	~~72,628,984~~ ~~72,579,173~~ *72,628,984*

Funds are appropriated in other agency budgets to 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	~~75,903,652~~ ~~75,769,335~~ *75,903,652*	
Special Fund Appropriation	2,618,518	
Federal Fund Appropriation	22,092	~~78,544,262~~ ~~78,409,945~~ *78,544,262*

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CLIFTON T. PERKINS HOSPITAL CENTER

M00L10.01 Services and Institutional Operations		
General Fund Appropriation	49,645,041	
Special Fund Appropriation	140,160	49,785,201

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

JOHN L. GILDNER REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS

M00L11.01 Services and Institutional Operations		
General Fund Appropriation	10,067,263	
Special Fund Appropriation	107,943	
Federal Fund Appropriation	42,359	10,217,565

Funds are appropriated in other agency budgets to 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	496,601	
Special Fund Appropriation	530,440	1,027,041

Funds are appropriated in other agency budgets to 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		39,134

DEVELOPMENTAL DISABILITIES ADMINISTRATION

M00M01.01 Program Direction		
General Fund Appropriation	4,435,401	
Federal Fund Appropriation	2,042,074	6,477,475
M00M01.02 Community Services		
General Fund Appropriation	~~439,621,401~~	
	~~439,577,031~~	
	439,604,488	
Special Fund Appropriation	~~3,623,938~~	
	3,623,420	
Federal Fund Appropriation	~~340,189,227~~	~~783,434,566~~
	~~340,160,234~~	~~783,360,685~~
	340,174,378	*783,402,286*

Funds are appropriated in other agency budgets to 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	444,039,889
Total Special Fund Appropriation	3,623,420
Total Federal Fund Appropriation	342,216,452
Total Appropriation	789,879,761

ROSEWOOD CENTER

M00M02.01 Services and Institutional Operations		
General Fund Appropriation	1,522,780	
Special Fund Appropriation	1,059,389	2,582,169

HOLLY CENTER

M00M05.01 Services and Institutional Operations		
General Fund Appropriation	18,510,271	
Special Fund Appropriation	169,025	18,679,296

Funds are appropriated in other agency budgets to 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	8,570,290

POTOMAC CENTER

M00M07.01 Services and Institutional Operations		
General Fund Appropriation	11,148,674	
Special Fund Appropriation	5,000	11,153,674

JOSEPH D. BRANDENBURG CENTER

M00M09.01 Services and Institutional Operations
General Fund Appropriation 33,628

MEDICAL CARE PROGRAMS ADMINISTRATION

It is the intent of the General Assembly that determinations for long–term care eligibility be made in a timely manner in accordance with State law. Current regulation specifies that an eligibility determination be made within 30 days. However, eligibility determinations for long–term care services under the Medical Assistance Program are taking three months or longer from the date of application, including initial applications, transfers from other facilities, and redeterminations for continued benefits.

Further provided that $100,000 in general funds appropriated for the purpose of executive oversight in the Office of the Secretary in both the Department of Health and Mental Hygiene (DHMH) and the Department of Human Resources (DHR) may not be expended until DHMH and DHR submit to the budget committees, the House Health and Government Operations Committee, and the Senate Finance Committee a report detailing how the departments have:

(1) developed a process to streamline the review by performing desk reviews of certain redetermination applications, including the consideration for desk reviews where the applicant receives Supplemental Security Income or qualifies for other State programs;

(2) created a separate application for redeterminations, which only requests information on changes or updates to the applicant's eligibility status, and the

possibility of an electronic, pre–populated form; and

(3) made any other changes to the redetermination process that are necessary to ensure the timely processing of applications.

As part of the streamlined process developed by the departments, they shall:

(1) simplify the initial application by reducing the amount of documents that must be submitted by applicants based on the experience of processes used in other states;

(2) acquire technology that allows DHR to quickly assess the risk of an application and speed the processing of cases, particularly cases identified as low risk cases;

(3) consider the use of online applications and other technology–based tools, such as data management, image scanning, and upgrade of the information technology systems; and

(4) make other changes to the application process that are necessary to ensure the timely processing of applications.

The report shall be submitted to the committees by September 15, 2011, 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. Until the submission of the September 15, 2011, report, the departments, beginning

on June 15, 2011, shall submit to the committees a monthly update on progress toward improving the timeliness of long–term care eligibility determinations.

M00Q01.01 Deputy Secretary for Health Care Financing		
General Fund Appropriation	1,679,437	
Federal Fund Appropriation	6,119,259	7,798,696

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00Q01.02 Office of Systems, Operations and Pharmacy		
General Fund Appropriation	~~10,024,949~~ 9,951,949	
Federal Fund Appropriation	~~23,403,104~~ 23,184,104	~~33,428,053~~ 33,136,053

M00Q01.03 Medical Care Provider Reimbursements

All appropriations provided for program M00Q01.03 are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except that the general funds required to pay costs associated with the imposition of a Medicaid assessment may be transferred by budget amendment to Western Maryland Center (program code M00I03.01), Deer's Head Center (program code M00I04.01), Thomas B. Finan Hospital Center (program code M00L04.01), Eastern Shore Hospital Center (program code M00L07.01), Springfield Hospital Center (program code M00L08.01), Spring Grove Hospital Center (program code M00L09.01), and

Clifton T. Perkins Hospital Center (program code M00L10.01). Funds not expended for these purposes shall revert to the General Fund or be canceled.

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 $13,000,000 of this

appropriation shall be reduced contingent upon the enactment of legislation increasing the nursing facility quality assessment.

Further provided that $17,500,000 of this appropriation shall be reduced contingent upon the enactment of legislation ~~allowing the Health Services Cost Review Commission to alter the financing methodology for hospital graduate medical education~~ authorizing an increase in Medicaid hospital assessments ..... ~~2,533,991,137~~ ~~2,499,934,637~~ ~~2,520,378,637~~ ***2,517,628,637***

Special Fund Appropriation, provided that $225,000,000 of this appropriation is contingent upon the enactment of legislation authorizing an increase in Medicaid hospital assessments 827,697,060

Federal Fund Appropriation~~, provided that $17,500,000 of this appropriation shall be reduced contingent upon the enactment of legislation allowing the Health Services Cost Review Commission to alter the financing methodology for hospital graduate medical education~~ ..... ~~3,380,998,038~~ ~~6,742,686,235~~ ~~3,347,385,538~~ ~~6,675,017,235~~ ~~3,367,385,538~~ ~~6,715,461,235~~ ***3,364,635,538*** ***6,709,961,235***

Funds are appropriated in other agency budgets to 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	10,436,095	
Special Fund Appropriation	25,949	
Federal Fund Appropriation	11,347,284	21,809,328

M00Q01.05 Office of Finance

General Fund Appropriation	1,385,369	
Federal Fund Appropriation	1,450,519	2,835,888

M00Q01.06 Kidney Disease Treatment Services

General Fund Appropriation, provided that $11,600,000 of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the use of revenue from a nonprofit health service plan for this purpose	11,600,000	
Special Fund Appropriation	400,000	12,000,000

M00Q01.07 Maryland Children's Health Program

General Fund Appropriation, provided that no part of this General Fund appropriation may be paid to any physician or surgeon or any hospital, clinic, or other medical facility for or in connection with the performance of any abortion, except upon certification by a physician or surgeon, based upon his or her professional judgment that the procedure is necessary, provided one of the following conditions exists: where continuation of the pregnancy is likely to result in the death of the woman; or where the woman is a victim of rape, sexual offense, or incest which has been reported to a law enforcement agency or a public health or social agency; or where it can be ascertained by the physician with a reasonable degree of medical certainty that the fetus is affected by genetic defect or serious deformity or abnormality; or where it can be ascertained by the physician with a reasonable degree of medical certainty that termination of pregnancy is medically necessary because there is substantial risk that continuation of the pregnancy could have a serious and adverse effect on the woman's present or future physical health; or before an abortion can be performed on the grounds of mental health there must be certification in writing by the physician or

surgeon that in his or her professional judgment there exists medical evidence that continuation of the pregnancy is creating a serious effect on the woman's present mental health and if carried to term there is a substantial risk of a serious or long lasting effect on the woman's future mental health	66,765,701	
Special Fund Appropriation	6,585,093	
Federal Fund Appropriation	135,552,903	208,903,697

M00Q01.08 Major Information Technology Development Projects

Federal Fund Appropriation		22,867,695

M00Q01.09 Office of Eligibility Services

General Fund Appropriation	5,755,285	
Federal Fund Appropriation	7,056,651	12,811,936

SUMMARY

Total General Fund Appropriation	2,625,202,473
Total Special Fund Appropriation	834,708,102
Total Federal Fund Appropriation	3,572,213,953
Total Appropriation	7,032,124,528

HEALTH REGULATORY COMMISSIONS

M00R01.01 Maryland Health Care Commission

Special Fund Appropriation	28,673,291	
Federal Fund Appropriation	3,313,924	31,987,215

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00R01.02 Health Services Cost Review Commission

Special Fund Appropriation	130,853,481
M00R01.03 Maryland Community Health Resources Commission	
Special Fund Appropriation	3,150,000

SUMMARY

Total Special Fund Appropriation	162,676,772
Total Federal Fund Appropriation	3,313,924
Total Appropriation	165,990,696

DEPARTMENT OF HUMAN RESOURCES

OFFICE OF THE SECRETARY

N00A01.01 Office of the Secretary		
General Fund Appropriation	5,669,367	
Federal Fund Appropriation	6,431,157	12,100,524
N00A01.02 Citizen's Review Board for Children		
General Fund Appropriation	767,155	
Federal Fund Appropriation	407,557	1,174,712
N00A01.03 Maryland Commission for Women		
General Fund Appropriation		183,022
N00A01.04 Maryland Legal Services Program		
General Fund Appropriation	10,873,955	
Federal Fund Appropriation	4,935,917	15,809,872
N00A01.05 Office of Grants Management		
General Fund Appropriation, provided that $2,559,277 of this appropriation shall be transferred to the Governor's Office of Crime Control and Prevention (GOCCP) contingent upon the enactment of legislation authorizing the transfer of sexual assault, domestic violence, and rape crisis programs to the GOCCP	12,002,808	
Special Fund Appropriation	410,507	
Federal Fund Appropriation, provided that $2,148,306 of this appropriation shall be transferred to the Governor's Office of Crime Control and Prevention (GOCCP) contingent upon the enactment of legislation authorizing the transfer of sexual assault, domestic violence, and rape crisis programs to the GOCCP	4,692,316	17,105,631

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this

program.

SUMMARY

Total General Fund Appropriation	29,496,307
Total Special Fund Appropriation	410,507
Total Federal Fund Appropriation	16,466,947
Total Appropriation	46,373,761

SOCIAL SERVICES ADMINISTRATION

N00B00.04 General Administration – State		
General Fund Appropriation	10,762,940	
Federal Fund Appropriation	17,051,074	27,814,014

OPERATIONS OFFICE

N00E01.01 Division of Budget, Finance, and Personnel		
General Fund Appropriation	9,462,739	
Federal Fund Appropriation	8,266,063	17,728,802
N00E01.02 Division of Administrative Services		
General Fund Appropriation	4,088,758	
Federal Fund Appropriation	4,736,688	8,825,446

SUMMARY

Total General Fund Appropriation	13,551,497
Total Federal Fund Appropriation	13,002,751
Total Appropriation	26,554,248

OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

N00F00.02 Major Information Technology Development Projects		
Federal Fund Appropriation		2,313,575

N00F00.04 General Administration

General Fund Appropriation	~~30,400,541~~	
	30,301,448	
Special Fund Appropriation	1,006,269	
Federal Fund Appropriation	~~36,388,058~~	~~67,794,868~~
	36,311,826	67,619,543

SUMMARY

Total General Fund Appropriation	30,301,448
Total Special Fund Appropriation	1,006,269
Total Federal Fund Appropriation	38,625,401
Total Appropriation	69,933,118

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 canceled.

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 $1,017,465 of this appropriation shall be reduced contingent upon the enactment of legislation to establish a non–public placement program for children with behavioral issues who are in State care 238,760,125
Special Fund Appropriation 25,199
Federal Fund Appropriation 86,298,414 325,083,738

N00G00.02 Local Family Investment Program
General Fund Appropriation 51,491,494
Special Fund Appropriation 2,680,664
Federal Fund Appropriation 89,088,503 143,260,661

N00G00.03 Child Welfare Services

Provided that all appropriations provided for program N00G00.03 Child Welfare Services are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except that funds may be transferred to program N00G00.01 Foster Care Maintenance Payments. Funds not expended or transferred shall be reverted to the General Fund or be canceled.

General Fund Appropriation 91,063,484
Special Fund Appropriation 1,253,151
Federal Fund Appropriation 118,610,350 210,926,985

N00G00.04 Adult Services
General Fund Appropriation 10,569,804
Special Fund Appropriation 1,502,325
Federal Fund Appropriation 30,914,970 42,987,099

N00G00.05 General Administration
General Fund Appropriation 22,518,420
Special Fund Appropriation 2,690,488

Federal Fund Appropriation	17,586,139	42,795,047

N00G00.06 Local Child Support Enforcement Administration

General Fund Appropriation	15,387,773	
Special Fund Appropriation	~~913,819~~ 813,819	
Federal Fund Appropriation	30,058,876	~~46,360,468~~ 46,260,468

N00G00.08 Assistance Payments

General Fund Appropriation	49,914,935	
Special Fund Appropriation	16,399,197	
Federal Fund Appropriation	1,318,890,060	1,385,204,192

N00G00.10 Work Opportunities

Federal Fund Appropriation		39,009,925

SUMMARY

Total General Fund Appropriation	479,706,035
Total Special Fund Appropriation	25,364,843
Total Federal Fund Appropriation	1,730,457,237
Total Appropriation	2,235,528,115

CHILD SUPPORT ENFORCEMENT ADMINISTRATION

N00H00.08 Support Enforcement – State

General Fund Appropriation	2,617,536	
Special Fund Appropriation	~~11,831,903~~ 11,635,652	
Federal Fund Appropriation	~~26,019,614~~ 25,638,656	~~40,469,053~~ 39,891,844

FAMILY INVESTMENT ADMINISTRATION

N00I00.04 Director's Office

General Fund Appropriation	6,772,002	
Federal Fund Appropriation	19,556,631	26,328,633

N00I00.05 Maryland Office for Refugees and Asylees		
Federal Fund Appropriation		10,198,350
N00I00.06 Office of Home Energy Programs		
Special Fund Appropriation, provided that $100,000 of this appropriation made for the purpose of the Office of Home Energy Programs (OHEP) may not be expended until the Department of Human Resources (DHR) submits a report to the budget committees on actions taken by DHR and OHEP in response to the U.S. Government Accountability Office report on the Low Income Home Energy Assistance Program and the related finding regarding the use of data matching in eligibility and benefit determinations in the Office of Legislative Audits Family Investment Administration audit released in February 2011. This report shall include detail on the dates actions were implemented and actions planned but not yet implemented. The report shall be submitted by December 1, 2011, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees	56,001,203	
Federal Fund Appropriation	87,210,461	143,211,664

SUMMARY

Total General Fund Appropriation	6,772,002
Total Special Fund Appropriation	56,001,203
Total Federal Fund Appropriation	116,965,442
Total Appropriation	179,738,647

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

OFFICE OF THE SECRETARY

P00A01.01 Executive Direction		
General Fund Appropriation	1,864,974	
Special Fund Appropriation	521,786	
Federal Fund Appropriation	780,699	3,167,459
P00A01.02 Program Analysis and Audit		
General Fund Appropriation	12,968	
Special Fund Appropriation	14,780	
Federal Fund Appropriation	54,815	82,563
P00A01.05 Legal Services		
General Fund Appropriation	1,033,588	
Special Fund Appropriation	1,149,724	
Federal Fund Appropriation	1,032,074	3,215,386
P00A01.08 Office of Fair Practices		
General Fund Appropriation	42,942	
Special Fund Appropriation	49,004	
Federal Fund Appropriation	181,777	273,723
P00A01.09 Governor's Workforce Investment Board		
General Fund Appropriation		91,240

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00A01.11 Board of Appeals		
Federal Fund Appropriation		3,813,418
P00A01.12 Lower Appeals		
Federal Fund Appropriation		6,427,771

SUMMARY

Total General Fund Appropriation		3,045,712
Total Special Fund Appropriation		1,735,294
Total Federal Fund Appropriation		12,290,554
Total Appropriation		17,071,560

DIVISION OF ADMINISTRATION

P00B01.03 Office of Budget and Fiscal Services		
General Fund Appropriation	590,731	
Special Fund Appropriation	797,035	
Federal Fund Appropriation	2,558,094	3,945,860
P00B01.04 Office of General Services		
General Fund Appropriation	674,057	
Special Fund Appropriation	2,052,168	
Federal Fund Appropriation	2,869,303	5,595,528

P00B01.05 Office of Information Technology

Funds are appropriated in other units of the Department of Labor, Licensing, and Regulation budget to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00B01.06 Office of Human Resources		
General Fund Appropriation	300,202	
Special Fund Appropriation	342,427	
Federal Fund Appropriation	1,270,234	1,912,863

SUMMARY

Total General Fund Appropriation	1,564,990
Total Special Fund Appropriation	3,191,630
Total Federal Fund Appropriation	6,697,631
Total Appropriation	11,454,251

DIVISION OF FINANCIAL REGULATION

P00C01.02 Financial Regulation		
General Fund Appropriation	1,932,980	
Special Fund Appropriation	6,918,051	8,851,031

DIVISION OF LABOR AND INDUSTRY

P00D01.01 General Administration		
General Fund Appropriation	66,906	
Special Fund Appropriation	507,679	
Federal Fund Appropriation	262,419	837,004
P00D01.02 Employment Standards		
General Fund Appropriation	369,452	
Special Fund Appropriation	776,090	1,145,542
P00D01.03 Railroad Safety and Health		
Special Fund Appropriation		394,733
P00D01.05 Safety Inspection		
Special Fund Appropriation		4,691,922
P00D01.06 Apprenticeship and Training		
General Fund Appropriation	248,283	
Special Fund Appropriation	210,924	459,207
P00D01.07 Prevailing Wage		
General Fund Appropriation		704,947
P00D01.08 Occupational Safety and Health Administration		
Special Fund Appropriation	4,303,730	
Federal Fund Appropriation	4,303,728	8,607,458

SUMMARY

Total General Fund Appropriation	1,389,588
Total Special Fund Appropriation	10,885,078
Total Federal Fund Appropriation	4,566,147

Total Appropriation		16,840,813

DIVISION OF RACING

P00E01.02 Maryland Racing Commission		
General Fund Appropriation	386,072	
Special Fund Appropriation	28,601,780	28,987,852
P00E01.03 Racetrack Operation		
General Fund Appropriation	1,355,451	
Special Fund Appropriation	535,571	1,891,022
P00E01.04 Share of Racing Revenue to Local Subdivisions		
Special Fund Appropriation		~~1,205,600~~ 0
P00E01.05 Maryland Facility Redevelopment Program		
Special Fund Appropriation		9,911,350
P00E01.06 Share of Video Lottery Terminal Revenue for Local Impact Grants		
Special Fund Appropriation		21,804,970

SUMMARY

Total General Fund Appropriation	1,741,523
Total Special Fund Appropriation	60,853,671
Total Appropriation	62,595,194

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

P00F01.01 Occupational and Professional Licensing		
General Fund Appropriation	3,485,106	
Special Fund Appropriation	5,330,235	8,815,341

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING

P00G01.01 Office of the Assistant Secretary

General Fund Appropriation	220,000	
Federal Fund Appropriation	43,703,487	43,923,487

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.03 Workforce Development

Special Fund Appropriation	1,785,284	
Federal Fund Appropriation	18,827,595	20,612,879

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.12 Adult Education and Literacy Program

General Fund Appropriation	430,428	
Special Fund Appropriation	534,307	
Federal Fund Appropriation	1,452,355	2,417,090

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.13 Adult Corrections Program

General Fund Appropriation	13,844,988	
Federal Fund Appropriation	666,082	14,511,070

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.14 Aid to Education

General Fund Appropriation	6,933,622	
Federal Fund Appropriation	6,814,797	13,748,419

SUMMARY

Total General Fund Appropriation	21,429,038
Total Special Fund Appropriation	2,319,591
Total Federal Fund Appropriation	71,464,316
Total Appropriation	95,212,945

DIVISION OF UNEMPLOYMENT INSURANCE

P00H01.01 Office of Unemployment Insurance

Special Fund Appropriation	172,638	
Federal Fund Appropriation	74,956,343	75,128,981

P00H01.02 Major Information Technology Development Projects

Federal Fund Appropriation	4,928,750

SUMMARY

Total Special Fund Appropriation	172,638
Total Federal Fund Appropriation	79,885,093
Total Appropriation	80,057,731

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

~~Provided that $100,000 of the appropriation for the Maryland Parole Commission (MPC) may not be expended until the Department of Public Safety and Correctional Services (DPSCS) has entered into a Memorandum of Understanding (MOU) with the local detention centers in the following counties to implement a pilot program using a video conferencing system to perform all local inmate parole hearings: Allegany, Baltimore, Frederick, Prince George's, and Washington counties. Provided that $394,245 of the General Fund appropriation in the Division of Correction made for the purpose of providing per diem grants to the local correctional facilities in the selected counties may not be expended until each county enters into an MOU with MPC no later than September 30, 2011. The type of video conferencing system will be mutually agreed upon by the local detention center and the department.~~

~~Further provided that DPSCS shall submit a report to the budget committees certifying that an MOU has been executed with each county by September 30, 2011. The report shall identify the type of video teleconferencing equipment used in each county, the estimated one-time and ongoing costs associated with the equipment, and the potential cost savings to both the state and local jurisdictions. The report shall be submitted no later than October 15, 2011, and the budget committees shall have 45 days to review and comment from the date of receipt of the report. Funds restricted pending receipt of the report may not be transferred by budget amendment or otherwise to any other purpose, and shall revert to the General Fund if the report is~~

~~not submitted to the budget committees by October 15, 2011.~~

~~Further provided that after budget committee review and comment on the MOUs and report, MPC shall reimburse the local detention centers for one-half of the costs of the video conferencing equipment and installation. The local detention center shall be responsible for all ongoing maintenance and operating costs.~~

Provided that $100,000 of the appropriation for the Maryland Parole Commission (MPC) may not be expended until the Department of Public Safety and Correctional Services (DPSCS) has entered into a Memorandum of Understanding (MOU) ***to establish a pilot program*** *with each local detention center* ***in Allegany, Baltimore, Frederick, Prince George's, and Washington counties*** *to implement a video conferencing system to perform all local inmate parole hearings. The MOU shall specify that the local detention center shall be responsible for the purchase of any new equipment needed by the local facility to operate a video teleconferencing system and all ongoing maintenance and operating costs. The type of video conferencing system shall be mutually agreed upon by the local detention center and the department. DPSCS shall work in consultation with the Department of Information Technology to ensure that the agreed upon systems are the most appropriate and cost–effective options to meet the level of demand for each jurisdiction, without requiring the State to purchase excessive equipment.*

Further provided that ~~*$1,413,765*~~ ***$394,245*** *of the General Fund appropriation in the Division of Correction made for the purpose of providing per diem grants to local correctional facilities* ***in the five***

identified counties *may not be expended until each county enters into an MOU with MPC no later than September 30, 2011.*

Further provided that DPSCS shall submit a report to the budget committees certifying that an MOU has been executed with each county by September 30, 2011. ***The report shall also identify the type of video teleconferencing equipment used in each county, the estimated one-time and ongoing costs associated with the equipment, and the potential cost savings to both the State and local jurisdictions.*** *The report shall be submitted no later than October 15, 2011, and the budget committees shall have 45 days to review and comment from the date of receipt of the report. Funds restricted pending receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.*

OFFICE OF THE SECRETARY

Q00A01.01 General Administration		
General Fund Appropriation	~~22,188,026~~ 22,066,026	
Special Fund Appropriation	531,256	~~22,719,282~~ 22,597,282

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.02 Information Technology and Communications Division		
General Fund Appropriation	31,767,031	
Special Fund Appropriation	4,459,316	
Federal Fund Appropriation	495,625	36,721,972

Funds are appropriated in other agency budgets to 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 2,565,570

Q00A01.04 9–1–1 Emergency Number Systems
Special Fund Appropriation 57,333,103

Q00A01.06 Division of Capital Construction and Facilities Maintenance
General Fund Appropriation 1,982,396

Funds are appropriated in other agency budgets to 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 4,620,499

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	63,001,522
Total Special Fund Appropriation	62,323,675
Total Federal Fund Appropriation	495,625
Total Appropriation	125,820,822

DIVISION OF CORRECTION – HEADQUARTERS

Provided that the Department of Public Safety and Correctional Services (DPSCS) shall submit a plan for reducing the State inmate population to the point where at least one facility may be closed and the current staffing complement shall be at least minimally adequate enough to safely and securely staff the State's prison facilities. DPSCS shall consider, at a minimum, three options for reducing the inmate population and provide examples of other states, if applicable, that have implemented those options. The department shall propose specific steps and a timeline for implementing each option, any legislative changes that may be required, which facilities may be the most ideal for closure, and an estimate of cost savings generated from the closure. The report shall be submitted to the budget committees by October 1, 2011, and the budget committees shall have 45 days to review and comment following receipt of the plan.

Q00B01.01 General Administration		
General Fund Appropriation	8,702,203	
Special Fund Appropriation	25,000	
Federal Fund Appropriation	106,903	8,834,106

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B01.02 Classification, Education and Religious Services		
General Fund Appropriation	9,392,830	
Special Fund Appropriation	610,449	10,003,279

Q00B01.03 Canine Operations		
General Fund Appropriation		1,880,903

Q00B01.04 Central Region Finance Office		
General Fund Appropriation		4,755,890

SUMMARY

Total General Fund Appropriation	24,731,826
Total Special Fund Appropriation	635,449
Total Federal Fund Appropriation	106,903
Total Appropriation	25,474,178

JESSUP REGION

Q00B02.01 Central Transportation Unit		
General Fund Appropriation		12,033,392
Q00B02.02 Jessup Correctional Institution		
General Fund Appropriation	60,949,143	
Special Fund Appropriation	1,405,251	62,354,394

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B02.03 Maryland Correctional Institution – Jessup		
General Fund Appropriation	37,619,873	
Special Fund Appropriation	877,367	38,497,240

Funds are appropriated in other agency budgets to 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	110,602,408
Total Special Fund Appropriation	2,282,618

Total Appropriation		112,885,026

BALTIMORE REGION

Q00B03.01 Metropolitan Transition Center		
General Fund Appropriation	39,566,703	
Special Fund Appropriation	805,412	40,372,115
Funds are appropriated in other agency budgets to 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		
Special Fund Appropriation	500,000	
Federal Fund Appropriation	23,648,248	24,148,248
Q00B03.04 Maryland Reception, Diagnostic, and Classification Center		
General Fund Appropriation	33,670,440	
Special Fund Appropriation	257,597	33,928,037
Funds are appropriated in other agency budgets to 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	4,807,405	
Special Fund Appropriation	366,123	5,173,528
Q00B03.07 Baltimore City Correctional Center		
General Fund Appropriation	13,057,475	
Special Fund Appropriation	375,000	13,432,475

Funds are appropriated in other agency budgets to 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	91,102,023
Total Special Fund Appropriation	2,304,132
Total Federal Fund Appropriation	23,648,248
Total Appropriation	117,054,403

HAGERSTOWN REGION

Q00B04.01 Maryland Correctional Institution – Hagerstown		
General Fund Appropriation	63,626,644	
Special Fund Appropriation	1,473,491	65,100,135

Funds are appropriated in other agency budgets to 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	68,774,235	
Special Fund Appropriation	2,260,909	71,035,144

Funds are appropriated in other agency budgets to 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	47,420,663

Special Fund Appropriation	1,219,978	48,640,641

Funds are appropriated in other agency budgets to 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	179,821,542
Total Special Fund Appropriation	4,954,378
Total Appropriation	184,775,920

WOMEN'S FACILITIES

Q00B05.01 Maryland Correctional Institution for Women

General Fund Appropriation	35,954,377	
Special Fund Appropriation	1,162,102	37,116,479

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND CORRECTIONAL PRE–RELEASE SYSTEM

Q00B06.01 General Administration

General Fund Appropriation	2,459,318

Funds are appropriated in other agency budgets to 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	21,212,243	
Special Fund Appropriation	517,520	21,729,763

Funds are appropriated in other agency budgets to 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	17,047,498	
Special Fund Appropriation	445,000	17,492,498

Funds are appropriated in other agency budgets to 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	4,457,951	
Special Fund Appropriation	372,651	4,830,602

Funds are appropriated in other agency budgets to 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	4,628,868	
Special Fund Appropriation	327,367	4,956,235

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.11 Central Maryland Correctional Facility		
General Fund Appropriation	13,606,015	
Special Fund Appropriation	530,557	14,136,572

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	63,411,893
Total Special Fund Appropriation	2,193,095
Total Appropriation	65,604,988

EASTERN SHORE REGION

Q00B07.01 Eastern Correctional Institution		
General Fund Appropriation	98,875,478	
Special Fund Appropriation	2,923,761	
Federal Fund Appropriation	1,700,000	103,499,239

Funds are appropriated in other agency budgets to 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	53,221,945	
Special Fund Appropriation	1,252,023	54,473,968

Funds are appropriated in other agency budgets to 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	51,318,263	
Special Fund Appropriation	966,552	52,284,815

SUMMARY

Total General Fund Appropriation	104,540,208
Total Special Fund Appropriation	2,218,575
Total Appropriation	106,758,783

MARYLAND CORRECTIONAL ENTERPRISES

Q00B09.01 Maryland Correctional Enterprises

Special Fund Appropriation	46,219,030

MARYLAND PAROLE COMMISSION

Q00C01.01 General Administration and Hearings

General Fund Appropriation, provided that $100,000 of this appropriation may not be expended until the Maryland Parole Commission submits a report to the budget committees verifying that the new Public Safety Risk Assessment tool used for parole guidelines and the technical violation matrix are validated instruments. In addition, the report shall provide fiscal 2010 and 2011 data on the number of times a parole commissioner overrides a decision derived from a risk assessment tool, either at the point of initial parole or at a revocation hearing. The report shall be submitted by October 15, 2011, 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 5,119,046

DIVISION OF PAROLE AND PROBATION

Q00C02.01 General Administration

General Fund Appropriation, provided that $100,000 of this appropriation may not be expended until the Division of Parole and Probation submits a report to the budget committees of proposed changes to the pre–parole investigation process for local inmates. This report shall reflect the estimated annual cost savings to the agency that result from the proposed changes. The report shall be submitted no later than October 15, 2011, and the budget committees shall have 45 days to review and comment. Funds restricted pending receipt of report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ... 4,864,227

Q00C02.02 Field Operations

General Fund Appropriation, provided that the General Fund appropriation made for personnel costs shall be reduced by $75,000 contingent upon the enactment of HB 1248 establishing a program for awarding Earned Compliance Credits to supervised offenders under supervision by the Division of Parole and Probation ..... ~~84,121,907~~ ~~83,016,113~~ ~~83,360,976~~ ***83,188,544***

Special Fund Appropriation 7,791,395

Federal Fund Appropriation ..... 201,571 ~~92,114,873~~ ~~91,009,079~~ ~~91,353,942~~ ***91,181,510***

Funds are appropriated in other agency budgets to 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	9,399,248	
Special Fund Appropriation	100,000	9,499,248

SUMMARY

Total General Fund Appropriation	97,452,019
Total Special Fund Appropriation	7,891,395
Total Federal Fund Appropriation	201,571
Total Appropriation	105,544,985

PATUXENT INSTITUTION

Q00D00.01 Services and Institutional Operations		
General Fund Appropriation	~~46,050,456~~ 46,036,456	
Special Fund Appropriation	664,116	~~46,714,572~~ 46,700,572

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INMATE GRIEVANCE OFFICE

Q00E00.01 General Administration	
Special Fund Appropriation	988,796

POLICE AND CORRECTIONAL TRAINING COMMISSIONS

Q00G00.01 General Administration	
General Fund Appropriation	~~8,555,041~~

	8,505,041	
Special Fund Appropriation	330,000	~~8,885,041~~ 8,835,041

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CRIMINAL INJURIES COMPENSATION BOARD

Q00K00.01 Administration and Awards

Special Fund Appropriation, provided that $1,980,000 of this appropriation made for the purpose of providing financial assistance to victims of crime is contingent upon enactment of HB 135, which proposes an increase to the circuit, District, and traffic court costs that are paid into the Criminal Injuries Compensation Fund	5,679,368	
Federal Fund Appropriation	2,450,000	8,129,368

Funds are appropriated in other agency budgets to 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 COMMISSION ON CORRECTIONAL STANDARDS

Q00N00.01 General Administration

General Fund Appropriation 571,023

DIVISION OF PRETRIAL DETENTION AND SERVICES

Q00P00.01 General Administration

General Fund Appropriation 8,102,191

Q00P00.02 Pretrial Release Services

General Fund Appropriation 6,180,042

Q00P00.03 Baltimore City Detention Center		
General Fund Appropriation	89,334,417	
Special Fund Appropriation	1,628,222	
Federal Fund Appropriation	7,000	90,969,639
Q00P00.04 Central Booking and Intake Facility		
General Fund Appropriation	51,134,977	
Special Fund Appropriation	123,817	51,258,794

SUMMARY

Total General Fund Appropriation	154,751,627
Total Special Fund Appropriation	1,752,039
Total Federal Fund Appropriation	7,000
Total Appropriation	156,510,666

STATE DEPARTMENT OF EDUCATION

HEADQUARTERS

R00A01.01 Office of the State Superintendent

Provided that it is the intent of the General Assembly that no individual loaned educator be engaged by the Maryland State Department of Education (MSDE) for more than six years. For loaned educators engaged in fiscal 2010, the time already served at MSDE may not count toward the six–year limit.

Further provided that it is the intent of the General Assembly that all loaned educators submit annual financial disclosure statements, as is required by State employees in similar positions.

Further provided that MSDE shall provide an annual census report on the number of loaned educator contracts and any conversion of these personnel to regular positions to the General Assembly by December 15, 2011, and annually thereafter. The annual report shall include job function, title, salary, fund source(s) for the contract, the first year of the contract and the number of years that each loaned educator has been employed by the State, and whether the educator files a financial disclosure statement. MSDE shall also provide a report to the budget committees prior to entering into any new loaned educator contracts to provide temporary assistance to the State. The budget committees shall have 45 days to review and comment from the date of receipt of any report on new contracts.

General Fund Appropriation	4,909,340	
Special Fund Appropriation	475,369	
Federal Fund Appropriation	27,466,893	32,851,602

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
R00A01.02 Division of Business Services		
General Fund Appropriation	987,814	
Special Fund Appropriation	46,949	
Federal Fund Appropriation	10,394,724	11,429,487
R00A01.03 Division of Academic Reform and Innovation		
General Fund Appropriation	1,177,877	
Federal Fund Appropriation	531,838	1,709,715
R00A01.04 Division of Accountability, Assessment and Data Systems		
General Fund Appropriation	27,185,451	
Special Fund Appropriation	545,367	
Federal Fund Appropriation	8,275,492	36,006,310
Funds are appropriated in other agency budgets to 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	17,266	
Federal Fund Appropriation	2,956,060	2,973,326
R00A01.06 Major Information Technology Development Projects		
Federal Fund Appropriation		~~31,031,399~~
		7,289,192
R00A01.10 Division of Early Childhood Development		
General Fund Appropriation	13,336,873	
Federal Fund Appropriation	26,806,815	40,143,688

R00A01.11 Division of Instruction		
General Fund Appropriation	2,001,471	
Special Fund Appropriation	1,550,390	
Federal Fund Appropriation	3,038,506	6,590,367

Funds are appropriated in other agency budgets to 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	2,168,069	
Special Fund Appropriation	25,000	
Federal Fund Appropriation	5,005,285	7,198,354
R00A01.13 Division of Special Education/Early Intervention Services		
General Fund Appropriation	606,824	
Special Fund Appropriation	606,020	
Federal Fund Appropriation	10,827,240	12,040,084
R00A01.14 Division of Career and College Readiness		
General Fund Appropriation	1,036,263	
Federal Fund Appropriation	2,126,326	3,162,589
R00A01.15 Juvenile Services Education Program		
General Fund Appropriation, provided that $327,532 of this appropriation shall be reduced contingent upon the enactment of legislation to establish a non–public placement program for children with behavioral issues who are in State care	8,642,404	
Federal Fund Appropriation	296,997	8,939,401
R00A01.17 Division of Library Development and Services		

General Fund Appropriation	953,829	
Federal Fund Appropriation	2,135,417	3,089,246
R00A01.18 Division of Certification and Accreditation		
General Fund Appropriation	2,761,722	
Special Fund Appropriation	175,924	
Federal Fund Appropriation	310,458	3,248,104
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	1,600,966	
Special Fund Appropriation	184,372	
Federal Fund Appropriation	7,746,052	9,531,390
R00A01.21 Division of Rehabilitation Services – Client Services		
General Fund Appropriation	10,892,540	
Federal Fund Appropriation	24,061,852	34,954,392
R00A01.22 Division of Rehabilitation Services – Workforce and Technology Center		
General Fund Appropriation	1,635,262	
Federal Fund Appropriation	7,359,357	8,994,619
R00A01.23 Division of Rehabilitation Services – Disability Determination Services		
Federal Fund Appropriation		34,537,493
R00A01.24 Division of Rehabilitation Services – Blindness and Vision Services		
General Fund Appropriation	747,909	
Special Fund Appropriation	3,568,300	
Federal Fund Appropriation	4,222,961	8,539,170

SUMMARY

Total General Fund Appropriation	91,479,808
Total Special Fund Appropriation	7,177,691
Total Federal Fund Appropriation	185,388,958
Total Appropriation	284,046,457

AID TO EDUCATION

Provided that the Maryland State Department of Education shall notify the budget committees of any intent to transfer funds from program R00A02 Aid to Education to any other budgetary unit. The budget committees shall have 45 days to review and comment on the planned transfer prior to its effect.

R00A02.01 State Share of Foundation Program

General Fund Appropriation, provided that ~~$62,146,481~~ ~~$22,792,403~~ ~~$1,750,414~~ ***$328,381*** of this appropriation shall be reduced contingent upon the enactment of legislation reducing the per pupil foundation amount.

*Further provided that ~~$21,041,989~~ **$22,464,022** of this appropriation made for the State Share of the Foundation Program, contingent on the enactment of SB 994 increasing the alcohol sales tax, shall not be spent for that purpose and instead may be used only as follows:*

*(1) ~~$12,222,110~~ **$12,223,682** to increase funds for the Guaranteed Tax Base Program, if additional funds are necessary to provide aid under Section 5–210 of the Education Article. Authorization is hereby granted to transfer this amount to R00A02.25 Guaranteed Tax Base Program; ~~and~~*

(2) $8,819,879 to increase funds for the Disparity Grant program,

*contingent on enactment of HB 72 or SB 87 altering eligibility for the program. Authorization is hereby granted to transfer this amount to A15O00.01 Disparity Grants. Further provided that $4,409,939 of the amount transferred shall be provided to the county board of education**; and***

(3) $1,420,461 to provide grants to local school systems for which total direct education aid in fiscal 2012 is less than the amount received in fiscal 2011 by more than 6.5%, contingent on enactment of HB 72 or SB 87 establishing the grants.

Any funds not expended for these restricted purposes may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that $124,420,746 of this appropriation shall be reduced contingent upon the enactment of legislation prefunding the fiscal year 2012 State Share of Foundation Program in fiscal year 2011	~~2,755,991,139~~ 2,754,944,968	
Special Fund Appropriation	214,780,190	~~2,970,771,329~~ 2,969,725,158

R00A02.02 Compensatory Education

General Fund Appropriation, provided that ~~$24,033,764~~ $8,678,858 of this appropriation shall be reduced contingent upon the enactment of legislation reducing the per pupil foundation amount		1,092,534,969

R00A02.03 Aid for Local Employee Fringe Benefits

General Fund Appropriation, provided that ~~$16,233,378~~ *$15,857,542* of this appropriation shall be reduced		

contingent upon the enactment of HB 72 or SB 87 implementing an administrative charge for ~~users~~ *use* of the State Retirement Agency *by local boards of education. The reduction applies to the calculation of use of the State Retirement Agency for fiscal 2012.* Authorization is hereby provided to process a Special Fund budget amendment up to ~~$16,233,378~~ *$15,857,542* to recognize payments from local ~~employers~~ *boards of education* 941,019,816

R00A02.04 Children at Risk

General Fund Appropriation	7,700,000	
Special Fund Appropriation	3,557,175	
Federal Fund Appropriation	26,072,500	37,329,675

R00A02.05 Formula Programs for Specific Populations

General Fund Appropriation 5,842,000

R00A02.07 Students With Disabilities

General Fund Appropriation, provided that ~~$5,867,879~~ $2,133,775 of this appropriation shall be reduced contingent upon the enactment of legislation reducing the per pupil foundation amount 389,560,729

To provide funds as follows:

Formula	266,401,443
Non–Public Placement Program	112,770,182
Infants and Toddlers Program .	10,389,104

Provided that funds appropriated for non–public placements may be used to develop a broad range of services to assist in returning children with special needs from out–of–state placements to Maryland; to prevent out–of–state placements of children with special needs; to prevent unnecessary separate day school, residential or institutional placements within Maryland; and to work with local jurisdictions in these regards. Policy decisions regarding the

expenditures of such funds shall be made jointly by the Executive Director of the Governor's Office for Children and the Secretaries of Health and Mental Hygiene, Human Resources, Juvenile Services, Budget and Management, and the State Superintendent of Education.

R00A02.08 Assistance to State for Educating Students With Disabilities		
Federal Fund Appropriation		225,814,844
R00A02.09 Gifted and Talented		
Federal Fund Appropriation		1,141,828
R00A02.12 Educationally Deprived Children		
Federal Fund Appropriation		200,220,155
R00A02.13 Innovative Programs		
General Fund Appropriation	3,361,176	
Federal Fund Appropriation	~~50,069,321~~	~~53,430,497~~
	12,569,321	15,930,497

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A02.15 Language Assistance		
Federal Fund Appropriation		9,121,522
R00A02.18 Career and Technology Education		
Federal Fund Appropriation		15,769,826
R00A02.24 Limited English Proficient		
General Fund Appropriation, provided that ~~$3,632,993~~ $1,325,546 of this appropriation shall be reduced contingent upon the enactment of legislation reducing the per pupil foundation amount		164,025,016
R00A02.25 Guaranteed Tax Base		
General Fund Appropriation, provided that this appropriation shall be increased by		

~~$1,934,400~~ $709,209 contingent upon the enactment of legislation reducing the per pupil foundation amount		37,246,355
R00A02.27 Food Services Program		
General Fund Appropriation	7,156,664	
Federal Fund Appropriation	218,438,967	225,595,631
R00A02.31 Public Libraries		
General Fund Appropriation, provided that this appropriation shall be reduced by $2,361,225 contingent upon the enactment of legislation to reduce the required appropriation for the support of county public libraries	35,349,163	
Federal Fund Appropriation	1,330,154	36,679,317
R00A02.32 State Library Network		
General Fund Appropriation, provided that this appropriation shall be reduced by $1,717,116 contingent upon the enactment of legislation to reduce the required appropriation for the support of the State and regional resource centers		17,520,224
R00A02.39 Transportation		
General Fund Appropriation		248,244,197
R00A02.52 Science and Mathematics Education Initiative		
General Fund Appropriation	2,221,230	
Federal Fund Appropriation	2,926,640	5,147,870
R00A02.53 School Technology		
Federal Fund Appropriation		1,900,000
R00A02.55 Teacher Development		
General Fund Appropriation	5,390,000	
Special Fund Appropriation	600,000	
Federal Fund Appropriation	40,000,000	45,990,000
R00A02.57 Transitional Education Funding Program		

General Fund Appropriation		10,575,000
R00A02.58 Head Start		
General Fund Appropriation		1,800,000
R00A02.59 Child Care Subsidy Program		
General Fund Appropriation	33,604,000	
Federal Fund Appropriation	69,396,000	103,000,000

SUMMARY

Total General Fund Appropriation	5,758,095,507
Total Special Fund Appropriation	218,937,365
Total Federal Fund Appropriation	824,701,757
Total Appropriation	6,801,734,629

FUNDING FOR EDUCATIONAL ORGANIZATIONS

R00A03.01 Maryland School for the Blind		
General Fund Appropriation		17,922,943
R00A03.02 Blind Industries and Services of Maryland		
General Fund Appropriation		531,292
R00A03.03 Other Institutions		
General Fund Appropriation		4,131,446
Alice Ferguson Foundation	53,486	
Alliance of Southern Prince George's Communities, Inc.	21,394	
American Visionary Art Museum	10,134	
Arts Excel – Baltimore Symphony Orchestra	42,789	
B&O Railroad Museum	40,537	
Baltimore Museum of Industry	54,049	
Best Buddies International (MD Program)	106,972	
Chesapeake Bay Foundation	280,943	
Chesapeake Bay Maritime Museum	13,512	
Citizenship Law–Related		

Education	19,705
College Bound	24,210
The Dyslexia Tutoring Program, Inc.	24,210
Echo Hill Outdoor School	36,033
Imagination Stage	160,459
Jewish Museum of Maryland	8,445
Junior Achievement of Central Maryland	27,024
Living Classrooms Foundation	204,937
Maryland Academy of Sciences	588,352
Maryland Historical Society	80,510
Maryland Humanities Council	28,150
Maryland Leadership Workshops	29,277
Maryland Mathematics, Engineering and Science Achievement	51,234
Maryland Zoo in Baltimore – Education Component	547,251
National Aquarium in Baltimore	319,792
National Great Blacks in Wax Museum	27,024
National Museum of Ceramic Art and Glass	13,512
Northbay Adventure	625,000
Olney Theatre	94,023
Outward Bound	85,578
Port Discovery	74,881
Salisbury Zoological Park	11,823
Sotterley Foundation	8,445
South Baltimore Learning Center	27,024
State Mentoring Resource Center	51,234
Sultana Projects	13,512
Super Kids Camp	263,490
The Village Learning Place, Inc.	29,277
Walters Art Museum	10,697
Ward Museum	22,521

R00A03.04 Aid to Non–Public Schools

Special Fund Appropriation, provided that this appropriation shall be for the purchase of textbooks or computer

hardware and software and other electronically delivered learning materials as permitted under Title IID, Section 2416(b)(4), (6), and (7) of the No Child Left Behind Act for loan to students in eligible non–public schools with a maximum distribution of $60 per eligible non–public school student for participating schools, except that at schools where at least 20% of the students are eligible for the free or reduced price lunch program there shall be a distribution of $90 per student. To be eligible to participate, a non–public school shall:

(1) Hold a certificate of approval from or be registered with the State Board of Education;

(2) Not charge more tuition to a participating student than the statewide average per pupil expenditure by the local education agencies, as calculated by the department, with appropriate exceptions for special education students as determined by the department; and

(3) Comply with Title VI of the Civil Rights Act of 1964, as amended.

The department shall establish a process to ensure that the local education agencies are effectively and promptly working with the non–public schools to assure that the non–public schools have appropriate access to federal funds for which they are eligible.

Further provided that the Maryland State Department of Education shall:

(1) Assure that the process for textbook, computer hardware, and computer software acquisition uses a list of qualified textbook,

computer hardware, and computer software vendors and of qualified textbooks, computer hardware, and computer software; uses textbooks, computer hardware, and computer software that are secular in character and acceptable for use in any public elementary or secondary school in Maryland;

(2) Receive requisitions for textbooks, computer hardware, and computer software to be purchased from the eligible and participating schools, and forward the approved requisitions and payments to the qualified textbook, computer hardware, or computer software vendor who will send the textbooks, computer hardware, or computer software directly to the eligible school which will:

(i) Report shipment receipt to the department;

(ii) Provide assurance that the savings on the cost of the textbooks, computer hardware, or computer software will be dedicated to reducing the cost of textbooks, computer hardware, or computer software for students; and

(iii) Since the textbooks, computer hardware, or computer software shall remain property of the State, maintain appropriate shipment receipt records for audit purposes ..... ~~4,440,000~~ ~~3,996,000~~ *4,440,000*

SUMMARY

Total General Fund Appropriation		22,585,681
Total Special Fund Appropriation		4,440,000
Total Appropriation		27,025,681

CHILDREN'S CABINET INTERAGENCY FUND

R00A04.01 Children's Cabinet Interagency Fund		
General Fund Appropriation	18,805,565	
Federal Fund Appropriation, provided that $1,823,709 of this appropriation made for the purpose of early intervention and prevention activities may be used only to fund these activities through Youth Services Bureaus. Further provided that the allocation of funding among Youth Services Bureaus shall be distributed in the same proportions as provided in fiscal 2011. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled	7,323,989	26,129,554

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MORGAN STATE UNIVERSITY

R13M00.00 Morgan State University		
Current Unrestricted Appropriation	161,877,903	
Current Restricted Appropriation	47,876,195	209,754,098

ST. MARY'S COLLEGE OF MARYLAND

R14D00.00 St. Mary's College of Maryland		
Current Unrestricted Appropriation	66,613,970	
Current Restricted Appropriation	3,599,836	70,213,806

MARYLAND PUBLIC BROADCASTING COMMISSION

R15P00.01 Executive Direction and Control		
Special Fund Appropriation		635,549
R15P00.02 Administration and Support Services		
General Fund Appropriation	8,447,796	
Special Fund Appropriation	650,420	9,098,216
R15P00.03 Broadcasting		
Special Fund Appropriation	9,921,926	
Federal Fund Appropriation	1,219,397	11,141,323
R15P00.04 Content Enterprises		
Special Fund Appropriation	6,649,716	
Federal Fund Appropriation	575,000	7,224,716

SUMMARY

Total General Fund Appropriation	8,447,796
Total Special Fund Appropriation	17,857,611
Total Federal Fund Appropriation	1,794,397
Total Appropriation	28,099,804

UNIVERSITY SYSTEM OF MARYLAND

UNIVERSITY OF MARYLAND, BALTIMORE

R30B21.00 University of Maryland, Baltimore		
Current Unrestricted Appropriation	520,322,318	
Current Restricted Appropriation	451,227,077	971,549,395

UNIVERSITY OF MARYLAND, COLLEGE PARK

R30B22.00 University of Maryland, College Park		
Current Unrestricted Appropriation	1,238,726,136	
Current Restricted Appropriation	448,038,472	1,686,764,608

BOWIE STATE UNIVERSITY

R30B23.00 Bowie State University		
Current Unrestricted Appropriation	85,188,868	
Current Restricted Appropriation	17,100,000	102,288,868

TOWSON UNIVERSITY

R30B24.00 Towson University		
Current Unrestricted Appropriation	360,345,068	
Current Restricted Appropriation	44,390,007	404,735,075

UNIVERSITY OF MARYLAND EASTERN SHORE

R30B25.00 University of Maryland Eastern Shore		
Current Unrestricted Appropriation	87,305,344	
Current Restricted Appropriation	32,452,859	119,758,203

FROSTBURG STATE UNIVERSITY

R30B26.00 Frostburg State University		
Current Unrestricted Appropriation	89,201,773	
Current Restricted Appropriation	11,502,000	100,703,773

COPPIN STATE UNIVERSITY

R30B27.00 Coppin State University		
Current Unrestricted Appropriation	67,772,379	
Current Restricted Appropriation	22,826,010	90,598,389

UNIVERSITY OF BALTIMORE

R30B28.00 University of Baltimore		
Current Unrestricted Appropriation	105,800,107	
Current Restricted Appropriation	13,950,000	119,750,107

SALISBURY UNIVERSITY

R30B29.00 Salisbury University		
Current Unrestricted Appropriation	142,290,539	
Current Restricted Appropriation	11,035,883	153,326,422

UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE

R30B30.00 University of Maryland University College		
Current Unrestricted Appropriation	298,698,598	
Current Restricted Appropriation	12,995,511	311,694,109

UNIVERSITY OF MARYLAND BALTIMORE COUNTY

R30B31.00 University of Maryland Baltimore County		
Current Unrestricted Appropriation	272,185,928	
Current Restricted Appropriation	93,880,082	366,066,010

UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE

R30B34.00 University of Maryland Center for Environmental Science		
Current Unrestricted Appropriation	25,358,885	
Current Restricted Appropriation	18,717,683	44,076,568

UNIVERSITY SYSTEM OF MARYLAND OFFICE

R30B36.00 University System of Maryland Office

Current Unrestricted Appropriation, ***provided that $1,000,000 of this appropriation may not be expended until the University System of Maryland Board of Regents submits a study examining the advantages and disadvantages of merging the University of Maryland, College Park and the University of Maryland, Baltimore. The study shall include any issues related to merging the two institutions under a single University of Maryland. If the Board of Regents concludes that merging the two institutions is feasible and appropriate, then the Board shall include an outline of how the merger will be accomplished, identify any***

legislative or other changes needed, and the projected timeline to accomplish the merger. The report shall be submitted to the budget committees by December 15, 2011, and the budget committees shall have 45 days to review and comment on the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees 24,092,255

Current Restricted Appropriation 3,000,000 27,092,255

MARYLAND HIGHER EDUCATION COMMISSION

R62I00.01 General Administration

General Fund Appropriation, provided that this appropriation shall be reduced by $253,208 contingent upon the enactment of legislation authorizing the Maryland Higher Education Commission to charge fees for conducting the program review required under Education, Sections 11–206, 11–206.1, and 11–206.2. Authorization is hereby provided to process a Special Fund budget amendment up to $253,208 from a fund to be established in the Budget and Reconciliation Financing Act of 2011.

Further provided that this appropriation shall be reduced by $939,165 and 11 positions contingent upon legislation authorizing the transfer of the Maryland Higher Education Commission functions, positions and resources to the Maryland State Department of Education 5,183,598

Special Fund Appropriation 374,751

Federal Fund Appropriation 695,314 6,253,663

Funds are appropriated in other agency budgets to 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		38,445,958

R62I00.05 The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges

General Fund Appropriation~~, provided that no college shall receive more than the equivalent of 2% of estimated tuition revenue in fiscal 2012 for its share of the Keeping Maryland Community Colleges Affordable Grant. Further provided that if the equivalent 2% of estimated tuition revenue in fiscal 2012 for all participating colleges exceeds the appropriation for the Keeping Maryland Community Colleges Affordable Grant, the grant shall be distributed to each participating college on a pro rata share of overall estimated tuition revenue of participating colleges in fiscal 2012~~		214,269,541

R62I00.06 Aid to Community Colleges – Fringe Benefits

General Fund Appropriation, provided that $757,694 of this appropriation shall be reduced contingent upon the enactment of HB 72 or SB 87 implementing an administrative charge for users of the State Retirement Agency. Authorization is hereby provided to process a Special Fund budget amendment up to $757,694 to recognize payments from local employers		53,069,741

R62I00.07 Educational Grants

General Fund Appropriation, provided that

$4,900,000 of this appropriation designated to enhance the State's four historically black institutions may not be expended until the Maryland Higher Education Commission submits a report to the budget committees outlining how the funds will be spent. The report shall be submitted by July 1, 2011, and the budget committees shall have 45 days to review and comment on the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees	~~7,744,087~~ ~~6,724,125~~ ~~7,244,087~~ ***6,974,125***	
Federal Fund Appropriation	2,600,000	~~10,344,087~~ ~~9,324,125~~ ~~9,844,087~~ ***9,574,125***

To provide Education Grants to various State, Local and Private Entities

Complete College Maryland	~~1,019,962~~ ~~0~~ ~~519,962~~ ***250,000***	
Improving Teacher Quality	1,100,000	
OCR Enhancement Fund	4,900,000	
Interstate Educational Compacts in Optometry	124,125	
Regional Higher Education Centers	1,500,000	
Harry Hughes Center for Agro–Ecology	200,000	
College Access Challenge Grant Program	1,500,000	

R62I00.10 Educational Excellence Awards

General Fund Appropriation	75,124,624	
Federal Fund Appropriation	1,271,546	76,396,170

R62I00.12 Senatorial Scholarships
General Fund Appropriation 6,486,000

R62I00.14 Edward T. Conroy Memorial Scholarship Program
General Fund Appropriation 570,474

R62I00.15 Delegate Scholarships
General Fund Appropriation 5,196,000

R62I00.16 Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program
General Fund Appropriation, provided that this appropriation shall be reduced by $340,979 contingent upon enactment of legislation authorizing the ~~transfer of funds from the Voluntary Company Assistance Fund~~ use of funds from the moving violation surcharge. Authorization is hereby provided to process a Special Fund budget amendment up to $340,979 from the ~~Voluntary Company Assistance Fund~~ proceeds of the moving violation surcharge to support the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program 340,979

R62I00.17 Graduate and Professional Scholarship Program
General Fund Appropriation 1,174,473

R62I00.20 Distinguished Scholar Program
General Fund Appropriation, provided that $1,050,000 of this appropriation shall be reduced contingent upon the enactment of legislation to reduce the required appropriation for the support of the Distinguished Scholar Program 4,111,000

R62I00.21 Jack F. Tolbert Memorial Student Grant Program
General Fund Appropriation~~, provided that $200,000 of this appropriation shall be reduced contingent upon the enactment of legislation to repeal the program~~ 200,000

R62I00.26 Janet L. Hoffman Loan Assistance Repayment Program	
General Fund Appropriation	1,492,895
R62I00.28 Maryland Loan Assistance Repayment Program for Physicians	
Special Fund Appropriation	520,000
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.	
R62I00.30 Private Donation Incentive Grants	
General Fund Appropriation	311,391
R62I00.33 Part–time Grant Program	
General Fund Appropriation	5,087,780
R62I00.36 Workforce Shortage Student Assistance Grants	
General Fund Appropriation	1,254,775
R62I00.37 Veterans of the Afghanistan and Iraq Conflicts Scholarships	
General Fund Appropriation	~~750,000~~
	547,494
R62I00.38 Nurse Support Program II	
Special Fund Appropriation	13,918,837
R62I00.39 Health Personnel Shortage Incentive Grant Program	
Special Fund Appropriation	520,000

SUMMARY

Total General Fund Appropriation	420,590,848
Total Special Fund Appropriation	15,333,588
Total Federal Fund Appropriation	5,766,860
Total Appropriation	441,691,296

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 2011 and January 1 and April 1 of 2012. 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	174,817,527
R30B22	University of Maryland, College Park	392,303,583
R30B23	Bowie State University	33,911,250
R30B24	Towson University	86,577,548
R30B25	University of Maryland Eastern Shore	30,403,707
R30B26	Frostburg State University	31,562,207
R30B27	Coppin State University	36,006,194
R30B28	University of Baltimore	28,808,811
R30B29	Salisbury University	37,595,193
R30B30	University of Maryland University College	31,198,098
R30B31	University of Maryland Baltimore County	90,690,638
R30B34	University of Maryland Center for Environmental Science	18,133,360
R30B36	University System of Maryland Office	18,327,851
Subtotal	University System of Maryland	1,010,335,967

R95C00 Baltimore City Community College 40,957,975
R14D00 St. Mary's College of Maryland..... 17,803,291
R13M00 Morgan State University 69,769,768

General Fund Appropriation~~, provided that none of this appropriation made for the purpose of supporting University System of Maryland institutions, Morgan State University, or St. Mary's College of Maryland may be used to support intercollegiate athletic activities, including coaching salaries, but not including institutional scholarships to student athletes on the basis of athletic ability.~~

~~Further,~~ Provided that the appropriation herein for the University System of Maryland Office (USMO) shall be reduced by ~~$8,080,140~~ ***$4,000,000***. USMO may: (1) replace some or all of the reduction with a transfer from the fund balance; (2) reduce system operations, including the Universities at Shady Grove and University System of Maryland at Hagerstown; or (3) assess system administrative costs to the institutions. Authorization is hereby provided to process a current unrestricted fund budget amendment up to ~~$8,080,140~~ ***$4,000,000*** to replace general funds.

Further provided that the appropriation herein for the Morgan State University (MSU) shall be reduced by ~~$400,000~~ ~~*$100,000*~~ ***$200,000***. MSU may replace some or all of the reduction with a transfer from the fund balance or by reducing operating expenses.

Further provided that ~~$10,000,000~~ *$1,000,000* of the appropriation for Baltimore City

Community College (BCCC) may not be expended until BCCC submits a report to the budget committees and the Maryland Higher Education Commission (MHEC) that:

(1) outlines each degree or certificate program that BCCC has ~~created or eliminated~~ ***created, eliminated, or combined into another degree or certificate program*** since January 1, 2011, and how these actions fit into the college's overall academic strategic plan;

(2) explains why each degree or certificate program was ~~created or eliminated;~~ ***created, eliminated, or combined;***

(3) explains the process used to determine whether a program is ~~created or eliminated;~~ ***created, eliminated, or combined;***

(4) outlines the expected impact on student enrollment, faculty levels, and funding in terms of tuition and fee revenue and State appropriations of each program created or eliminated;

(5) explains how each action fits into BCCC's strategic plan;

(6) explains how BCCC will manage and accommodate students who are currently enrolled in degree or certificate programs that were eliminated;

(7) includes a detailed budget for each degree or certificate program that was created or eliminated***, and for each combined degree or certificate program***; and

(8) includes a discussion of BCCC's strategic plan regarding program offerings, new degree or certificate programs that the college expects to create, and those it expects to ***combine or*** eliminate.

MHEC shall review the report and provide comments to the budget committees on BCCC's plans within 30 days of receiving the report. The budget committees shall have 45 days for review and comment from receipt of MHEC's report. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose.

Further provided that if additional programs are ~~created or eliminated~~ ***created, eliminated, or combined*** after submission of the report, BCCC shall report the information outlined above to MHEC and the budget committees 45 days prior to the Board of Trustees taking action.

Further provided that $5,000,000 of this appropriation made for the purpose of supporting the University System of Maryland institutions may not be expended until the University System of Maryland submits a report to the budget committees on the amount of general funds expended in fiscal 2011 on intercollegiate athletics, including institutional scholarships to student athletes on the basis of athletic ability by institution. The report shall be submitted to the budget committees by September 1, 2011, and the budget committees shall have 45 days to review and comment on the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that $1,000,000 of this appropriation made for the purpose of supporting Morgan State University may not be expended until a report is submitted to the budget committees on the amount of general funds expended in fiscal 2011 on intercollegiate athletics, including institutional scholarships to student athletes on the basis of athletic ability. The report shall be submitted to the budget committees by September 1, 2011, and the budget committees shall have 45 days to review and comment on the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that $500,000 of this appropriation made for the purpose of supporting St. Mary's College of Maryland may not be expended until a report is submitted to the budget committees on the amount of general funds expended in fiscal 2011 on intercollegiate athletics, including institutional scholarships to student athletes on the basis of athletic ability. The report shall be submitted to the budget committees by September 1, 2011, and the budget committees shall have 45 days to review and comment on the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that $1,000,000 of the appropriation for the University System of Maryland Office may not be expended until the University System of Maryland Board of Regents submits a study examining the advantages

and disadvantages of merging the University of Maryland, College Park and the University of Maryland, Baltimore. The study shall include any issues related to merging the two institutions under a single University of Maryland. If the Board of Regents concludes that merging the two institutions is feasible and appropriate, then the Board shall include an outline of how the merger will be accomplished, identify any legislative or other changes needed, and the projected timeline to accomplish the merger. The report shall be submitted to the budget committees by December 15, 2011, and the budget committees shall have 45 days to review and comment on the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees 1,138,867,001

The following amounts constitute an estimate of Special Fund revenues derived from the Higher Education Investment Fund and the Maryland Emergency Medical System Operations Fund. These revenues support the Special 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 allotments; said allotments to be made on July 1 and October 1 of 2011 and January 1 and April 1 of 2012. To the extent revenue attainment is lower than estimated, the Comptroller shall adjust the transfers at year end. 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	9,533,236	
R30B22	University of Maryland, College Park	28,654,194	
R30B23	Bowie State University	1,810,066	
R30B24	Towson University	4,662,083	
R30B25	University of Maryland Eastern Shore	1,651,765	
R30B26	Frostburg State University	1,702,789	
R30B27	Coppin State University	1,957,975	
R30B28	University of Baltimore	1,561,398	
R30B29	Salisbury University	2,024,035	
R30B30	University of Maryland University College	1,629,093	
R30B31	University of Maryland Baltimore County	4,904,415	
R30B34	University of Maryland Center for Environmental Science	965,370	
R30B36	University System of Maryland Office	1,001,913	
Subtotal	University System of Maryland	62,058,332	
R13M00	Morgan State University	3,623,315	
Special Fund Appropriation, provided that $7,323,667 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			65,681,647
			1,204,548,648

BALTIMORE CITY COMMUNITY COLLEGE

R95C00.00 Baltimore City Community College

Current Unrestricted Appropriation, provided that ~~$10,000,000~~ *$1,000,000* of the appropriation for Baltimore City Community College (BCCC) may not be expended until BCCC submits a report to the budget committees and the Maryland Higher Education Commission (MHEC) that:

(1) outlines each degree or certificate program that BCCC has ~~created or eliminated~~ ***created, eliminated, or combined into another degree or certificate program*** since January 1, 2011, and how these actions fit into the college's overall academic strategic plan;

(2) explains why each degree or certificate program was ~~created or eliminated;~~ ***created, eliminated, or combined;***

(3) explains the process used to determine whether a program is ~~created or eliminated;~~ ***created, eliminated, or combined;***

(4) outlines the expected impact on student enrollment, faculty levels, and funding in terms of tuition and fee revenue and State appropriations of each program created or eliminated;

(5) explains how each action fits into BCCC's strategic plan;

(6) explains how BCCC will manage and accommodate students who are currently enrolled in degree or certificate programs that were eliminated;

(7) includes a detailed budget for each degree or certificate program that was created or eliminated***, and for***

each combined degree or certificate program; and

(8) includes a discussion of BCCC's strategic plan regarding program offerings, new degree or certificate programs that the college expects to create, and those it expects to ***combine or*** eliminate.

MHEC shall review the report and provide comments to the budget committees on BCCC's plans within 30 days of receiving the report. The budget committees shall have 45 days for review and comment from receipt of MHEC's report. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose.

Further provided that if additional programs are ~~created or eliminated~~ ***created, eliminated, or combined*** after submission of the report, BCCC shall report the information outlined above to MHEC and the budget committees 45 days prior to the Board of Trustees taking action 66,695,106

Current Restricted Appropriation 27,511,456 94,206,562

MARYLAND SCHOOL FOR THE DEAF

FREDERICK CAMPUS

R99E01.00 Services and Institutional Operations

General Fund Appropriation 18,563,781

Special Fund Appropriation 222,456

Federal Fund Appropriation 118,210 18,904,447

Funds are appropriated in other agency budgets to 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	8,748,766	
Special Fund Appropriation	221,189	
Federal Fund Appropriation	361,895	9,331,850

Funds are appropriated in other agency budgets to 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

Provided that $250,000 of the Special Fund appropriation may not be expended until the Department of Housing and Community Development (DHCD) and the Department of General Services submit a report to the budget committees on the plan to move DHCD's headquarters from Crownsville to an undetermined location in Prince George's County. The report shall include:

(1) the details of the award and a proposed timeline for constructing a new building or rehabilitating an existing structure and timeline for moving DHCD's employees to the new location; ~~and~~

*(2) the potential long– and short–term capital and operating costs, program impacts, and implementation timelines associated with the move**; and***

(3) the transit–oriented location of the new headquarters and ability of DHCD users to access it.

The budget committees shall have 45 days from the date of receipt of the report to review and comment. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees.

OFFICE OF THE SECRETARY

S00A20.01 Office of the Secretary		
Special Fund Appropriation	2,354,800	
Federal Fund Appropriation	1,255,795	3,610,595

S00A20.03 Office of Management Services		
Special Fund Appropriation	2,320,034	
Federal Fund Appropriation	1,192,521	3,512,555

SUMMARY

Total Special Fund Appropriation	4,674,834
Total Federal Fund Appropriation	2,448,316
Total Appropriation	7,123,150

DIVISION OF CREDIT ASSURANCE

S00A22.01 Maryland Housing Fund		
Special Fund Appropriation		652,721
S00A22.02 Asset Management		
Special Fund Appropriation	1,466,017	
Federal Fund Appropriation	3,077,373	4,543,390
S00A22.03 Maryland Building Codes		
Special Fund Appropriation	504,612	
Federal Fund Appropriation	193,805	698,417

SUMMARY

Total Special Fund Appropriation	2,623,350
Total Federal Fund Appropriation	3,271,178
Total Appropriation	5,894,528

DIVISION OF NEIGHBORHOOD REVITALIZATION

S00A24.01 Neighborhood Revitalization		
General Fund Appropriation	240,000	
Special Fund Appropriation	7,076,749	
Federal Fund Appropriation	12,506,206	19,822,955

S00A24.02 Neighborhood Revitalization – Capital

Appropriation		
Federal Fund Appropriation		10,000,000

SUMMARY

Total General Fund Appropriation	240,000
Total Special Fund Appropriation	7,076,749
Total Federal Fund Appropriation	22,506,206
Total Appropriation	29,822,955

DIVISION OF DEVELOPMENT FINANCE

S00A25.01 Administration		
Special Fund Appropriation	2,505,910	
Federal Fund Appropriation	761,524	3,267,434
S00A25.02 Housing Development Program		
Special Fund Appropriation	3,654,035	
Federal Fund Appropriation	494,054	4,148,089
S00A25.03 Homeownership Programs		
Special Fund Appropriation	4,212,036	
Federal Fund Appropriation	220,101	4,432,137
S00A25.04 Special Loan Programs		
Special Fund Appropriation	1,746,943	
Federal Fund Appropriation	4,637,905	6,384,848

Funds are appropriated in other agency budgets to 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	50,000	
Federal Fund Appropriation	209,803,316	211,553,316

Funds are appropriated in other agency budgets to 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	15,500,000	
Federal Fund Appropriation	6,000,000	21,500,000
S00A25.08 Homeownership Programs – Capital Appropriation		
Federal Fund Appropriation		1,000,000
S00A25.09 Special Loan Programs – Capital Appropriation		
Federal Fund Appropriation		3,000,000
S00A25.14 Maryland BRAC Preservation Loan Fund – Capital Appropriation		
Special Fund Appropriation		4,000,000

SUMMARY

Total General Fund Appropriation	1,700,000
Total Special Fund Appropriation	31,668,924
Total Federal Fund Appropriation	225,916,900
Total Appropriation	259,285,824

DIVISION OF INFORMATION TECHNOLOGY

S00A26.01 Information Technology		
Special Fund Appropriation	1,082,672	
Federal Fund Appropriation	1,360,911	2,443,583
S00A26.02 Major Information Technology Development Projects		
Special Fund Appropriation		60,000

SUMMARY

Total Special Fund Appropriation		1,142,672
Total Federal Fund Appropriation		1,360,911
Total Appropriation		2,503,583

DIVISION OF FINANCE AND ADMINISTRATION

S00A27.01 Finance and Administration		
Special Fund Appropriation	3,991,960	
Federal Fund Appropriation	1,845,486	5,837,446

MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION

S50B01.01 General Administration		
General Fund Appropriation, provided that $200,000 of this appropriation may not be expended until the Maryland African American Museum Corporation submits a detailed report on financial efficiencies that may be achieved given the reduced attendance numbers. The report shall include a plan for potential self sufficiency that may include the eventual reduction of State funds. The plan shall assume at least a $200,000 reduction in State funds in fiscal 2013. The report shall be submitted to the budget committees by December 31, 2011, 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		2,000,000

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

OFFICE OF THE SECRETARY

T00A00.01 Secretariat Services		
General Fund Appropriation	1,425,349	
Special Fund Appropriation	234,626	
Federal Fund Appropriation	52,171	1,712,146
T00A00.03 Office of the Assistant Attorney General		
General Fund Appropriation	91,664	
Special Fund Appropriation	1,371,302	
Federal Fund Appropriation	4,900	1,467,866
T00A00.05 Maryland Biotechnology Center		
General Fund Appropriation	1,058,034	
Special Fund Appropriation	2,717,445	3,775,479
T00A00.07 Office of Economic Policy and Legislative Affairs		
General Fund Appropriation	572,961	
Special Fund Appropriation	115,334	
Federal Fund Appropriation	15,002	703,297
T00A00.08 Office of Administration and Technology		
General Fund Appropriation	4,097,648	
Special Fund Appropriation	872,859	
Federal Fund Appropriation	145,369	5,115,876

SUMMARY

Total General Fund Appropriation	7,245,656
Total Special Fund Appropriation	5,311,566
Total Federal Fund Appropriation	217,442
Total Appropriation	12,774,664

DIVISION OF MARKETING AND COMMUNICATIONS

T00E00.01 Division of Marketing and Communications		
General Fund Appropriation	2,505,282	
Special Fund Appropriation	677,112	3,182,394

DIVISION OF BUSINESS AND ENTERPRISE DEVELOPMENT

T00F00.01 Assistant Secretary Business and Enterprise Development		
General Fund Appropriation	573,315	
Special Fund Appropriation	34,582	607,897
T00F00.02 Office of International Trade and Investment		
General Fund Appropriation	1,669,074	
Special Fund Appropriation	76,697	1,745,771
T00F00.03 Maryland Small Business Development Financing Authority		
Special Fund Appropriation		1,601,404
T00F00.04 Office of Business Development		
General Fund Appropriation		2,154,302
T00F00.05 Office of Business Services		
General Fund Appropriation	2,103,657	
Special Fund Appropriation	743,343	2,847,000
T00F00.07 Partnership for Workforce Quality		
Special Fund Appropriation		165,000
T00F00.08 Financing Programs Operations		
Special Fund Appropriation		3,522,415
T00F00.09 Maryland Small Business Development Financing Authority – Business Assistance		
General Fund Appropriation	2,500,000	
Special Fund Appropriation	2,500,000	5,000,000

T00F00.11 Maryland Not–For–Profit Development Fund		
Special Fund Appropriation, provided that $125,000 of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the transfer of these funds to the General Fund		125,000
T00F00.12 Maryland Biotechnology Investment Tax Credit Reserve Fund		
General Fund Appropriation		8,000,000
T00F00.13 Office of Military Affairs and Base Realignment		
General Fund Appropriation	772,693	
Special Fund Appropriation	132,599	
Federal Fund Appropriation	742,475	1,647,767
T00F00.14 Maryland Industrial Development Financing Authority		
General Fund Appropriation, provided that this appropriation made for the purpose of providing business credit enhancements may not be expended for that purpose but instead may be used only for the Coordinating Emerging Nanobiotechnology Research in Maryland Program that awards grants under a competitive process developed in consultation with the Maryland Technology Development Corporation. 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		2,400,000
T00F00.15 Small, Minority, and Women–Owned Business Investment Account		
Special Fund Appropriation		5,946,810
T00F00.17 Maryland Enterprise Investment Fund and Challenge Programs		
Special Fund Appropriation		1,200,000

T00F00.18 Military Personnel and Service–Disabled Veteran Loan Program		
General Fund Appropriation		300,000
T00F00.23 Maryland Economic Development Assistance Authority Fund		
General Fund Appropriation	4,500,000	
Special Fund Appropriation***, provided that $132,500 of this appropriation made for the purpose of providing business assistance may not be expended for that purpose but instead may be used only to provide additional grants in equal amounts to the Tri–County Council for Southern Maryland, the Tri–County Council for Western Maryland, the Tri–County Council for the Lower Eastern Shore of Maryland, the Mid–Shore Regional Council, and the Upper Shore Regional Council. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled***	10,500,000	15,000,000

SUMMARY

Total General Fund Appropriation	24,973,041
Total Special Fund Appropriation	26,547,850
Total Federal Fund Appropriation	742,475
Total Appropriation	52,263,366

DIVISION OF TOURISM, FILM AND THE ARTS

T00G00.01 Assistant Secretary and Administration		
General Fund Appropriation		895,786

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

T00G00.02 Office of Tourism Development		
General Fund Appropriation	3,459,607	
Special Fund Appropriation	248,862	3,708,469
T00G00.03 Maryland Tourism Board		
General Fund Appropriation	5,000,000	
Special Fund Appropriation	350,000	5,350,000
T00G00.05 Maryland State Arts Council		
General Fund Appropriation	13,298,434	
Special Fund Appropriation	300,000	
Federal Fund Appropriation	806,858	14,405,292
T00G00.06 Film Production Rebate Program		
General Fund Appropriation		1,000,000
T00G00.08 Preservation of Cultural Arts Program		
Special Fund Appropriation		~~1,000,000~~
		~~0~~
		~~*1,000,000*~~
		500,000

SUMMARY

Total General Fund Appropriation	23,653,827
Total Special Fund Appropriation	1,398,862
Total Federal Fund Appropriation	806,858
Total Appropriation	25,859,547

MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

T50T01.01 Technology Development, Transfer and Commercialization	
General Fund Appropriation	3,273,192
T50T01.03 Maryland Stem Cell Research Fund	
General Fund Appropriation	12,400,000

SUMMARY

Total General Fund Appropriation	15,673,192

DEPARTMENT OF THE ENVIRONMENT

OFFICE OF THE SECRETARY

U00A01.01 Office of the Secretary		
General Fund Appropriation	1,113,683	
Special Fund Appropriation	489,818	
Federal Fund Appropriation	622,961	2,226,462
U00A01.03 Capital Appropriation – Water Quality Revolving Loan Fund		
Special Fund Appropriation	83,836,000	
Federal Fund Appropriation	47,308,000	131,144,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.05 Capital Appropriation – Drinking Water Revolving Loan Fund		
Special Fund Appropriation	5,182,000	
Federal Fund Appropriation	6,348,000	11,530,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.12 Capital Appropriation – Bay Restoration Fund – Septic Systems	
Special Fund Appropriation	8,500,000

SUMMARY

Total General Fund Appropriation	1,113,683
Total Special Fund Appropriation	98,007,818
Total Federal Fund Appropriation	54,278,961

Total Appropriation		153,400,462

ADMINISTRATIVE SERVICES ADMINISTRATION

U00A02.02 Administrative Services Administration		
General Fund Appropriation	4,878,687	
Special Fund Appropriation	2,115,767	
Federal Fund Appropriation	930,135	7,924,589

WATER MANAGEMENT ADMINISTRATION

U00A04.01 Water Management Administration		
General Fund Appropriation	12,414,699	
Special Fund Appropriation	9,222,090	
Federal Fund Appropriation	7,743,554	29,380,343

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SCIENCE SERVICES ADMINISTRATION

U00A05.01 Science Services Administration		
General Fund Appropriation	5,310,491	
Special Fund Appropriation	1,196,483	
Federal Fund Appropriation	6,688,178	13,195,152

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

LAND MANAGEMENT ADMINISTRATION

U00A06.01 Land Management Administration		
General Fund Appropriation	3,236,591	
Special Fund Appropriation	17,739,810	

Federal Fund Appropriation	10,623,317	31,599,718

Funds are appropriated in other agency budgets to 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, provided that ~~$500,000~~ ***$250,000*** of this appropriation for the Maryland Department of the Environment's ***(MDE)*** Air and Radiation Management Administration made for the purpose of general operating expenses may not be expended until MDE submits a report on how it is using the revenues from the Strategic Energy Investment Fund to further climate change work, in general, and to meet the requirements of Chapters 171 and 172 of 2009. The budget committees shall have 45 days to review and comment upon the receipt of the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ...	1,375,690	
Special Fund Appropriation	10,427,229	
Federal Fund Appropriation	5,025,304	16,828,223

Funds are appropriated in other agency budgets to 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	3,961,961	
Special Fund Appropriation	~~7,653,912~~	
	6,653,912	
Federal Fund Appropriation	4,433,467	~~16,049,340~~
		15,049,340

Funds are appropriated in other agency budgets to 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	400,000	
Federal Fund Appropriation	1,000,000	1,400,000

U00A10.03 Bay Restoration Fund Debt Service	
Special Fund Appropriation	4,615,000

SUMMARY

Total General Fund Appropriation	3,961,961
Total Special Fund Appropriation	11,668,912
Total Federal Fund Appropriation	5,433,467
Total Appropriation	21,064,340

DEPARTMENT OF JUVENILE SERVICES

~~Provided that the Department of Juvenile Services (DJS), in collaboration with the Department of Budget and Management, shall submit a plan on how to fully fund DJS operations in fiscal 2012 and 2013, so as to avoid the need for future deficiency appropriations. The plan shall specifically address habitual underfunding for employee salaries and overtime expenses, residential and nonresidential per diems, and community–based/after–care services. The report shall be submitted to the budget committees by October 1, 2011, and the budget committees shall have 45 days to review and comment following the receipt of the plan.~~

~~Further provided~~ *Provided* that *$100,000 of the General Fund appropriation for* the Department of Juvenile Services *(DJS) shall be restricted until DJS*, in consultation with the Department of Budget and Management, ~~shall submit~~ *submits* a report to the budget committees on how the process for identifying and receiving reimbursement for youth in non–public placement education programs is being implemented and the estimated impact to each jurisdiction for fiscal 2012. The report shall be submitted to the budget committees no later than December 1, 2011, *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.*

OFFICE OF THE SECRETARY

V00D01.01 Office of the Secretary

General Fund Appropriation 1,940,061

DEPARTMENTAL SUPPORT

V00D02.01 Departmental Support		
General Fund Appropriation, provided that $150,000 of this appropriation may not be expended until the Department of Juvenile Services submits a report to the budget committees providing pending placement population data, in addition to the number of youth held in secure detention beyond 30 days, as a measure of assessing the need for out–of–home committed placements. The report shall be submitted by September 15, 2011, and quarterly thereafter. 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	~~24,158,776~~ ~~23,908,776~~ ~~24,158,776~~ ***24,008,776***	
Special Fund Appropriation	295,000	
Federal Fund Appropriation	231,828	~~24,685,604~~ ~~24,435,604~~ ~~24,685,604~~ ***24,535,604***

RESIDENTIAL AND COMMUNITY OPERATIONS

V00E01.01 Residential and Community Operations		
Authorization to expend reimbursable funds is reduced by $300,000.		
General Fund Appropriation	3,441,357	
Special Fund Appropriation	~~302,697~~ 2,697	
Federal Fund Appropriation	~~1,114,721~~ 814,721	~~4,858,775~~ 4,258,775

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		

BALTIMORE CITY REGION

V00G01.01 Baltimore City Region Administrative		
General Fund Appropriation		3,450,175
V00G01.02 Baltimore City Region Community Operations		
General Fund Appropriation, provided that $330,510 of this appropriation shall be reduced contingent upon the enactment of legislation to establish a non–public placement program for children with behavioral issues who are in State care	38,881,931	
Federal Fund Appropriation	2,067,331	40,949,262
Funds are appropriated in other agency budgets to 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	22,298,325	
Special Fund Appropriation	20,000	
Federal Fund Appropriation	247,357	22,565,682

SUMMARY

Total General Fund Appropriation	64,630,431
Total Special Fund Appropriation	20,000
Total Federal Fund Appropriation	2,314,688
Total Appropriation	66,965,119

CENTRAL REGION

V00H01.01 Central Region Administrative		
General Fund Appropriation		1,481,082
V00H01.02 Central Region Community Operations		
General Fund Appropriation, provided that $192,797 of this appropriation shall be reduced contingent upon the enactment of legislation to establish a non–public placement program for children with behavioral issues who are in State care	20,485,309	
Special Fund Appropriation	2,892	
Federal Fund Appropriation	982,186	21,470,387
V00H01.03 Central Region State Operated Residential		
General Fund Appropriation	14,343,339	
Special Fund Appropriation	5,000	
Federal Fund Appropriation	112,072	14,460,411

SUMMARY

Total General Fund Appropriation	36,309,730
Total Special Fund Appropriation	7,892
Total Federal Fund Appropriation	1,094,258
Total Appropriation	37,411,880

WESTERN REGION

V00I01.01 Western Region Administrative		
General Fund Appropriation		2,312,655
V00I01.02 Western Region Community Operations		
General Fund Appropriation, provided that $96,398 of this appropriation shall be reduced contingent upon the enactment of legislation to establish a non–public placement program for children with behavioral issues who are in State care	8,693,026	

Federal Fund Appropriation	701,087	9,394,113

V00I01.03 Western Region State Operated Residential

General Fund Appropriation, provided that $943,328 of this appropriation shall be reduced contingent upon the enactment of legislation to establish a non–public placement program for children with behavioral issues who are in State care	27,999,398	
Special Fund Appropriation	81,778	
Federal Fund Appropriation	1,481,327	29,562,503

SUMMARY

Total General Fund Appropriation	39,005,079
Total Special Fund Appropriation	81,778
Total Federal Fund Appropriation	2,182,414
Total Appropriation	41,269,271

EASTERN SHORE REGION

V00J01.01 Eastern Shore Region Administrative

General Fund Appropriation		1,306,680

V00J01.02 Eastern Shore Region Community Operations

General Fund Appropriation, provided that $144,598 of this appropriation shall be reduced contingent upon the enactment of legislation to establish a non–public placement program for children with behavioral issues who are in State care	11,228,894	
Federal Fund Appropriation	847,153	12,076,047

V00J01.03 Eastern Shore Region State Operated Residential

General Fund Appropriation	6,667,340	
Special Fund Appropriation	9,000	
Federal Fund Appropriation	64,457	6,740,797

SUMMARY

Total General Fund Appropriation		19,202,914
Total Special Fund Appropriation		9,000
Total Federal Fund Appropriation		911,610
Total Appropriation		20,123,524

SOUTHERN REGION

V00K01.01 Southern Region Administrative		
General Fund Appropriation		654,644
V00K01.02 Southern Region Community Operations		
General Fund Appropriation, provided that $206,568 of this appropriation shall be reduced contingent upon the enactment of legislation to establish a non–public placement program for children with behavioral issues who are in State care	15,491,303	
Federal Fund Appropriation	965,455	16,456,758
V00K01.03 Southern Region State Operated Residential		
General Fund Appropriation, provided that $61,970 of this appropriation shall be reduced contingent upon the enactment of legislation to establish a non–public placement program for children with behavioral issues who are in State care	7,282,417	
Special Fund Appropriation	15,000	
Federal Fund Appropriation	46,717	7,344,134

SUMMARY

Total General Fund Appropriation	23,428,364
Total Special Fund Appropriation	15,000
Total Federal Fund Appropriation	1,012,172
Total Appropriation	24,455,536

METRO REGION

V00L01.01 Metro Region Administrative		
General Fund Appropriation		1,037,571
V00L01.02 Metro Region Community Operations		
General Fund Appropriation, provided that $213,454 of this appropriation shall be reduced contingent upon the enactment of legislation to establish a non–public placement program for children with behavioral issues who are in State care	25,724,166	
Federal Fund Appropriation	1,415,062	27,139,228

Funds are appropriated in other agency budgets to 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

Provided that ~~$1,937,039~~ *$1,437,039* in general funds, $171,691 in federal funds, and 24 positions appropriated for the purpose of providing education services at Cheltenham Youth Facility (CYF), may not be expended for that purpose by the Department of Juvenile Services (DJS) but may only be transferred by budget amendment *no later than October 1, 2011,* to the Maryland State Department of Education (MSDE) Juvenile Services Education Program R00A01.15 to be used for the purpose of providing education services for youth at CYF. It is the intent of the General Assembly that CYF education services be provided with the existing resources identified for transfer or additional funds identified by MSDE from within the agency's internal resources and future deficiency appropriations for this

purpose shall not be supported by the budget committees. General funds not expended for this purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund. Federal funds not expended for this purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.

Further provided that $500,000 in general funds appropriated for the purpose of providing education services for youth at CYF shall be retained by DJS to provide education services in fiscal 2012 through September 30, 2011. DJS shall submit a report to MSDE no later than October 1, 2011, reconciling all funds expended for CYF education services. Any unspent funds shall be transferred to MSDE by budget amendment.

Further provided that MSDE and DJS shall jointly submit a report to the budget committees certifying the transfer of education services, *identifying the amount of funds spent by DJS through September 30, 2011*, and identifying any resulting changes in operations or programming. The report shall be submitted to the budget committees no later than ~~October~~ *November* 1, 2011.

General Fund Appropriation	26,384,262	
Special Fund Appropriation	50,000	
Federal Fund Appropriation	519,988	26,954,250

SUMMARY

Total General Fund Appropriation	53,145,999
Total Special Fund Appropriation	50,000
Total Federal Fund Appropriation	1,935,050
Total Appropriation	55,131,049

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, 2010 Uniform Crime Report (UCR) to the budget committees. The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

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 2012 until such time that the jurisdiction submits its crime data to DSP 15,246,525

W00A01.02 Field Operations Bureau

General Fund Appropriation ..... ~~91,966,268~~
91,925,551

Special Fund Appropriation, provided that $2,200,000 of the Special Fund appropriation for salaries and wages may not be expended for that purpose but instead may only be used for the replacement of motor vehicles and related motor vehicle equipment used to outfit police vehicles. It is the intent of the General Assembly that this provision be implemented by increasing the agency's

fiscal 2012 turnover expectancy rate to 7%. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled		
Further provided that it is the intent of the General Assembly that the Department of State Police (DSP) develop a formal policy for the replacement of motor vehicles. The policy shall also include a motor vehicle rotation schedule based upon vehicle mileage. By November 1, 2011, DSP shall submit a report to the budget committees outlining the motor vehicle replacement policy adopted by DSP. The report shall also include an analysis of the number of vehicles to be replaced in fiscal 2013	~~87,356,827~~ 87,193,776	~~179,323,095~~ 179,119,327
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
W00A01.03 Criminal Investigation Bureau		
General Fund Appropriation	31,024,760	
Special Fund Appropriation	399,998	31,424,758
W00A01.04 Support Services Bureau		
General Fund Appropriation	~~44,750,100~~ 44,743,600	
Special Fund Appropriation	200,000	
Federal Fund Appropriation	1,436,000	~~46,386,100~~ 46,379,600
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.		

W00A01.08 Vehicle Theft Prevention Council

Special Fund Appropriation	1,750,001

SUMMARY

Total General Fund Appropriation	182,940,436
Total Special Fund Appropriation	89,543,775
Total Federal Fund Appropriation	1,436,000
Total Appropriation	273,920,211

FIRE PREVENTION COMMISSION AND FIRE MARSHAL

W00A02.01 Fire Prevention Services

General Fund Appropriation	7,478,785

Funds are appropriated in other agency budgets to 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	867,349,936	
Federal Fund Appropriation	11,060,467	878,410,403

STATE RESERVE FUND

Y01A02.01 Dedicated Purpose Account		
General Fund Appropriation		15,000,000
Department of Health and Mental Hygiene – Prince George's Hospital or the Prince George's County Health System, as appropriate	15,000,000	

OFFICE OF THE PUBLIC DEFENDER

2011 Deficiency Appropriation

C80B00.02 District Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funding to cover an increase in operational expenses related to the OPD v. State ruling enacted in May 2010. The average caseload has increased by ten percent using new eligibility criteria instead of the federal poverty guideline to determine representation.

General Fund Appropriation 731,400

SUBSEQUENT INJURY FUND

2011 Deficiency Appropriation

C94I00.01 General Administration
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funding for consulting and actuarial services to project the adequacy of the current funding mechanism to meet the present and future (next ten years) obligations and operational costs of the Subsequent Injury Fund.

Special Fund Appropriation 50,000

UNINSURED EMPLOYERS' FUND

2011 Deficiency Appropriation

C96J00.01 General Administration
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the installation and purchase of necessary hardware and software, programming changes to the current accounting programs, establishing connectivity to the Annapolis Data Center for use of FMIS, and basic information technology training to handle minor equipment and networking issues.

Special Fund Appropriation 59,917

EXECUTIVE DEPARTMENT – GOVERNOR

2011 Deficiency Appropriation

D10A01.01 General Executive Direction and Control
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the direction/coordination of ongoing health reform and policy implementation activities focused on Health Care Reform.

General Fund Appropriation 175,742

D10A01.01 General Executive Direction and Control
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to cover the cost of leave payouts for staff separating from the Governor's Office.

General Fund Appropriation 80,000

EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS, AND OFFICES

2011 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 2011 to provide funds for the projected electricity shortfall at the Banneker–Douglass Museum in Annapolis.

General Fund Appropriation 30,609

D15A05.06 State Ethics Commission
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to offset a projected shortfall of Special Fund revenue. Funding is needed to enable the Commission to carry out its mandated statutory responsibilities in the Public Ethics Law.

General Fund Appropriation 41,132

D15A05.23 State Labor Relations Boards
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to support the newly created Public School Labor Relations Board (Chapters 324 and 325 of 2010).

General Fund Appropriation 30,961

GOVERNOR'S OFFICE FOR CHILDREN

2011 Deficiency Appropriation

D18A18.01 Governor's Office for Children
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 by the amount required to be reverted or transferred to the Children's Cabinet for Local Management Board Administration.

General Fund Appropriation ..... –390,000

DEPARTMENT OF AGING

2011 Deficiency Appropriation

D26A07.01 General Administration
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to increase funding for various grant programs, and to reduce General Funds for grant funding that was budgeted but not awarded.

General Fund Appropriation ..... –140,000
Special Fund Appropriation 13,074
Federal Fund Appropriation 1,821,911

Total Appropriation 1,694,985

MARYLAND STADIUM AUTHORITY

2011 Deficiency Appropriation

D28A03.55 Baltimore Convention Center
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the State portion of the Baltimore Convention Center operating deficit.

General Fund Appropriation 2,153,572

D28A03.58 Ocean City Convention Center
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the State portion of the Ocean City Convention Center operating deficit.

General Fund Appropriation 146,754

D28A03.60 Hippodrome Performing Arts Center
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the operating deficit at the Hippodrome Performing Arts Center.

General Fund Appropriation 435,820

STATE BOARD OF ELECTIONS

2011 Deficiency Appropriation

D38I01.02 Help America Vote Act
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for financing costs owed to the State Treasurer's Office for voting equipment purchased in prior years.

General Fund Appropriation 2,000,000

MARYLAND STATE BOARD OF CONTRACT APPEALS

2011 Deficiency Appropriation

D39S00.01 Contract Appeals Resolution
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for required operating expenses.

General Fund Appropriation 5,667

DEPARTMENT OF PLANNING

2011 Deficiency Appropriation

D40W01.03 Planning Data Services
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the Governor's redistricting efforts following the completion of the U.S. Census.

General Fund Appropriation 904,550

D40W01.07 Management Planning and Educational Outreach
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to cover the costs associated with the Historic Structures Report for the Patterson Center at Jefferson Patterson Park and Museum.

Federal Fund Appropriation 150,000

D40W01.07 Management Planning and Educational Outreach
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the State Historic Preservation Office staff and the Certified Local Government grant program.

Federal Fund Appropriation 10,737

D40W01.07 Management Planning and Educational Outreach
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to

provide funds for consultations with the Maryland Indian community in order to determine the appropriate place of repose for the remains of Native Americans.

Federal Fund Appropriation 5,740

D40W01.07 Management Planning and Educational Outreach
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to test a specialized gradiometer that will be used to locate two Maryland State Navy vessels lost during the American Revolution.

Federal Fund Appropriation 22,950

D40W01.07 Management Planning and Educational Outreach
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for an electronic remote sensing survey in waters adjacent to the Aqua Creek Battlefield.

Special Fund Appropriation 25,000

D40W01.07 Management Planning and Educational Outreach
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for an off–the–shelf grants lifecycle management software system for administering the Maryland Heritage Areas Authority grant program.

Special Fund Appropriation 218,755

D40W01.07 Management Planning and Educational Outreach
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for electronic surveys of four naval battle sites from the Revolutionary War and the War of 1812.

Federal Fund Appropriation 53,323

D40W01.09 Research Survey and Registration
To become available immediately upon passage of this budget

to supplement the appropriation for fiscal year 2011 to provide funds to create an updated library with the documentation contained in the Maryland Inventory of Historic Properties.

Special Fund Appropriation	50,000
Federal Fund Appropriation	64,080
Total Appropriation	114,080

D40W01.09 Research Survey and Registration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to support State–level administration of the National Register of Historic Places, Review and Compliance Program, and Certified Local Government Program.

Federal Fund Appropriation	26,629

D40W01.10 Preservation Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to support State–level administration of the National Register of Historic Places, Review and Compliance Program, and Certified Local Government Program.

Federal Fund Appropriation	16,982

D40W01.10 Preservation Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to address a shortfall in special fund moneys with general funds in order to pay staff that administer the Sustainable Communities Tax Credit Program.

General Fund Appropriation	129,365

MILITARY DEPARTMENT

2011 Deficiency Appropriation

D50H01.05 State Operations
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 to reflect additional federal fund attainment for the Youth Challenge Program.

General Fund Appropriation ..... –140,000

DEPARTMENT OF VETERANS AFFAIRS

2011 Deficiency Appropriation

D55P00.05 Veterans Home Program
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 to provide funds to account for the new Charlotte Hall management contract.

General Fund Appropriation 642,438

MARYLAND HEALTH INSURANCE PLAN

2011 Deficiency Appropriation

D79Z02.01 MHIP High Risk Pools
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 due to lower–than–budgeted estimates of actual spending.

Special Fund Appropriation ..... –5,000,000

D79Z02.02 Senior Prescription Drug Assistance Program
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 due to lower–than–budgeted estimates of actual spending.

Special Fund Appropriation ..... –250,000

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

2011 Deficiency Appropriation

E50C00.01 Office of the Director
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for personnel costs carried forward from fiscal year 2010.

General Fund Appropriation 733,901

E50C00.01 Office of the Director
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to pay expenses for hiring expert witnesses for lawsuits from residents related to ground rent legislation passed in 2007.

General Fund Appropriation 75,000

E50C00.06 Tax Credit Payments
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to cover accumulated deficiencies through fiscal year 2010 for the Homeowners' Tax Credit.

General Fund Appropriation 2,425,398

MARYLAND STATE LOTTERY

2011 Deficiency Appropriation

E75D00.02 Video Lottery Terminal Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for five positions approved by the Board of Public Works (BPW) in fiscal year 2010.

General Fund Appropriation 324,360

TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

2011 Deficiency Appropriation

G50L00.01 Maryland Supplemental Retirement Plan Board and Staff
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to replace the 10–year–old office network system, firewall, AMS/FMIS printer and three personal computers due to recurring system failures.

Special Fund Appropriation	41,000

DEPARTMENT OF NATURAL RESOURCES

2011 Deficiency Appropriation

WILDLIFE AND HERITAGE SERVICE

K00A03.01 Wildlife and Heritage Service
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for a grant agreement with the United States Fish and Wildlife Service.

Special Fund Appropriation	95,700
Federal Fund Appropriation	474,813
Total Appropriation	570,513

NATURAL RESOURCES POLICE

K00A07.01 General Direction
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for a grant agreement with the United States Department of Homeland Security. These grant funds will be used for costs related to enhancing the maritime infrastructure to prevent, protect, respond to, and recover from the threats or acts of terrorism, and will help fund the procurement of a Maritime Law Enforcement Information Network, Tac–Stack Radio Interoperability among port

partners, and patrol boats.

Special Fund Appropriation	356,460
Federal Fund Appropriation	1,069,379
Total Appropriation	1,425,839

K00A07.04 Field Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for grant agreements with the United States Department of Justice and the National Oceanic and Atmospheric Administration. These grant funds will be used for costs related to personnel costs, communications, vehicle operations, contractual services, and equipment purchases.

Special Fund Appropriation	234,100
Federal Fund Appropriation	793,333
Total Appropriation	1,027,433

DEPARTMENT OF AGRICULTURE

2011 Deficiency Appropriation

OFFICE OF MARKETING, ANIMAL INDUSTRIES, AND CONSUMER SERVICES

L00A12.20 Maryland Agricultural and Resource–Based Industry Development Corporation

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 to provide funds to align the current year appropriation with expected expenditures.

General Fund Appropriation	–250,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

2011 Deficiency Appropriation

OFFICE OF THE SECRETARY

M00A01.01 Executive Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for an H1N1 media campaign and Departmental oversight for Maryland's Health Benefit Exchange, including funding for two previously–unfunded vacancies transferred from elsewhere in DHMH, and to transfer one filled position to the Executive Department – Governor budget.

General Fund Appropriation	–35,133
Federal Fund Appropriation	1,761,487
Total Appropriation	1,726,354

M00A01.02 Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to upgrade the audio/video conference bridge and to implement the Electronic Verification of Vital Events system for the State of Maryland.

Federal Fund Appropriation	894,181

DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES

M00F01.01 Executive Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for an Office of Public Health Performance Management to align current and proposed public health indicators with national, state and local public health standards.

Federal Fund Appropriation	177,629

INFECTIOUS DISEASE AND ENVIRONMENTAL HEALTH ADMINISTRATION

M00F02.03 Infectious Disease and Environmental Health Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for HIV screening, testing, support and prevention programs, Emerging Infections Program, and Infectious Disease Program.

Federal Fund Appropriation	2,047,514

FAMILY HEALTH ADMINISTRATION

M00F03.02 Family Health Services and Primary Care

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the Early Childhood and Home Visiting Program activities and Personal Responsibility Education Program activities.

Federal Fund Appropriation	201,951

FAMILY HEALTH ADMINISTRATION

M00F03.06 Prevention and Disease Control

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for Maryland Cancer Fund grants; statewide cancer activities; the Maryland Cancer Registry; colorectal cancer screening activities; Behavioral Risk Factor Surveillance System; tobacco use prevention activities; oral health literacy activities; chronic disease prevention and control activities; and tobacco cessation activities.

Special Fund Appropriation	166,709
Federal Fund Appropriation	3,089,385
Total Appropriation	3,256,094

OFFICE OF THE CHIEF MEDICAL EXAMINER

M00F05.01 Post Mortem Examining Services
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for computer equipment and digital photography equipment.

Federal Fund Appropriation 83,595

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 2011 to provide funds for Public Health Emergency Preparedness activities, National Bioterrorism Hospital Preparedness activities, Advance Registration of Volunteer Health Professionals activities, and Medical Reserve Corps activities.

Federal Fund Appropriation 5,187,103

LABORATORIES ADMINISTRATION

M00J02.01 Laboratory Services
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for emerging and re–emerging infectious disease agent, H1N1 Testing Activities, Chemical Terrorism testing services, Chlamydia and Gonorrhea testing, Food Safety, Inspection and Security activities and Prescription Drug Monitoring Program.

Federal Fund Appropriation 1,090,752

ALCOHOL AND DRUG ABUSE ADMINISTRATION

M00K02.01 Alcohol and Drug Abuse Administration
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for addiction treatment services activities and to provide access to nontraditional recovery services that result in successful outcomes for patients and the

community.

Special Fund Appropriation	200,000
Federal Fund Appropriation	3,307,858
Total Appropriation	3,507,858

MENTAL HYGIENE ADMINISTRATION

M00L01.02 Community Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used in a three–state partnership to develop a quality improvement learning collaborative to focus on a specialized approach for children and youth with mental illnesses.

Federal Fund Appropriation	2,382,232

SPRINGFIELD HOSPITAL CENTER

M00L08.01 Services and Institutional Operation

To become available immediately upon passage of this budget to adjust the appropriation for fiscal year 2011 to provide general funds for Energy Performance Contracts that were originally supported with Strategic Energy Investment Fund special funds in fiscal year 2011, due to declining Special Fund revenue.

General Fund Appropriation	511,587
Special Fund Appropriation	–511,587
Total Appropriation	0

SPRING GROVE HOSPITAL CENTER

M00L09.01 Services and Institutional Operation

To become available immediately upon passage of this budget to adjust the appropriation for fiscal year 2011 to provide general funds for Energy Performance Contracts that were originally supported with Strategic Energy Investment Fund special funds in fiscal year 2011, due to declining

Special Fund revenue.

General Fund Appropriation	1,740,929
Special Fund Appropriation	–1,740,929
Total Appropriation	0

DEVELOPMENTAL DISABILITIES ADMINISTRATION

M00M01.01 Program Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for nine contractual positions who will process DDA provider claims.

General Fund Appropriation	190,194
Federal Fund Appropriation	97,979
Total Appropriation	288,173

ROSEWOOD CENTER

M00M02.01 Services and Institutional Operations

To become available immediately upon passage of this budget to adjust the appropriation for fiscal year 2011 to provide general funds for Energy Performance Contracts that were originally supported with Strategic Energy Investment Fund Special Funds in fiscal year 2011, due to declining special fund revenue.

General Fund Appropriation	541,120
Special Fund Appropriation	–541,120
Total Appropriation	0

MEDICAL CARE PROGRAMS ADMINISTRATION

M00Q01.01 Deputy Secretary for Health Care Financing

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the development of outreach activities for

the Health–e–Kids enrollment project and Emergency Room Diversion Pilot Projects.

Federal Fund Appropriation 1,000,454

M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to offset the shortfall in budgeted Cigarette Restitution Funds and enhanced federal matching funds. This appropriation includes $10.5 million in bonus funds authorized by the Children's Health Insurance Program Reauthorization Act of 2009, as announced December 27, 2010.

General Fund Appropriation 68,382,773
Special Fund Appropriation, provided that $2,500,000 of this appropriation is contingent on enactment of legislation authorizing the use of Senior Prescription Drug Assistance Program funds for this purpose 39,221,301
Federal Fund Appropriation 10,549,086
Federal Fund Appropriation, American Recovery and Reinvestment Act ..... –110,000,000

Total Appropriation 8,153,160

M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to support increased administrative costs associated with pharmacy claims processing necessary to obtain additional pharmaceutical rebates as directed by the Affordable Care Act.

General Fund Appropriation 6,564,863
Federal Fund Appropriation 8,419,263
Federal Fund Appropriation, American Recovery and Reinvestment Act 1,854,400

Total Appropriation 16,838,526

M00Q01.04 Office of Health Services

To become available immediately upon passage of this budget to adjust the appropriation for fiscal year 2011 to transfer funding for one position to the Executive Department – Governor budget.

General Fund Appropriation	–9,326
Federal Fund Appropriation	–9,326
Total Appropriation	–18,652

M00Q01.06 Kidney Disease Treatment Services

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 due to lower–than–budgeted estimates of actual spending.

Special Fund Appropriation	–1,000,000

M00Q01.07 Maryland Children's Health Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to reflect increased provider reimbursements supported by premium collections.

Special Fund Appropriation	1,078,825
Federal Fund Appropriation	5,242,178
Total Appropriation	6,321,003

M00Q01.09 Office of Eligibility Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to address the backlog in Medicaid eligibility determinations that are tied to changes in eligibility for Supplemental Security Income or the Medicare Part D Low–Income Subsidy.

General Fund Appropriation	175,000
Federal Fund Appropriation	175,000

Total Appropriation	350,000

DEPARTMENT OF HUMAN RESOURCES

2011 Deficiency Appropriation

SOCIAL SERVICES ADMINISTRATION

N00B00.04 General Administration – State
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 to reflect actual expenditures in the Family Recovery Program.

General Fund Appropriation	–200,000

OPERATIONS OFFICE

N00E01.01 Division of Budget, Finance and Personnel
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to pay the outstanding fiscal year 2010 rent for the Department headquarters at Saratoga State Center.

General Fund Appropriation	360,385
Federal Fund Appropriation	346,253
Total Appropriation	706,638

LOCAL DEPARTMENT OPERATIONS

N00G00.01 Foster Care Maintenance Payments
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 due to the success of Place Matters in reducing foster care expenditures.

General Fund Appropriation	–3,000,000
Federal Fund Appropriation	–15,296,000
Total Appropriation	–18,296,000

N00G00.08 Assistance Payments
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the Supplemental Nutrition Assistance Program.

Federal Fund Appropriation 501,969,266

N00G00.08 Assistance Payments
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 to reflect actual Special Fund attainment for the Temporary Disability Assistance Program.

Special Fund Appropriation ..... –1,000,000

FAMILY INVESTMENT ADMINISTRATION

N00I00.06 Office of Home Energy Programs
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011, to align with anticipated revenue from the Strategic Energy Investment Funds from the Regional Greenhouse Gas Initiative and to provide funds for the Office of Home Energy Programs by bringing in additional federal funds from the Low Income Home Energy Assistance Program (LIHEAP).

Special Fund Appropriation ..... –19,767,638
Federal Fund Appropriation 13,038,620

Total Appropriation ..... –6,729,018

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

OFFICE OF THE SECRETARY

2011 Deficiency Appropriation

P00A01.01 Executive Direction
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to cover the General Fund shortfall for the

Departmental Indirect Cost in the Office of the Secretary due to increase in the Indirect Cost Rate from 7.5% in FY 2009 to 15.4% in FY 2011. These funds will be allocated throughout the Department.

General Fund Appropriation 1,100,000

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 2011 to provide funds for additional salary expenses to accommodate the increased workload due to the volume of unemployment claims, postage, and the enhancement of additional information technology projects.

Federal Fund Appropriation 7,023,657

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

2011 Deficiency Appropriation

OFFICE OF THE SECRETARY

Q00A01.01 Office of the Secretary
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to support the Correctional Officers' Bill of Rights created by Chapter 194 of the Acts of 2010.

General Fund Appropriation 313,209

Q00A01.01 Office of the Secretary
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide additional funding for inmate medical care throughout the Department.

General Fund Appropriation 3,000,000

Q00A01.01 Office of the Secretary

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 for capital lease payments.

General Fund Appropriation ..... –500,000

MARYLAND CORRECTIONAL ENTERPRISES

Q00B09.01 Maryland Correctional Enterprises
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 in the Maryland Correctional Enterprises program due to revenue projections that fall short of the budgeted appropriation.

Special Fund Appropriation ..... –6,500,000

STATE DEPARTMENT OF EDUCATION

2011 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 2011 to provide funds for the general operations of the Division of Business Services.

Special Fund Appropriation 44,056
Federal Fund Appropriation 450,941
Federal Fund Appropriation, American Recovery and Reinvestment Act 76,252

Total Appropriation 571,249

R00A01.04 Division of Accountability, Assessment, and Data Systems
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the Maryland school assessment program.

General Fund Appropriation 6,000,000

R00A01.10 Division of Early Childhood Development

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the Maryland Resource and Referral Network, Head Start, and for invoice processing and mail–house functions associated with the Child Care Subsidy Program.

Federal Fund Appropriation	2,889,248
Federal Fund Appropriation, American Recovery and Reinvestment Act	250,447
Total Appropriation	3,139,695

R00A01.11 Division of Instruction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for online learning, the Language Assistance program, education technology, STEM, and environmental education.

Special Fund Appropriation	293,854
Federal Fund Appropriation	253,232
Federal Fund Appropriation, American Recovery and Reinvestment Act	294,495
Total Appropriation	841,581

R00A01.15 Juvenile Services Education Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for turnover relief in the Juvenile Services Education program.

General Fund Appropriation	325,000

R00A01.21 Division of Rehabilitation Services – Client Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for rehabilitation services for individuals

with disabilities.

Federal Fund Appropriation 7,581,516

AID TO EDUCATION

R00A02.01 State Share of Foundation Program
To become available immediately upon passage of this budget to reflect revised revenue projections from the Education Trust Fund generated by Video Lottery Terminals.

Special Fund Appropriation ..... –18,443,000

R00A02.13 Innovative Programs
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for Local Education Agencies available through the federal Race to the Top grant.

Federal Fund Appropriation, American Recovery and Reinvestment Act 99,999,636

CHILDREN'S CABINET INTERAGENCY FUND

R00A04.01 Children's Cabinet Interagency Fund
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 by the amount required to be reverted or transferred to the Children's Cabinet for Local Management Board Administration.

General Fund Appropriation ..... –210,000

MARYLAND PUBLIC BROADCASTING COMMISSION

2011 Deficiency Appropriation

R15P00.02 Administration and Support Services
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 to recognize electricity savings associated with the conversion from an analog to a digital signal.

General Fund Appropriation ..... –200,000

R15P00.04 Content Enterprises
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds received from increased corporate support to fund educational and cultural programs aired on MPT.

Special Fund Appropriation 2,580,000

MARYLAND HIGHER EDUCATION COMMISSION

2011 Deficiency Appropriation

R62I00.01 General Administration
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 to provide funds to secure legal services required by the agency for representation in a lawsuit.

General Fund Appropriation 234,579

R62I00.05 The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for Statewide and Health Manpower grants to community colleges to address the unfunded liability.

General Fund Appropriation 2,000,000

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

2011 Deficiency Appropriation

DIVISION OF DEVELOPMENT FINANCE

S00A25.03 Homeownership Programs
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 to reflect the required appropriation for Maryland Affordable Housing Trust grants.

Special Fund Appropriation ..... –1,000,000

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

2011 Deficiency Appropriation

DIVISION OF TOURISM, FILM AND THE ARTS

T00G00.03 Maryland Tourism Development Board
To become available immediately upon passage of this budget to reduce the restricted general fund appropriation in fiscal year 2011 for the operational costs for the Welcome Centers.

General Fund Appropriation ..... –200,000

T00G00.08 Preservation of Cultural Arts Program
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 to provide funding for one–time capital expenditures in local jurisdictions where electronic bingo machines or electronic tip jar machines are located.

Special Fund Appropriation 500,000

DEPARTMENT OF THE ENVIRONMENT

2011 Deficiency Appropriation

COORDINATING OFFICES

U00A10.03 Bay Restoration Fund Debt Service
To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 to reflect the required appropriation for Bay Restoration Fund debt service.

Special Fund Appropriation ..... –10,000,000

DEPARTMENT OF JUVENILE SERVICES

2011 Deficiency Appropriation

RESIDENTIAL, COMMUNITY, AND REGIONAL OPERATIONS

V00E01.01 Residential and Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for educating students with disabilities, gang prevention, Juvenile Detention Alternative Initiatives, screening for sexually transmitted diseases, and for workforce development.

Special Fund Appropriation	285,805
Federal Fund Appropriation	700,000
Federal Fund Appropriation, American Recovery and Reinvestment Act	231,404
Total Appropriation	1,217,209

BALTIMORE CITY REGION

V00G01.02 Baltimore City Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide additional funds to offset a shortfall in Title IV–E revenue.

General Fund Appropriation 402,782

V00G01.02 Baltimore City Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for nonresidential per diems.

General Fund Appropriation 217,937

V00G01.03 Baltimore City Region State–Operated Residential
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to

provide funds for overtime expenses.

General Fund Appropriation 296,272

CENTRAL REGION

V00H01.02 Central Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide additional funds to offset a shortfall in Title IV–E revenue.

General Fund Appropriation 301,307

V00H01.02 Central Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for nonresidential per diems.

General Fund Appropriation 166,915

V00H01.03 Central Region State–Operated Residential
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for overtime expenses.

General Fund Appropriation 259,640

WESTERN REGION

V00I01.02 Western Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for nonresidential per diems.

General Fund Appropriation 167,774

V00I01.02 Western Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide additional funds to offset a shortfall in Title IV–E revenue.

General Fund Appropriation 138,159

V00I01.03 Western Region State–Operated Residential
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for overtime expenses.

General Fund Appropriation 156,454

EASTERN SHORE REGION

V00J01.02 Eastern Shore Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide additional funds to offset a shortfall in Title IV–E revenue.

General Fund Appropriation 169,820

V00J01.03 Eastern Shore Region State–Operated Residential
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for overtime expenses.

General Fund Appropriation 70,775

SOUTHERN REGION

V00K01.02 Southern Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide additional funds to offset a shortfall in Title IV–E revenue.

General Fund Appropriation 215,974

V00K01.02 Southern Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for nonresidential per diems.

General Fund Appropriation 138,105

V00K01.03 Southern Region State–Operated Residential
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for overtime expenses.

General Fund Appropriation 86,295

METRO REGION

V00L01.02 Metro Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for nonresidential per diems.

General Fund Appropriation ..... ~~223,269~~
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V00L01.02 Metro Region Community Operations
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to offset a shortfall in Title IV–E revenue.

General Fund Appropriation 271,959

V00L01.03 Metro Region State–Operated Residential
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for overtime expenses.

General Fund Appropriation 330,565

DEPARTMENT OF STATE POLICE

2011 Deficiency Appropriation

MARYLAND STATE POLICE

W00A01.02 Field Operations Bureau
To become available immediately upon passage of this budget

to supplement the appropriation for fiscal year 2011 to provide funds for turnover relief by accounting for additional Speed Monitoring Systems Revenue and offsetting general funds.

General Fund Appropriation ..... –7,086,746

Special Fund Appropriation, provided that $451,653 of this appropriation made for the purpose of providing turnover relief may not be expended for that purpose, but instead may only be used for the replacement of motor vehicles and related motor vehicle equipment used to outfit police vehicles. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled 7,538,389

Total Appropriation 451,643

PUBLIC DEBT

2011 Deficiency Appropriation

X00A00.01 Redemption and Interest on State Bonds

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for debt service payments on the State's general obligation bonds funded by the federal subsidy for Build America Bonds.

Federal Fund Appropriation, American Recovery and Reinvestment Act 1,562,459

REVENUE DEBT – PROGRAM OPEN SPACE

2011 Deficiency Appropriation

X10B00.01 Program Open Space Bond Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for debt service payments on Program Open Space bonds. General obligation bonds were issued for this purpose and transfer tax revenues will be used to make debt service payments in the Public Debt budget.

Special Fund Appropriation ..... –6,800,000

SECTION 2. AND BE IT FURTHER ENACTED, That in order to carry out the provisions of these appropriations the Secretary of Budget and Management is authorized:

(a) To allot all or any portion of the funds herein appropriated to the various departments, boards, commissions, officers, schools and institutions by monthly, quarterly or seasonal periods and by objects of expense and may place any funds appropriated but not allotted in contingency reserve available for subsequent allotment. Upon the Secretary's own initiative or upon the request of the head of any State agency, the Secretary may authorize a change in the amount of funds so allotted.

The Secretary shall, before the beginning of the fiscal year, file with the Comptroller of the Treasury a schedule of allotments, if any. The Comptroller shall not authorize any expenditure or obligation in excess of the allotment made and any expenditure so made shall be illegal.

(b) To allot all or any portion of funds coming into the hands of any department, board, commission, officer, school and institution of the State, from sources not estimated or calculated upon in the budget.

(c) To fix the number and classes of positions, including temporary and permanent positions, or person years of authorized employment for each agency, unit, or program thereof, not inconsistent with the Public General Laws in regard to classification of positions. The Secretary shall make such determination before the beginning of the fiscal year and shall base them on the positions or person years of employment authorized in the budget as amended by approved budgetary position actions. No payment for salaries or wages nor any request for or certification of personnel shall be made except in accordance with the Secretary's determinations. At any time during the fiscal year the Secretary may amend the number and classes of positions or person years of employment previously fixed by the Secretary; the Secretary may delegate all or part of this authority. The governing boards of public institutions of higher education shall have the authority to transfer positions between programs and campuses under each institutional board's jurisdiction without the approval of the Secretary, as provided in Section 15–105 of the Education Article.

(d) To prescribe procedures and forms for carrying out the above provisions.

SECTION 3. AND BE IT FURTHER ENACTED, That in accordance with Section 7–109 of the State Finance and Procurement Article of the Annotated Code of Maryland, it is the intention of the General Assembly to include herein a listing of nonclassified flat rate or per diem positions by unit of State government, job classification, the number in each job classification and the amount proposed for each classification. The Chief Judge of the Court of Appeals may make adjustments to positions contained in the Judicial portion of this section (including judges) that are impacted by changes in salary plans or by salary actions in the executive agencies.

JUDICIARY

Chief Judge, Court of Appeals	1	181,352
Judge, Court of Appeals (@ 162,352)	6	974,112
Chief Judge, Court of Special Appeals	1	152,552
Judge, Court of Special Appeals (@ 149,552)	12	1,794,624
Judge, Circuit Court (@ 140,352)	157	22,035,264
Chief Judge, District Court of Maryland	1	149,552
Judge, District Court (@ 127,252)	111	14,124,972
Judiciary Clerk of Court A (@ 98,500)	5	492,500
Judiciary Clerk of Court B (@ 96,750)	6	580,500
Judiciary Clerk of Court C (@ 95,600)	6	573,600
Judiciary Clerk of Court D (@ 92,600)	7	648,200

OFFICE OF THE PUBLIC DEFENDER

Public Defender	1	140,352

OFFICE OF THE ATTORNEY GENERAL

Attorney General	1	125,000

OFFICE OF THE STATE PROSECUTOR

State Prosecutor	1	140,352

PUBLIC SERVICE COMMISSION

Commissioner (@ 130,050)	4	520,200

WORKERS' COMPENSATION COMMISSION

Chairman	1	128,952
Commissioner (@ 127,252)	9	1,145,268

EXECUTIVE DEPARTMENT – GOVERNOR

Governor	1	150,000
Lieutenant Governor	1	125,000

SECRETARY OF STATE

Secretary of State	1	87,500

MARYLAND STATE BOARD OF CONTRACT APPEALS

Chairman	1	116,469

Member	1	105,048
Member	1	105,048

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

EMS Executive Director	1	238,168

MARYLAND INSURANCE ADMINISTRATION

Associate Deputy Commissioner	1	122,970

OFFICE OF THE COMPTROLLER

Comptroller	1	125,000

STATE TREASURER'S OFFICE

Treasurer	1	125,000

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

Chief Investment Officer	1	239,700
State Retirement Administrator	1	132,600

MARYLAND DEPARTMENT OF TRANSPORTATION

State Highway Administration

State Highway Administrator	1	159,858

Maryland Port Administration

Executive Director	1	257,040
Deputy Executive Director, Development and Administration	1	151,541
Director, Operations	1	135,869
Director, Marketing	1	127,422
CFO and Treasurer (MIT)	1	117,883
Director, Maritime Commercial Management	1	115,723
Director, Engineering	1	116,840
Deputy Director, Marketing	1	107,100
Director, Planning and Environment	1	99,454
Director, Security	1	90,000
Deputy Director, Harbor Development	1	98,845
Manager, South America and Latin America Trade Development	1	90,162

Maryland Transit Administration

Maryland Transit Administrator	1	183,090
Senior Deputy Administrator, Transit Operations	1	122,400
Executive Director of Safety and Risk Management	1	129,957

Maryland Aviation Administration

Executive Director	1	261,557
Deputy Executive Director, Facilities Development and Engineering	1	134,514
Director, Construction Management	1	133,458
Deputy Executive Director, Airport Technologies and Community Affairs	1	122,898
Deputy Executive Director, Business Management and Administration	1	134,514
Director, Planning and Environmental Services	1	121,843
Director, Commercial Management	1	121,839
Director, Airport Marketing and Air Service Development	1	121,843
Director, Regional Aviation Assistance	1	83,649
Deputy Executive Director, Operations and Maintenance	1	142,800
Director, Office of Airport Design	1	105,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Maryland Parole Commission

Chairman	1	99,337
Member (@ 87,916)	9	791,244

PUBLIC EDUCATION

State Department of Education – Headquarters

State Superintendent of Schools	1	195,000

SECTION 4. AND BE IT FURTHER ENACTED, That if any person holding an office of profit within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, is appointed to or otherwise becomes the holder of a second office within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, then no compensation or other emolument, except expenses incurred in connection with attendance at hearings, meetings, field trips, and working sessions, shall be paid from any funds appropriated by this bill to that person for any services in connection with the second office.

SECTION 5. AND BE IT FURTHER ENACTED, That amounts received pursuant to Sections 2–201 and 7–217 of the State Finance and Procurement Article may be expended by approved budget amendment.

SECTION 6. AND BE IT FURTHER ENACTED, That funds appropriated by this bill may be transferred among programs in accordance with the procedure provided in Sections 7–205 through 7–212, inclusive, of the State Finance and Procurement Article.

SECTION 7. AND BE IT FURTHER ENACTED, That, except as otherwise provided, amounts received from sources estimated or calculated upon in the budget in excess of the estimates for any special or federal fund appropriations listed in this bill may be made available by approved budget amendment.

SECTION 8. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts for the operations of State office buildings and facilities to the budgets of the various agencies and departments occupying the buildings.

SECTION 9. AND BE IT FURTHER ENACTED, That $6,505,100 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 2012.

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 2012 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Sections 8–108 and 8–109 of the State Personnel and Pensions Article. Notwithstanding the inclusion of salaries for positions which are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority. The salaries presented may be off by $1 due to rounding.

Fiscal 2012
Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	74,608	99,478
ES 5	9905	80,160	106,940
ES 6	9906	86,161	115,000
ES 7	9907	92,640	123,708
ES 8	9908	99,637	133,112
ES 9	9909	107,196	143,270
ES 10	9910	115,356	154,235

ES 11	9911	124,175	166,082
ES 91	9991	142,800	239,700

Classification Title	Scale	FY 2012 Allowance
OFFICE OF THE PUBLIC DEFENDER		
Deputy Public Defender	9909	107,196
Executive VI	9906	108,683
OFFICE OF THE ATTORNEY GENERAL		
Deputy Attorney General	9909	143,270
Deputy Attorney General	9909	143,270
Senior Executive Associate Attorney General	9908	133,112
Senior Executive Associate Attorney General	9908	133,112
Senior Executive Associate Attorney General	9908	129,193
PUBLIC SERVICE COMMISSION		
Chair	9991	150,000
OFFICE OF THE PEOPLE'S COUNSEL		
People's Counsel	9906	102,563
SUBSEQUENT INJURY FUND		
Executive Director	9906	115,000
UNINSURED EMPLOYERS' FUND		
Executive Director	9906	115,000
EXECUTIVE DEPARTMENT – GOVERNOR		
Executive Chief of Staff	9991	150,858
Executive Aide XI	9911	156,060
Executive Aide XI	9911	137,700
Executive Aide X	9910	150,858
Executive Aide X	9910	144,692
Executive Aide X	9910	143,707
Executive Aide IX	9909	143,270
Executive Aide IX	9909	131,691
Executive Aide IX	9909	130,050
Executive Aide IX	9909	107,196

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	130,000
Executive Aide VIII	9908	121,021

GOVERNOR'S OFFICE FOR CHILDREN

Executive Aide VIII	9908	115,000

INTERAGENCY COMMITTEE FOR SCHOOL CONSTRUCTION

Executive VII	9907	119,594

DEPARTMENT OF AGING

Secretary	9909	124,848
Deputy Secretary	9906	93,636

COMMISSION ON HUMAN RELATIONS

Executive Director	9906	110,699
Deputy Director	9904	96,845

STATE BOARD OF ELECTIONS

State Administrator of Elections	9906	109,372

DEPARTMENT OF PLANNING

Secretary	9909	124,848
Deputy Director	9906	115,000
Executive V	9905	103,080

MILITARY DEPARTMENT

Military Department Operations and Maintenance

The Adjutant General	9909	130,560
Executive VIII	9908	127,500
Executive VII	9907	120,054
Executive VII	9907	108,460

DEPARTMENT OF VETERANS AFFAIRS

Secretary	9905	104,092

STATE ARCHIVES

State Archivist	9907	123,051

INSURANCE ADMINISTRATION

Maryland Insurance Commissioner	9911	124,175
Maryland Deputy Insurance Commissioner	9907	123,708

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge	9907	118,000

COMPTROLLER OF MARYLAND

Office of the Comptroller

Chief Deputy Comptroller	9910	154,235
Executive Aide X	9910	154,235
Assistant State Comptroller V	9905	106,940
Assistant State Comptroller IV	9904	94,656

General Accounting Division

Assistant State Comptroller VII	9907	92,640

Bureau of Revenue Estimates

Assistant State Comptroller VII	9907	116,396

Revenue Administration Division

Assistant State Comptroller VII	9907	120,026

Compliance Division

Assistant State Comptroller VII	9907	122,066

Field Enforcement Division

Assistant State Comptroller VI	9906	102,115

Central Payroll Bureau

Assistant State Comptroller V	9905	106,940

Information Technology Division

Assistant State Comptroller VII	9907	122,586

STATE TREASURER'S OFFICE

Chief Deputy Treasurer	9908	127,762
Executive VI	9906	102,232
Executive V	9905	106,940
Executive V	9905	106,704
Executive V	9905	103,284
Executive V	9905	106,940

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

Director	9908	120,827
Deputy Director	9906	86,161
Executive V	9905	106,442

STATE LOTTERY AGENCY

Director	9910	142,234
Executive VII	9907	112,680

DEPARTMENT OF BUDGET AND MANAGEMENT

Office of the Secretary

Secretary	9911	166,082
Deputy Secretary	9909	128,990

Office of Personnel Services and Benefits

Executive VIII	9908	117,416

Office of Budget Analysis

Executive VIII	9908	133,112

Office of Capital Budgeting

Executive VII	9907	111,394

DEPARTMENT OF INFORMATION TECHNOLOGY

Secretary	9911	166,082

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

Executive Director	9909	143,270

TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

Executive VII	9907	105,310

DEPARTMENT OF GENERAL SERVICES

Office of the Secretary

Secretary	9909	138,374
Executive VII	9907	92,640

Office of Facilities Operation and Maintenance

Executive V	9905	93,551
Executive V	9905	80,160

Office of Real Estate

Executive V	9905	93,551

Office of Facilities Planning, Design and Construction

Executive V	9905	80,160

DEPARTMENT OF NATURAL RESOURCES

Office of the Secretary

Secretary	9910	148,778
Deputy Secretary	9908	129,193
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	106,656
Program Executive	9904	91,009

Office of Marketing, Animal Industries and Consumer Services

Executive V	9905	89,004

Office of Plant Industries and Pest Management

Executive V	9905	80,160

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 VII	9907	116,108
Executive V	9905	96,446

Regulatory Services

Executive VI	9906	100,581

Deputy Secretary for Public Health Services

Executive IX	9909	143,270

Office of the Chief Medical Examiner

Chief Medical Examiner Post Mortem	9991	227,660

Laboratories Administration

Executive VI	9906	115,000

Behavioral Health and Disabilities

Deputy Secretary	9909	143,270
Executive V	9905	100,089

Alcohol and Drug Abuse Administration

Executive VI	9906	110,000

Developmental Disabilities Administration

Executive VII	9907	120,870

Medical Care Programs Administration

Deputy Secretary	9909	143,270
Executive VI	9906	115,000
Executive VI	9906	115,000
Executive VI	9906	107,100

Health Regulatory Commissions

Executive Director, Maryland Health Care Access and Cost Commission	9908	133,112
Executive Director, Health Services Cost Review Commission	9908	133,112
Executive VIII	9908	99,637

DEPARTMENT OF HUMAN RESOURCES

Office of the Secretary

Secretary	9910	142,800
Deputy Secretary	9908	133,112
Deputy Secretary	9908	125,738

Social Services Administration

Executive VI	9906	102,000

Child Support Enforcement Administration

Executive Director	9906	86,161

Family Investment Administration

Executive VI	9906	115,000

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Office of the Secretary

Secretary	9911	155,941
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	86,161

Division of Unemployment Insurance

Executive VI	9906	111,442

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Office of the Secretary

Secretary	9911	166,082
Deputy Secretary	9908	133,112
Deputy Secretary	9908	111,078
Executive VII	9907	123,708
Executive VII	9907	92,640

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	116,706

PUBLIC EDUCATION

State Department of Education – Headquarters

Deputy State Superintendent of Schools	9908	130,464
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	113,148
Assistant State Superintendent	9906	110,362
Assistant State Superintendent	9906	109,333
Assistant State Superintendent	9906	107,546
Assistant State Superintendent	9906	100,581
Assistant State Superintendent	9906	99,398

Maryland Higher Education Commission

Secretary	9910	154,194
Assistant Secretary	9907	108,175

Maryland School for the Deaf – Frederick Campus

Superintendent	9907	123,708

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Office of the Secretary

Secretary	9910	148,778
Deputy Secretary	9908	133,122

Division of Credit Assurance

Executive VI	9906	114,883

Division of Neighborhood Revitalization

Executive VI	9906	106,713

Division of Development Finance

Executive VI	9906	111,792

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

Office of the Secretary

Secretary	9911	155,000
Deputy Secretary	9909	130,466

Division of Marketing and Communications

Executive VI	9906	114,284

Division of Business and Enterprise Development

Executive VIII	9908	133,112

Division of Tourism, Film and the Arts

Executive VII	9907	114,444

DEPARTMENT OF THE ENVIRONMENT

Office of the Secretary

Secretary	9910	115,356
Deputy Secretary	9907	123,708
Executive VI	9906	86,161

Water Management Administration

Executive VI	9906	110,376

Land Management Administration

Executive VI	9906	114,167

Air and Radiation Management Administration

Executive VI	9906	112,481

DEPARTMENT OF JUVENILE SERVICES

Office of the Secretary

Secretary	9911	156,060

Departmental Support

Deputy Secretary	9908	131,715

Residential and Community Operations

Deputy Secretary	9908	121,912
Assistant Secretary	9905	84,662

DEPARTMENT OF STATE POLICE

Maryland State Police

Superintendent	9911	166,082
Deputy Secretary	9907	92,640
Executive VIII	9908	133,112

SECTION 13. AND BE IT FURTHER ENACTED, That pursuant to Section 2–103.4(h) of the Transportation Article of the Annotated Code of Maryland the salary schedule for the Department of Transportation executive pay plan during fiscal year 2012 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Section 2–103.4(h) of the Transportation Article. Notwithstanding the inclusion of salaries for positions which are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority. The salaries presented may be off by $1 due to rounding.

Fiscal 2012
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, 2011 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 (R00A04.01). Funds transferred would represent costs associated with local partnership agreements approved by the Children's Cabinet Interagency Fund.

SECTION 17. AND BE IT FURTHER ENACTED, That funds appropriated to the various State agency programs and subprograms in Comptroller Objects 0152 (Health Insurance), 0154 (Retirees Health Insurance Premiums), 0175 (Workers' Compensation), 0305 (DBM Paid Telecommunications) and 0322 (Capital Lease Telecommunications) are to be utilized for their intended purposes only. The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management. Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller Objects 0152, 0154, 0305, and 0322 between State departments and

agencies by approved budget amendment in fiscal year 2011 and fiscal year 2012. All funds budgeted in or transferred to Comptroller Objects 0152 and 0154, and any funds restricted in this budget for use in the employee and retiree health insurance program that are unspent shall be credited to the fund as established in accordance with Section 2–516 of the State Personnel and Pensions Article of the Annotated Code of Maryland.

Further provided that each agency that receives funding in this budget in any of the restricted Comptroller Objects herein listed within this section shall establish within the State's accounting system a structure of accounts to separately identify for each restricted Comptroller Object by fund source, the legislative appropriation, monthly transactions, and final expenditures. It is the intent of the General Assembly that an accounting detail be established so that the Office of Legislative Audits may review the disposition of funds appropriated for each restricted Comptroller Object as part of each closeout audit to ensure that funds are used only for the purposes for which they are restricted and that unspent funds are reverted or canceled.

SECTION 18. AND BE IT FURTHER ENACTED, That for fiscal year 2012 funding for health insurance shall be reduced ~~in Executive Branch agencies~~ in the amount of ~~$35,417,083~~ ~~$20,070,137~~ ~~*$37,309,966*~~ ***$23,443,269*** ~~as follows~~ contingent upon the enactment of legislation establishing a separate retiree prescription drug plan. Funding for this purpose shall be reduced ~~within Executive Branch agencies~~ in fiscal year 2012 ~~by the following amounts~~ in accordance with ~~a~~ the following schedule ~~determined by the Governor~~:

Department	Fund	Amount
Executive	General	~~10,881,762~~ ~~*20,228,969*~~ ***12,710,630***
Executive	Special	~~2,896,431~~ ~~*5,384,405*~~ ***3,383,226***
Executive	Federal	~~1,963,250~~ ~~*3,649,640*~~ ***2,293,207***
Executive	Reimbursable	~~201,877~~ ~~*375,285*~~ ***235,806***
Executive	Current Unrestricted	~~1,531,409~~ ~~*2,846,858*~~ ***1,788,789***
Executive	Current Restricted	~~1,577,170~~ ~~*2,931,926*~~ ***1,842,240***
Judiciary	General	~~821,887~~ ~~*1,527,870*~~

		960,019
Legislative	General	~~196,351~~
		~~*365,013*~~
		229,352

	~~Agency~~	~~General Funds~~
~~C80~~	~~Office of the Public Defender~~	~~425,068~~
~~C81~~	~~Office of the Attorney General~~	~~88,738~~
~~C82~~	~~State Prosecutor~~	~~3,949~~
~~C85~~	~~MD Tax Court~~	~~3,662~~
~~D05~~	~~Board of Public Works (BPW)~~	~~4,578~~
~~D10~~	~~Executive Department – Governor~~	~~38,629~~
~~D11~~	~~Office of Deaf and Hard of Hearing~~	~~1,903~~
~~D12~~	~~Department of Disabilities~~	~~7,734~~
~~D15~~	~~Boards and Commissions~~	~~33,768~~
~~D16~~	~~Secretary of State~~	~~11,261~~
~~D17~~	~~Historic St. Mary's City Commission~~	~~13,116~~
~~D18~~	~~Governor's Office for Children~~	~~9,671~~
~~D25~~	~~BPW – Interagency Committee for School Construction~~	~~10,007~~
~~D26~~	~~Department of Aging~~	~~13,173~~
~~D27~~	~~Commission on Human Relations~~	~~15,253~~
~~D38~~	~~State Board of Elections~~	~~13,187~~
~~D39~~	~~Maryland State Board of Contract Appeals~~	~~3,186~~
~~D40~~	~~Department of Planning~~	~~64,062~~
~~D50~~	~~Military Department~~	~~66,250~~
~~D55~~	~~Department of Veterans Affairs~~	~~27,043~~
~~D60~~	~~Maryland State Archives~~	~~14,697~~
~~E00~~	~~Comptroller of Maryland~~	~~394,232~~
~~E20~~	~~State Treasurer's Office~~	~~13,817~~
~~E50~~	~~Department of Assessments and Taxation~~	~~254,160~~
~~E75~~	~~State Lottery Agency~~	~~23,042~~
~~E80~~	~~Property Tax Assessment Appeals Board~~	~~4,292~~
~~F10~~	~~Department of Budget and Management~~	~~66,441~~
~~F50~~	~~Department of Information Technology~~	~~38,199~~
~~H00~~	~~Department of General Services~~	~~197,785~~
~~K00~~	~~Department of Natural Resources~~	~~235,645~~
~~L00~~	~~Department of Agriculture~~	~~139,186~~
~~M00~~	~~Department of Health and Mental Hygiene~~	~~2,553,805~~
~~N00~~	~~Department of Human Resources~~	~~1,530,874~~
~~P00~~	~~Department of Labor, Licensing, and Regulation~~	~~124,489~~
~~Q00~~	~~Department of Public Safety and Correctional Services~~	~~5,544,858~~

~~R00~~	~~State Department of Education~~	~~171,409~~
~~R15~~	~~Maryland Public Broadcasting Commission~~	~~42,026~~
~~R62~~	~~Maryland Higher Education Commission~~	~~19,455~~
~~R75~~	~~Support for State Operated Institutions of Higher Education~~	~~5,540,970~~
~~R99~~	~~Maryland School for the Deaf~~	~~135,380~~
~~T00~~	~~Department of Business and Economic Development~~	~~82,520~~
~~U00~~	~~Department of the Environment~~	~~145,513~~
~~V00~~	~~Department of Juvenile Services~~	~~1,062,592~~
~~W00~~	~~Department of State Police~~	~~1,039,344~~
	~~Total General Funds~~	~~20,228,969~~

	~~Agency~~	~~Special Funds~~
~~C80~~	~~Office of the Public Defender~~	~~446~~
~~C81~~	~~Office of the Attorney General~~	~~14,462~~
~~C90~~	~~Public Service Commission~~	~~67,777~~
~~C91~~	~~Office of the People's Counsel~~	~~12,125~~
~~C94~~	~~Subsequent Injury Fund~~	~~8,740~~
~~C96~~	~~Uninsured Employers Fund~~	~~6,832~~
~~C98~~	~~Workers' Compensation Commission~~	~~64,214~~
~~D13~~	~~Maryland Energy Administration~~	~~3,106~~
~~D15~~	~~Boards and Commissions~~	~~1,117~~
~~D17~~	~~Historic St. Mary's City Commission~~	~~1,944~~
~~D26~~	~~Department of Aging~~	~~1,953~~
~~D40~~	~~Department of Planning~~	~~5,258~~
~~D53~~	~~Maryland Institute for Emergency Medical Services Systems~~	~~49,686~~
~~D55~~	~~Department of Veterans Affairs~~	~~1,132~~
~~D60~~	~~Maryland State Archives~~	~~10,133~~
~~D79~~	~~Maryland Health Insurance Plan~~	~~5,841~~
~~D80~~	~~Maryland Insurance Administration~~	~~133,444~~
~~D90~~	~~Canal Place Preservation and Development Authority~~	~~570~~
~~D99~~	~~Office of Administrative Hearings~~	~~1,622~~
~~E00~~	~~Comptroller of Maryland~~	~~69,059~~
~~E20~~	~~State Treasurer's Office~~	~~1,598~~
~~E50~~	~~Department of Assessments and Taxation~~	~~38,223~~
~~E75~~	~~State Lottery Agency~~	~~81,128~~
~~F10~~	~~Department of Budget and Management~~	~~62,145~~
~~F50~~	~~Department of Information Technology~~	~~3,472~~
~~G20~~	~~State Retirement Agency~~	~~102,249~~

~~G50~~	~~Teachers and State Employees Supplemental Retirement Plans~~	~~7,703~~
~~H00~~	~~Department of General Services~~	~~4,699~~
~~J00~~	~~Department of Transportation~~	~~3,089,949~~
~~K00~~	~~Department of Natural Resources~~	~~348,619~~
~~L00~~	~~Department of Agriculture~~	~~52,497~~
~~M00~~	~~Department of Health and Mental Hygiene~~	~~177,141~~
~~N00~~	~~Department of Human Resources~~	~~46,834~~
~~P00~~	~~Department of Labor, Licensing, and Regulation~~	~~116,836~~
~~Q00~~	~~Department of Public Safety and Correctional Services~~	~~178,860~~
~~R00~~	~~State Department of Education~~	~~8,944~~
~~R15~~	~~Maryland Public Broadcasting Commission~~	~~37,985~~
~~R62~~	~~Maryland Higher Education Commission~~	~~748~~
~~S00~~	~~Department of Housing and Community Development~~	~~81,756~~
~~T00~~	~~Department of Business and Economic Development~~	~~27,245~~
~~U00~~	~~Department of the Environment~~	~~189,709~~
~~W00~~	~~Department of State Police~~	~~266,604~~
	~~Total Special Funds~~	~~5,384,405~~

	~~Agency~~	~~Federal Funds~~
~~C81~~	~~Office of the Attorney General~~	~~9,145~~
~~C90~~	~~Public Service Commission~~	~~1,156~~
~~D12~~	~~Department of Disabilities~~	~~4,371~~
~~D13~~	~~Maryland Energy Administration~~	~~8,755~~
~~D15~~	~~Boards and Commissions~~	~~7,849~~
~~D26~~	~~Department of Aging~~	~~10,401~~
~~D27~~	~~Commission on Human Relations~~	~~4,208~~
~~D40~~	~~Department of Planning~~	~~5,017~~
~~D50~~	~~Military Department~~	~~77,600~~
~~D55~~	~~Department of Veterans Affairs~~	~~1,537~~
~~H00~~	~~Department of General Services~~	~~9,587~~
~~J00~~	~~Department of Transportation~~	~~224,020~~
~~K00~~	~~Department of Natural Resources~~	~~51,420~~
~~L00~~	~~Department of Agriculture~~	~~7,997~~
~~M00~~	~~Department of Health and Mental Hygiene~~	~~407,816~~
~~N00~~	~~Department of Human Resources~~	~~1,506,592~~
~~P00~~	~~Department of Labor, Licensing, and Regulation~~	~~487,148~~

~~Q00~~	~~Department of Public Safety and Correctional Services~~	~~117,378~~
~~R00~~	~~State Department of Education~~	~~484,182~~
~~R15~~	~~Maryland Public Broadcasting Commission~~	~~2,963~~
~~R62~~	~~Maryland Higher Education Commission~~	~~1,956~~
~~R99~~	~~Maryland School for the Deaf~~	~~2,195~~
~~S00~~	~~Department of Housing and Community Development~~	~~64,268~~
~~T00~~	~~Department of Business and Economic Development~~	~~5,645~~
~~U00~~	~~Department of the Environment~~	~~131,391~~
~~V00~~	~~Department of Juvenile Services~~	~~15,043~~
	~~Total Federal Funds~~	~~3,649,640~~

	~~Agency~~	~~Reimbursable Funds~~
~~C80~~	~~Office of the Public Defender~~	~~5,115~~
~~C81~~	~~Office of the Attorney General~~	~~11,117~~
~~D10~~	~~Executive Department – Governor~~	~~444~~
~~D12~~	~~Department of Disabilities~~	~~269~~
~~D13~~	~~Maryland Energy Administration~~	~~582~~
~~D15~~	~~Boards and Commissions~~	~~1,279~~
~~D26~~	~~Department of Aging~~	~~817~~
~~D40~~	~~Department of Planning~~	~~6,568~~
~~D53~~	~~Maryland Institute for Emergency Medical Services Systems~~	~~529~~
~~D99~~	~~Office of Administrative Hearings~~	~~63,786~~
~~E00~~	~~Comptroller of Maryland~~	~~40,448~~
~~E20~~	~~State Treasurer's Office~~	~~13,701~~
~~F10~~	~~Department of Budget and Management~~	~~22,755~~
~~F50~~	~~Department of Information Technology~~	~~20,756~~
~~H00~~	~~Department of General Services~~	~~60,750~~
~~K00~~	~~Department of Natural Resources~~	~~18,626~~
~~L00~~	~~Department of Agriculture~~	~~6,382~~
~~M00~~	~~Department of Health and Mental Hygiene~~	~~26,240~~
~~P00~~	~~Department of Labor, Licensing, and Regulation~~	~~46,438~~
~~R62~~	~~Maryland Higher Education Commission~~	~~206~~
~~R99~~	~~Maryland School for the Deaf~~	~~12,482~~
~~T00~~	~~Department of Business and Economic Development~~	~~530~~
~~U00~~	~~Department of the Environment~~	~~15,465~~

~~Total Reimbursable Funds~~	~~375,285~~

	~~Agency~~	~~Current Unrestricted Funds~~
~~R13~~	~~Morgan State University~~	~~339,079~~
~~R14~~	~~St. Mary's College of Maryland~~	~~161,825~~
~~R30~~	~~University System of Maryland~~	~~7,731,795~~
~~R95~~	~~Baltimore City Community College~~	~~155,129~~
	~~Total Current Unrestricted Funds~~	~~8,387,828~~
	~~Less: General Funds in Higher Education~~	~~5,540,970~~
	~~Net Current Unrestricted Funds~~	~~2,846,858~~

	~~Agency~~	~~Current Restricted Funds~~
~~R13~~	~~Morgan State University~~	~~100,142~~
~~R14~~	~~St. Mary's College of Maryland~~	~~8,697~~
~~R30~~	~~University System of Maryland~~	~~2,759,107~~
~~R95~~	~~Baltimore City Community College~~	~~63,980~~
	~~Total Current Restricted Funds~~	~~2,931,926~~

SECTION 19. AND BE IT FURTHER ENACTED, That for fiscal year 2012 funding for health insurance shall be reduced by ~~$10,067,182~~ $10,605,231 ~~in Executive Branch agencies~~ to reflect health insurance savings from higher prescription co–pays for active employees and an increase in the prescription drug out–of–pocket maximum for active employees. Funding for this purpose shall be reduced ~~within Executive Branch agencies~~ in fiscal year 2012 by the following amounts in accordance with a schedule determined by the Governor:

	Agency	General Funds
B75	General Assembly	103,752
C00	Judiciary	434,297
C80	Office of the Public Defender	120,823
C81	Office of the Attorney General	25,219

C82	State Prosecutor	1,123
C85	MD Tax Court	1,040
D05	Board of Public Works (BPW)	1,302
D10	Executive Department – Governor	10,980
D11	Office of Deaf and Hard of Hearing	541
D12	Department of Disabilities	2,198
D15	Boards and Commissions	9,601
D16	Secretary of State	3,201
D17	Historic St. Mary's City Commission	3,729
D18	Governor's Office for Children	2,749
D25	BPW Interagency Committee for School Construction	2,844
D26	Department of Aging	3,745
D27	Commission on Human Relations	4,335
D38	State Board of Elections	3,748
D39	Maryland State Board of Contract Appeals	906
D40	Department of Planning	18,207
D50	Military Department	18,831
D55	Department of Veterans Affairs	7,686
D60	Maryland State Archives	4,175
E00	Comptroller of Maryland	112,060
E20	State Treasurer's Office	3,927
E50	Department of Assessments and Taxation	72,245
E75	State Lottery Agency	6,550
E80	Property Tax Assessment Appeals Board	1,220
F10	Department of Budget and Management	18,884
F50	Department of Information Technology	10,859
H00	Department of General Services	56,217
K00	Department of Natural Resources	66,973
L00	Department of Agriculture	39,565
M00	Department of Health and Mental Hygiene	725,898
N00	Department of Human Resources	435,151
P00	Department of Labor, Licensing, and Regulation	35,387
Q00	Department of Public Safety and Correctional Services	1,576,113
R00	State Department of Education	48,707
R15	Maryland Public Broadcasting Commission	11,945
R62	Maryland Higher Education Commission	5,530
R75	Support for State Operated Institutions of Higher Education	1,574,998
R99	Maryland School for the Deaf	38,479
T00	Department of Business and Economic Development	23,459
U00	Department of the Environment	41,358
V00	Department of Juvenile Services	302,039
W00	Department of State Police	295,432

Total General Funds	~~5,749,979~~ 6,288,028

	Agency	Special Funds
C80	Office of the Public Defender	127
C81	Office of the Attorney General	4,111
C90	Public Service Commission	19,269
C91	Office of the People's Counsel	3,446
C94	Subsequent Injury Fund	2,484
C96	Uninsured Employers Fund	1,942
C98	Workers' Compensation Commission	18,252
D13	Maryland Energy Administration	884
D15	Boards and Commissions	318
D17	Historic St. Mary's City Commission	552
D26	Department of Aging	555
D40	Department of Planning	1,496
D53	Maryland Institute for Emergency Medical Services Systems	14,123
D55	Department of Veterans Affairs	322
D60	Maryland State Archives	2,881
D79	Maryland Health Insurance Plan	1,660
D80	Maryland Insurance Administration	37,931
D90	Canal Place Preservation and Development Authority	162
D99	Office of Administrative Hearings	461
E00	Comptroller of Maryland	19,632
E20	State Treasurer's Office	454
E50	Department of Assessments and Taxation	10,865
E75	State Lottery Agency	23,060
F10	Department of Budget and Management	17,664
F50	Department of Information Technology	987
G20	State Retirement Agency	29,064
G50	Teachers and State Employees Supplemental Retirement Plans	2,189
H00	Department of General Services	1,334
J00	Department of Transportation	878,310
K00	Department of Natural Resources	99,098
L00	Department of Agriculture	14,920
M00	Department of Health and Mental Hygiene	50,353
N00	Department of Human Resources	13,310
P00	Department of Labor, Licensing, and Regulation	33,206

Q00	Department of Public Safety and Correctional Services	50,843
R00	State Department of Education	2,544
R15	Maryland Public Broadcasting Commission	10,797
R62	Maryland Higher Education Commission	213
S00	Department of Housing and Community Development	23,239
T00	Department of Business and Economic Development	7,747
U00	Department of the Environment	53,930
W00	Department of State Police	75,783
	Total Special Funds	1,530,518

	Agency	Federal Funds
C81	Office of the Attorney General	2,600
C90	Public Service Commission	328
D12	Department of Disabilities	1,242
D13	Maryland Energy Administration	2,488
D15	Boards and Commissions	2,231
D26	Department of Aging	2,956
D27	Commission on Human Relations	1,196
D40	Department of Planning	1,426
D50	Military Department	22,056
D55	Department of Veterans Affairs	437
H00	Department of General Services	2,725
J00	Department of Transportation	63,677
K00	Department of Natural Resources	14,619
L00	Department of Agriculture	2,274
M00	Department of Health and Mental Hygiene	115,924
N00	Department of Human Resources	428,253
P00	Department of Labor, Licensing, and Regulation	138,468
Q00	Department of Public Safety and Correctional Services	33,365
R00	State Department of Education	137,625
R15	Maryland Public Broadcasting Commission	843
R62	Maryland Higher Education Commission	556
R99	Maryland School for the Deaf	624
S00	Department of Housing and Community Development	18,270
T00	Department of Business and Economic Development	1,606

U00	Department of the Environment	37,347
V00	Department of Juvenile Services	4,279
	Total Federal Funds	1,037,415

	Agency	Reimbursable Funds
C80	Office of the Public Defender	1,454
C81	Office of the Attorney General	3,160
D10	Executive Department – Governor	127
D12	Department of Disabilities	76
D13	Maryland Energy Administration	165
D15	Boards and Commissions	363
D26	Department of Aging	232
D40	Department of Planning	1,866
D53	Maryland Institute for Emergency Medical Services Systems	150
D99	Office of Administrative Hearings	18,131
E00	Comptroller of Maryland	11,497
E20	State Treasurer's Office	3,895
F10	Department of Budget and Management	6,469
F50	Department of Information Technology	5,900
H00	Department of General Services	17,264
K00	Department of Natural Resources	5,294
L00	Department of Agriculture	1,815
M00	Department of Health and Mental Hygiene	7,459
P00	Department of Labor, Licensing, and Regulation	13,202
R62	Maryland Higher Education Commission	58
R99	Maryland School for the Deaf	3,548
T00	Department of Business and Economic Development	151
U00	Department of the Environment	4,397
	Total Reimbursable Funds	106,673

	Agency	Current Unrestricted Funds
R13	Morgan State University	96,383
R14	St. Mary's College of Maryland	45,998

R30	University System of Maryland	2,197,731
R95	Baltimore City Community College	44,095
	Total Current Unrestricted Funds	2,384,207
	Less: General Funds in Higher Education	1,574,998
	Net Current Unrestricted Funds	809,209

	Agency	Current Restricted Funds
R13	Morgan State University	28,465
R14	St. Mary's College of Maryland	2,472
R30	University System of Maryland	784,265
R95	Baltimore City Community College	18,186
	Total Current Restricted Funds	833,388

SECTION 20. AND BE IT FURTHER ENACTED, That for fiscal year 2012 funding for health insurance shall be reduced by ~~$11,330,793~~ $11,936,376 ~~in Executive Branch agencies~~ to reflect health insurance savings from favorable cost trends. Funding for this purpose shall be reduced ~~within Executive Branch agencies~~ in fiscal year 2012 by the following amounts in accordance with a schedule determined by the Governor:

	Agency	General Funds
B75	General Assembly	116,775
C00	Judiciary	488,808
C80	Office of the Public Defender	135,990
C81	Office of the Attorney General	28,390
C82	State Prosecutor	1,263
C85	MD Tax Court	1,171
D05	Board of Public Works (BPW)	1,464
D10	Executive Department – Governor	12,358
D11	Office of Deaf and Hard of Hearing	609
D12	Department of Disabilities	2,474
D15	Boards and Commissions	10,805
D16	Secretary of State	3,602
D17	Historic St. Mary's City Commission	4,195
D18	Governor's Office for Children	3,094
D25	BPW Interagency Committee for School	

	Construction	3,202
D26	Department of Aging	4,214
D27	Commission on Human Relations	4,880
D38	State Board of Elections	4,219
D39	Maryland State Board of Contract Appeals	1,019
D40	Department of Planning	20,495
D50	Military Department	21,194
D55	Department of Veterans Affairs	8,652
D60	Maryland State Archives	4,701
E00	Comptroller of Maryland	126,122
E20	State Treasurer's Office	4,421
E50	Department of Assessments and Taxation	81,319
E75	State Lottery Agency	7,372
E80	Property Tax Assessment Appeals Board	1,373
F10	Department of Budget and Management	21,254
F50	Department of Information Technology	12,220
H00	Department of General Services	63,276
K00	Department of Natural Resources	75,376
L00	Department of Agriculture	44,534
M00	Department of Health and Mental Hygiene	816,991
N00	Department of Human Resources	489,774
P00	Department of Labor, Licensing, and Regulation	39,828
Q00	Department of Public Safety and Correctional Services	1,773,943
R00	State Department of Education	54,833
R15	Maryland Public Broadcasting Commission	13,445
R62	Maryland Higher Education Commission	6,224
R75	Support for State Operated Institutions of Higher Education	1,772,706
R99	Maryland School for the Deaf	43,310
T00	Department of Business and Economic Development	26,398
U00	Department of the Environment	46,552
V00	Department of Juvenile Services	339,950
W00	Department of State Police	332,509
	Total General Funds	~~6,471,721~~ 7,077,304

	Agency	Special Funds
C80	Office of the Public Defender	143
C81	Office of the Attorney General	4,627

C90	Public Service Commission	21,684
C91	Office of the People's Counsel	3,880
C94	Subsequent Injury Fund	2,797
C96	Uninsured Employers Fund	2,186
C98	Workers' Compensation Commission	20,543
D13	Maryland Energy Administration	995
D15	Boards and Commissions	357
D17	Historic St. Mary's City Commission	622
D26	Department of Aging	625
D40	Department of Planning	1,682
D53	Maryland Institute for Emergency Medical Services Systems	15,896
D55	Department of Veterans Affairs	362
D60	Maryland State Archives	3,242
D79	Maryland Health Insurance Plan	1,868
D80	Maryland Insurance Administration	42,691
D90	Canal Place Preservation and Development Authority	182
D99	Office of Administrative Hearings	519
E00	Comptroller of Maryland	22,095
E20	State Treasurer's Office	511
E50	Department of Assessments and Taxation	12,230
E75	State Lottery Agency	25,955
F10	Department of Budget and Management	19,882
F50	Department of Information Technology	1,111
G20	State Retirement Agency	32,712
G50	Teachers and State Employees Supplemental Retirement Plans	2,464
H00	Department of General Services	1,502
J00	Department of Transportation	988,548
K00	Department of Natural Resources	111,536
L00	Department of Agriculture	16,795
M00	Department of Health and Mental Hygiene	56,672
N00	Department of Human Resources	14,985
P00	Department of Labor, Licensing, and Regulation	37,377
Q00	Department of Public Safety and Correctional Services	57,224
R00	State Department of Education	2,860
R15	Maryland Public Broadcasting Commission	12,152
R62	Maryland Higher Education Commission	239
S00	Department of Housing and Community Development	26,151
T00	Department of Business and Economic Development	8,717
U00	Department of the Environment	60,694
W00	Department of State Police	85,295

Total Special Funds	1,722,608

	Agency	Federal Funds
C81	Office of the Attorney General	2,926
C90	Public Service Commission	370
D12	Department of Disabilities	1,397
D13	Maryland Energy Administration	2,800
D15	Boards and Commissions	2,511
D26	Department of Aging	3,327
D27	Commission on Human Relations	1,346
D40	Department of Planning	1,605
D50	Military Department	24,827
D55	Department of Veterans Affairs	492
H00	Department of General Services	3,067
J00	Department of Transportation	71,670
K00	Department of Natural Resources	16,456
L00	Department of Agriculture	2,560
M00	Department of Health and Mental Hygiene	130,487
N00	Department of Human Resources	481,973
P00	Department of Labor, Licensing, and Regulation	155,847
Q00	Department of Public Safety and Correctional Services	37,552
R00	State Department of Education	154,896
R15	Maryland Public Broadcasting Commission	949
R62	Maryland Higher Education Commission	626
R99	Maryland School for the Deaf	703
S00	Department of Housing and Community Development	20,563
T00	Department of Business and Economic Development	1,804
U00	Department of the Environment	42,036
V00	Department of Juvenile Services	4,818
	Total Federal Funds	1,167,608

	Agency	Reimbursable Funds
C80	Office of the Public Defender	1,636

C81	Office of the Attorney General	3,557
D10	Executive Department – Governor	142
D12	Department of Disabilities	86
D13	Maryland Energy Administration	186
D15	Boards and Commissions	411
D26	Department of Aging	261
D40	Department of Planning	2,102
D53	Maryland Institute for Emergency Medical Services Systems	169
D99	Office of Administrative Hearings	20,407
E00	Comptroller of Maryland	12,940
E20	State Treasurer's Office	4,382
F10	Department of Budget and Management	7,280
F50	Department of Information Technology	6,640
H00	Department of General Services	19,436
K00	Department of Natural Resources	5,961
L00	Department of Agriculture	2,042
M00	Department of Health and Mental Hygiene	8,395
P00	Department of Labor, Licensing, and Regulation	14,856
R62	Maryland Higher Education Commission	66
R99	Maryland School for the Deaf	3,993
T00	Department of Business and Economic Development	170
U00	Department of the Environment	4,949
	Total Reimbursable Funds	120,067

	Agency	Current Unrestricted Funds
R13	Morgan State University	108,480
R14	St. Mary's College of Maryland	51,771
R30	University System of Maryland	2,473,613
R95	Baltimore City Community College	49,629
	Total Current Unrestricted Funds	2,683,493
	Less: General Funds in Higher Education	1,772,706
	Net Current Unrestricted Funds	910,787

	Agency	Current Restricted Funds
R13	Morgan State University	32,038
R14	St. Mary's College of Maryland	2,782
R30	University System of Maryland	882,714
R95	Baltimore City Community College	20,468
	Total Current Restricted Funds	938,002

SECTION 21. AND BE IT FURTHER ENACTED, That for fiscal year 2012 funding for Employee's and Teacher's Retirement shall be reduced by general funds of ~~$101,781,068~~ $104,000,000 ~~in Executive Branch agencies~~ contingent upon the enactment of legislation changing the employee contribution rates and retirement benefits for new and existing employees in the Employee's and Teacher's Retirement Systems. Funding for this purpose shall be reduced ~~within Executive Branch agencies~~ in fiscal year 2012 by the following amounts in accordance with a schedule determined by the Governor:

	Agency	General Funds
B75	General Assembly	561,265
C00	Judiciary	1,657,667
C80	Office of the Public Defender	701,107
C81	Office of the Attorney General	162,320
C82	State Prosecutor	9,728
C85	MD Tax Court	5,202
D05	Board of Public Works (BPW)	7,927
D10	Executive Department – Governor	82,902
D11	Office of Deaf and Hard of Hearing	2,386
D12	Department of Disabilities	11,816
D15	Boards and Commissions	61,604
D16	Secretary of State	17,532
D17	Historic St. Mary's City Commission	17,219
D18	Governor's Office for Children	13,457
D25	BPW Interagency Committee for School Construction	13,185
D26	Department of Aging	21,362
D27	Commission on Human Relations	22,997
D38	State Board of Elections	22,035
D39	Maryland State Board of Contract Appeals	4,301
D40	Department of Planning	99,892
D50	Military Department	78,815
D55	Department of Veterans Affairs	37,154

D60	Maryland State Archives	22,570
E00	Comptroller of Maryland	520,197
E20	State Treasurer's Office	22,980
E50	Department of Assessments and Taxation	331,780
E75	State Lottery Agency	29,642
E80	Property Tax Assessment Appeals Board	4,814
F10	Department of Budget and Management	126,404
F50	Department of Information Technology	65,487
H00	Department of General Services	242,002
K00	Department of Natural Resources	212,719
L00	Department of Agriculture	178,587
M00	Department of Health and Mental Hygiene	3,230,636
N00	Department of Human Resources	1,571,243
P00	Department of Labor, Licensing, and Regulation	216,214
Q00	Department of Public Safety and Correctional Services	6,212,222
R00	State Department of Education – Operating	276,638
R00	State Department of Education – Aid for Local Employee Fringe Benefits	75,624,494
R15	Maryland Public Broadcasting Commission	53,745
R62	Maryland Higher Education Commission – Operating	28,862
R62	Maryland Higher Education Commission – Aid to Community Colleges – Fringe Benefits	4,284,708
R75	Support for State Operated Institutions of Higher Education	4,813,366
R99	Maryland School for the Deaf	309,150
T00	Department of Business and Economic Development	146,025
U00	Department of the Environment	237,842
V00	Department of Juvenile Services	1,293,831
W00	Department of State Police	331,969
	Total General Funds	~~101,781,068~~ 104,000,000

SECTION 22. AND BE IT FURTHER ENACTED, That the funding for salaries and wages shall be reduced by general funds of $40,000,000 related to the implementation of the State Employee's Voluntary Separation Program established by Executive Order 01.012010.23. Funding for this purpose shall be reduced within Executive Branch agencies in fiscal year 2012 in accordance with a schedule determined by the Governor.

SECTION 23. AND BE IT FURTHER ENACTED, That for fiscal year 2012 funding for Department of Transportation law enforcement operations shall be reduced by special funds of $500,000 due to the streamlining and consolidation of certain functions between the Department of Transportation and the Maryland Transportation Authority. The reduction shall be made in accordance with a schedule determined by the Governor.

SECTION 24. AND BE IT FURTHER ENACTED, That for fiscal year 2012 funding for law enforcement operations shall be reduced by general funds of $318,000 in Executive Branch agencies contingent upon the enactment of legislation consolidating the departments of Health and Mental Hygiene and Labor, Licensing, and Regulation law enforcement operations into the Department of General Services. Funding for this purpose shall be reduced within Executive Branch agencies in fiscal year 2012 by the following amounts in accordance with a schedule determined by the Governor.

SECTION 25. AND BE IT FURTHER ENACTED, That for fiscal year 2012 funding for Department of Transportation operations shall be reduced by special funds of $1,000,000 due to the sharing of resources and possible consolidation of certain programs and services of the State Highway Administration and the Maryland Transportation Authority. The reduction shall be made in the Department of Transportation in accordance with a schedule determined by the Governor.

~~SECTION 26. AND BE IT FURTHER ENACTED, That for fiscal year 2012 funding for agencies affected below shall be reduced by general funds of $1,130,000 contingent upon the enactment of legislation consolidating the functions and responsibilities of the Department of Natural Resources and other agencies with aquaculture and land preservation functions in accordance with a schedule determined by the Governor.~~

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 2012, except with respect to capital appropriations, to the extent consistent with federal requirements:

(a) when expenditures or encumbrances may be charged to either State or federal fund sources, federal funds shall be charged before State funds are charged; this policy does not apply to the Department of Human Resources with respect to federal funds to be carried forward into future years for child welfare or welfare reform activities, or to the Department of Health and Mental Hygiene with respect to funds to be carried forward into future years for the purpose of reducing the waiting list for community services for individuals with developmental disabilities or with respect to funds to be carried forward into future years for HIV/AIDS related activities, or to the Maryland State Department of Education with respect to funds to be carried forward into future years for child care;

(b) when additional federal funds are sought or otherwise become available in the course of the fiscal year, agencies shall consider, in consultation with the Department of Budget and Management, whether opportunities exist to use these federal revenues to support existing operations rather than to expand programs or establish new ones; and

(c) the Department of Budget and Management shall take appropriate actions to effectively establish these as policies of the State with respect to the administration of federal funds by executive agencies.

SECTION 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 2012 as an appendix in the Governor's fiscal 2013

budget books. The report shall detail by agency for the actual fiscal 2011 budget the amount of statewide indirect cost recovery received, the amount of statewide indirect cost recovery transferred to the General Fund, and the amount of indirect cost recovery retained for use by each agency. In addition, it shall list the most recently available federally approved statewide and internal agency cost recovery rates. As part of the normal fiscal/compliance audit performed for each agency once every three years, the Office of Legislative Audits shall assess available information on the timeliness, completeness, and deposit history of indirect cost recoveries by State agencies. Further provided that for fiscal 2012, 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 the General Fund, Transportation Trust Fund, and higher education Current Unrestricted Fund accounts. This forecast shall estimate aggregate revenues, expenditures, and fund balances in each account for the fiscal year last completed, the current year, the budget year, and four years thereafter. Expenditures shall be reported at such agency, program or unit levels, or categories as may be determined appropriate after consultation with the Department of Legislative Services. A statement of major assumptions underlying the forecast shall also be provided, including but not limited to general salary increases, inflation, and growth of caseloads in significant program areas.

SECTION 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 2013 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 2012 except as indicated elsewhere in this Act; however, this shall not preclude the placement of additional information into the budget books. For actual fiscal 2011 spending, the fiscal 2012 working appropriation, and the fiscal 2013 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 2011 spending, the fiscal 2012 working appropriation, and the fiscal 2013 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, 2011, 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 2011 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, 2011, 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 2011.

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 2012 appropriation detail as shown in the Governor's budget books submitted to the General Assembly in January 2012 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 2013 allowance the Department of Budget and Management shall continue policies and procedures to minimize reliance on budget amendments for appropriations that may 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 2011 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 2011 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 2011 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 2011 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, 2011, March 1, 2012, and June 1, 2012.

(6) It is the intent of the General Assembly that general funds appropriated for fiscal 2011 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 an 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 2011 session whose nomination for the secretary position was not put forward and approved by the Senate during the 2011 session ***unless the acting secretary is appointed under Article II, Section 11 of the Maryland Constitution prior to July 1, 2011***.

SECTION 37. 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):

(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, 2011, October 1, 2011, January 1, 2012, and April 1, 2012; 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.

SECTION 38. AND BE IT FURTHER ENACTED, That the Board of Public Works (BPW), in exercising its authority to create additional positions pursuant to Section 7-236 of the State Finance and Procurement Article, may authorize during the fiscal year no more than 100 positions in excess of the total number of authorized State positions on July 1, 2011, as determined by the Secretary of Budget and Management. Provided, however, that if the imposition of this ceiling causes undue hardship in any department, agency, board, or commission, additional positions may be created for that affected unit to the extent that positions authorized by the General Assembly for the fiscal year are abolished in that unit or in other units of State government. It is further provided that the limit of 100 does not apply to any position that may be created in conformance with specific manpower statutes that may be enacted by the State or federal government nor to any positions created to implement block grant actions or to implement a program reflecting fundamental changes in federal/State relationships. Notwithstanding anything contained in this section, BPW may authorize additional positions to meet public emergencies resulting from an act of God and violent acts of men, which are necessary to protect the health and safety of the people of Maryland.

BPW may authorize the creation of additional positions within the Executive Branch provided that 1.25 full–time equivalent contractual positions are abolished for each regular position authorized and that there be no increase in agency funds in the current budget and the next two subsequent budgets as the result of this action. It is the intent of the General Assembly that priority is given to converting individuals that have been in a contractual position for at least two years. Any position created by this method may not be counted within the limitation of 100 under this section.

The numerical limitation on the creation of positions by BPW established in this section shall not apply to positions entirely supported by funds from federal or other non-State sources so long as both the appointing authority for the position and the Secretary of Budget and Management certify for each position created under this exception that:

(1) funds are available from non–State sources for each position established under this exception;

(2) the position's classification is not one for which another position was abolished through the Voluntary Separation Program; and

(3) any positions created will be abolished in the event that non–State funds are no longer available.

The Secretary of Budget and Management shall certify and report to the General Assembly by June 30, 2012, the status of positions created with non–State funding sources during fiscal 2008, 2009, 2010, 2011, and 2012 under this provision as remaining authorized or abolished due to the discontinuation of funds.

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, except participants in the Voluntary Separation Program, may continue State employment in another position.

SECTION 40. AND BE IT FURTHER ENACTED, That the Secretary of Budget and Management shall include as an appendix in the fiscal 2013 Governor's budget books an accounting of the fiscal 2011 actual, fiscal 2012 working appropriation, and fiscal 2013 and fiscal 2014 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 immediately following the close of fiscal 2011, the Secretary of Budget and Management shall determine the total number of full–time equivalent (FTE) positions that are authorized as of the last day of fiscal 2011 and on the first day of fiscal 2012. Authorized positions shall include all positions authorized by the General Assembly in the personnel detail of the budgets for fiscal 2011 and 2012 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 2012 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 2013 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 2013 Governor's budget books also shall be provided.

~~SECTION 42. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that by January 1, 2012, the Maryland Aviation Administration (hereinafter referred to as the "Administration") and Anne Arundel County (hereinafter referred to as the "county") shall enter into a joint memorandum of understanding (MOU) to have the county pay the full cost of fire and rescue services provided by the Administration to the county. This cost sharing may be achieved by:~~

~~(1) exempting State-owned parking spaces from the county's parking tax;~~

~~(2) direct payment by the county to the Administration for operating and personnel expenses associated with operating a second fire and medic unit on each shift and 24 associated regular positions; or~~

~~(3) another approach mutually agreed upon by the Administration and the county.~~

~~Further provided that the Administration shall submit a report to the budget committees by January 1, 2012, outlining the terms of the MOU. The budget committees shall have 45 days to review and comment on the MOU.~~

~~Further provided that upon the failure of the Administration and the county to formally enter into a joint MOU for fire and rescue services provided by the Administration by January 1, 2012, then 24 vacant regular positions shall be abolished from the Maryland Department of Transportation and the county's share of highway user revenues shall be reduced by $950,984.~~

SECTION ~~43.~~ *42.* AND BE IT FURTHER ENACTED, That $66,000 in reimbursable funds appropriated for system software upgrades in the Department of Health and Mental Hygiene, Office of the Secretary Operations (Program M00A01.02) shall be deleted. The Governor shall develop a schedule for allocating this reimbursable fund reduction across the department as appropriate. The reduction under this section shall equal at least the amounts indicated for the budgetary types listed:

Fund	Amount
General	33,000
Special	16,500
Federal	16,500

SECTION ~~44.~~ *43.* AND BE IT FURTHER ENACTED, That $250,000 in general funds appropriated for the purpose of executive oversight in the Office of the Secretary in both the Department of Health and Mental Hygiene (DHMH) and the Department of Human Resources (DHR) may not be expended until DHMH and DHR submit to the budget committees:

(1) A signed updated memorandum of understanding between the two agencies that allows the Medical Care Programs Administration to appropriately monitor the Medicaid eligibility process and to correct long–term deficiencies in that process as well as fully address any other concerns raised in Finding One of the December 2010 Office of Legislative Audits audit of the Medical Care Programs Administration. This report shall be submitted to the Office of Legislative Audits simultaneous to the submission to the budget committees.

(2) A report detailing how the two health care reform major information technology development projects included in the fiscal 2012 budget related to eligibility determination and enrollment requirement under the federal Patient Protection and Affordable Care Act are intended to be complementary as well as the impact of the Healthy Maryland application on existing eligibility determination systems in DHMH and DHR. The report shall include full detail on potential remediation required of existing information technology systems, including cost estimates.

The budget committees shall have 45 days to review and comment prior to the expenditure of funds. Funds restricted pending the receipt of these reports may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if these reports are not submitted to the budget committees.

SECTION ~~45.~~ *44.* AND BE IT FURTHER ENACTED, That $100,000 of the General Fund appropriation for the Department of Human Resources (DHR) and $100,000 of the General Fund appropriation for the Department of Public Safety and Correctional Services may not be expended until the Office of Treatment Services, within the Office of the Secretary, and DHR submit a report to the budget committees exploring the issue of Medicaid eligibility of reimbursement for inmates. The report shall examine the possibility for establishing a system to determine Medicaid eligibility of inmates at the point of intake into the correctional system in order to ease the application process if an inmate were to achieve inpatient status or were to apply at the point of release from incarceration. The report shall be submitted by December 1, 2011, 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.

SECTION ~~46.~~ *45.* AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Budget and Management (DBM) and Department of Natural Resources (DNR) provide two reports on Chesapeake Bay restoration spending. The reports shall be drafted subject to the concurrence of the Department of Legislative Services (DLS) in terms of both electronic format to be used and data to be included. The scope of the reports is as follows:

(1) Chesapeake Bay restoration operating and capital expenditures by agency, fund type, and particular fund source based on programs that have over 50% of their activities directly related to Chesapeake Bay restoration for the fiscal 2011 actual, fiscal 2012 working appropriation, and fiscal 2013 allowance, which is to be included as an appendix in the fiscal 2013 budget volumes and submitted electronically in disaggregated form to DLS; and

(2) a plan for tracking two–year milestone funding for the January 1, 2012, through December 31, 2013 time period, including a discussion of how funding responsibility will be allocated and tracked in the Phase II portion of the Watershed Implementation Plan development.

SECTION ~~47.~~ *46.* AND BE IT FURTHER ENACTED, That the Department of Budget and Management shall provide an annual report on the Strategic Energy Investment Fund (SEIF) to the General Assembly in conjunction with submission of the fiscal 2013 budget and annually thereafter as an appendix to the Governor's budget books. This report shall include information for the actual fiscal 2011 budget, fiscal 2012 working appropriation, and fiscal 2013 allowance. The report shall detail revenue assumptions used to calculate the available SEIF for each fiscal year including:

(1) the number of auctions;

(2) the number of allowances sold;

(3) the allowance price for both the current and future control period allowances sold in each auction; and

(4) alternative compliance payments.

The report shall also include detail on the amount of SEIF available to each agency that receives funding through each required allocation:

(1) energy assistance;

(2) energy efficiency and conservation programs, low– and moderate–income sector;

(3) energy efficiency and conservation programs, all other sectors;

(4) renewable and clean energy programs and initiatives, education, and climate change programs;

(5) administrative expenditures; and

(6) dues owed to the Regional Greenhouse Gas Initiative, Inc.

SECTION ~~48.~~ ***47.*** AND BE IT FURTHER ENACTED, That the Governor shall abolish ~~650~~ ***450*** regular full–time equivalent positions from the Executive Branch during fiscal 2012, and funding for salaries and fringe benefits shall be reduced by ~~$15,000,000~~ ***$17,338,699*** in general funds ~~above any difference between actual general fund savings realized by the Voluntary Separation Program and the $40,000,000 savings target associated with Section 22 of this bill. The~~***. Provided, however, that the amount of this reduction may be reduced on a dollar for dollar basis to reflect the abolition of special funded positions and associated reductions which shall be credited to the General Fund as provided for in HB 72 or SB 87. Further provided that the*** abolitions shall occur on or before January 1, 2012, and an accounting of the abolished positions shall be noted in Appendix E of the fiscal 2013 budget submission. Priority shall be given to the abolition of positions that have been vacant for longer than one year as of July 1, 2011, or that are vacated by the current incumbent before January 1, 2012.

SECTION ~~49.~~ *48.* AND BE IT FURTHER ENACTED, That $100,000 of the General Fund appropriation for the Department of Juvenile Services, $100,000 of the General Fund appropriation for the Office of Problem–Solving Courts, and $100,000 of the General Fund appropriation for the Alcohol and Drug Abuse Administration made for the purpose of funding juvenile drug court activities may not be expended until these agencies jointly submit a report on substance abuse treatment options for court–involved youth. The report shall identify demand for substance abuse services from within the juvenile justice system both at the State and local level as well as evidence–based practice program options available for the different levels of substance abuse treatment considered appropriate. The report shall also include input from treatment providers and shall include a proposed plan for realigning substance abuse treatment and funding with the results of the report. The report shall be submitted by August 15, 2011, 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.

SECTION ~~50.~~ *49.* AND BE IT FURTHER ENACTED, That on or before July 1, 2011, the Governor shall develop a schedule to allocate a reduction of $5,000,000 for electricity (comptroller subobject 0620) across all Executive Branch agencies. The reduction shall be allocated according to the following fund types:

Fund	Amount
General	2,023,449
Special	2,976,551

SECTION 50. AND BE IT FURTHER ENACTED, That $100,000 in general funds appropriated for the purpose of general operating expenses in the Maryland Department of the Environment (MDE) and the Department of Natural Resources (DNR), and $100,000 in special funds appropriated for the purpose of general operating expenses in the Maryland Department of Transportation – State Highway Administration (SHA), may not be expended until MDE, DNR, and SHA submit a report to the budget committees providing calendar 2011 information on the following:

(1) the number of construction-related permits requested by the public and governmental entities and issued by each agency;

(2) the percentage of each type of permit issued within 30 days of permit applications; and

(3) the percentage of each type of permit issued within published standard turn–around times.

The report shall be submitted by January 15, 2012, 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 or be canceled if the report is not submitted to the budget committees.

~~SECTION 51. AND BE IT FURTHER ENACTED, That the Maryland Department of Transportation – State Highway Administration, Maryland Department of the Environment, Department of Natural Resources, and Department of Business and Economic Development shall submit quarterly reports to the budget committees providing year–to–date information on the following:~~

~~(1) the number of permits requested by the public and issued by each agency;~~

~~(2) the turnaround time between initial receipt of permit request and permit issuance; and~~

~~(3) the average turnaround time for each type of permit issued.~~

SECTION ~~*27.*~~ ~~*52.*~~ ~~*50.*~~ ***51.*** AND BE IT FURTHER ENACTED, That numerals of this bill showing subtotals and totals are informative only and are not actual appropriations. The actual appropriations are in the numerals for individual items of appropriation. It is the legislative intent that in subsequent printings of the bill the

numerals in subtotals and totals shall be administratively corrected or adjusted for continuing purposes of information, in order to be in arithmetic accord with the numerals in the individual items.

SECTION ~~28.~~ ~~*53.*~~ ~~*51.*~~ ***52.*** AND BE IT FURTHER ENACTED, That pursuant to the provisions of Article III, Section 52(5a) of the Constitution of Maryland, the following total of all proposed appropriations and the total of all estimated revenues available to pay the appropriations for the 2012 fiscal year is submitted:

BUDGET SUMMARY ($)

Fiscal Year 2011

General Fund Balance, June 30, 2010 available for 2011 Operations		344,008,024
2011 Estimated Revenues (all funds)		33,117,256,707
Reimbursement from reserve for Sustainable Community Tax Credits		7,597,713
Reimbursement from reserve for Biotechnology Tax Credits		8,000,000
Transfer from other funds – 2010 Session		241,782,964
Transfer from other capital related funds – 2010 Session		75,589,405
Transfers from other funds contingent upon legislation		2,156,000
Transfers from other capital related funds contingent upon legislation		5,591,172
2011 Appropriations as amended (all funds)	32,522,822,134	
2011 Deficiencies (all funds)	637,691,800	
Estimated Agency General Fund Reversions	(37,868,000)	
Subtotal Appropriations (all funds)		33,122,645,934
2011 General Funds Reserved for 2012 Operations		679,336,051

Fiscal Year 2012

2011 General Funds Reserved for 2012 Operations	679,336,051
2012 Estimated Revenues (all funds)	33,445,504,996
Reimbursement from reserve for Sustainable Community Tax Credits	13,260,824
Reimbursement from reserve for Biotechnology Tax Credits	8,000,000
Transfer from other funds contingent upon legislation	12,907,776
Transfers from other capital related funds contingent upon legislation	191,331,115

2012 Appropriations (all funds)	34,706,772,905	
General Fund Reductions contingent upon legislation	(441,050,795)	
Estimated Agency General Fund Reversions	(35,690,447)	
Subtotal Appropriations (all funds)		34,230,031,663
2012 General Fund Unappropriated Balance		120,309,099

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2012

April 1, 2011

Mr. President, Mr. Speaker,
Ladies and Gentlemen of the General Assembly:

Pursuant to the authority conferred on me by Article III, Section 52, Subsection (5) of the Constitution of Maryland, and in accordance with the consent of the (State Senate) – (House of Delegates), duly granted, I hereby submit a supplement to House Bill 70 and/or Senate Bill 85 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2012.

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, 2012 (per Original Budget)		120,309,099
Adjustment to revenue:		
General Funds:		
Fiscal Year 2011 Revenues		
Moving Violations	266,875	
Fiscal Year 2012 Revenues		
Premium Tax – Eliminate IWIF Exemption (SB 72)	(4,130,000)	
Bad Driver Surcharge (SB 72)	(1,277,580)	
DHMH – Youth Camp Inspections	334,152	
DLLR – Real Estate Appraiser Fees	(300,000)	
Fiscal Year 2011 Transfers		
Chesapeake Bay 2010 Fund	970,000	
Fiscal Year 2012 Transfers		
Voluntary Separation Program Special Fund Savings	8,591,538	
		4,454,985
Special Funds:		
C90303 Public Utility Regulation Fund	400,000	
C90303 Public Utility Regulation Fund	1,250,000	
J00301 Transportation Trust Fund	400,000	

J00301 Transportation Trust Fund	20,642,490	
K00351 POS Transfer Tax	7,151,373	
SWF315 Chesapeake Bay 2010 Trust Fund	2,400,000	
K00312 Fisheries Research and Development Fund	1,800,000	
L00328 Transfer Tax	1,469,933	
SWF315 Chesapeake Bay 2010 Trust Fund	2,000,000	
M00375 State Board Of Pharmacy	366,500	
D79306 Maryland Health Insurance Plan	(2,500,000)	
P00319 Appraiser, Appraisal Management Company and Home Inspector Fund	20,000	
P00319 Appraiser, Appraisal Management Company and Home Inspector Fund	50,000	
P00319 Appraiser, Appraisal Management Company and Home Inspector Fund	441,147	
R00364 Medical Assistance Administrative Recoveries	25,310	
R00364 Medical Assistance Administrative Recoveries	183,406	
SWF318 Maryland Education Trust Fund	(12,800,000)	
R99305 Out–of–state Tuition	77,142	
R99305 Out–of–state Tuition	103,005	
T00311 Maryland Enterprise Fund	680,972	
T00311 Maryland Enterprise Fund	2,708,333	
T00311 Maryland Enterprise Fund	18,958,333	
V00328 Receipts, Commissions, and Donations	505,000	
X00301 Annuity Bond Fund	3,852,894	
		50,185,838

Federal Funds:

10.583 Hunger Free Communities	550,000	
64.203 State Cemetery Grants	3,873,000	
64.015 Veterans State Nursing Home Care	2,500,000	
20.205 Highway Planning and Construction – Recovery Act	21,561,000	
10.912 Environmental Quality Incentives Program	385,111	

93.778 Medical Assistance Program		15,000,000
93.778 Medical Assistance Program		5,000,000
93.779 Centers for Medicare and Medicaid Services (CMS) Research, Demonstrations and Evaluations	450,000	
93.778 Medical Assistance Program	(300,000)	150,000
93.778 Medical Assistance Program		40,491
93.778 Medical Assistance Program		75,000
93.778 Medical Assistance Program		(2,500,000)
93.778 Medical Assistance Program		2,500,000
93.778 Medical Assistance Program – Recovery Act		4,000,000
93.779 Centers for Medicare and Medicaid Services (CMS) Research, Demonstrations and Evaluations		150,000
93.778 Medical Assistance Program		62,250
93.778 Medical Assistance Program		90,964
93.778 Medical Assistance Program		268,274
17.225 Unemployment Insurance		370,765
17.225 Unemployment Insurance		368,281
17.258 WIA Adult Program, Recovery Act	1,630,952	
17.259 WIA Youth Activities, Recovery Act	1,722,515	
17.260 WIA Dislocated Workers, Recovery Act	2,500,000	
17.275 Program of Competitive Grants for Worker Training and Placement in High Growth and Emerging Industry Sectors, Recovery Act	3,346,189	
17.278 WIA Dislocated Worker Formula Grants	2,369,174	11,568,830
17.225 Unemployment Insurance		1,000,000
17.225 Unemployment Insurance		(4,500,000)
17.225 Unemployment Insurance		1,500,000
17.225 Unemployment Insurance		6,000,000
AA.Q00 Reimbursement from Federal Marshal for Housing Federal Prisoners		8,269,543
10.579 Child Nutrition Discretionary Grants Limited Availability		406,401
81.128 Energy Efficiency and Conservation Block Grant Program Recovery Act		2,500,000

81.128 Energy Efficiency and Conservation Block Grant Program Recovery Act		2,000,000	
81.128 Energy Efficiency and Conservation Block Grant Program Recovery Act		2,000,000	
97.045 Cooperating Technical Partners		285,000	
66.468 Capitalization Grants for Drinking Water State Revolving Fund Recovery Act		500,000	
66.039 National Clean Diesel Emissions Reduction Program, Recovery Act		310,000	
66.458 Capitalization Grants for State Revolving Funds, Recovery Act	250,000		
66.468 Capitalization Grants for Drinking Water State Revolving Fund Recovery Act	150,000	400,000	
66.608 Environmental Information Exchange Network Grant Program and Related Assistance		680,000	
AA.W00 Asset Seizure Funds		487,000	
AA.W00 Asset Seizure Funds		269,525	
AA.W00 Asset Seizure Funds		3,359,000	91,480,435
Current Unrestricted Funds			
Baltimore City Community College		7,000,000	7,000,000
Current Restricted Funds			
Frostburg State University		1,000,000	
University of Baltimore		5,000,000	
University of Maryland University College		17,000,000	
Baltimore City Community College		5,200,000	28,200,000
Adjustment to general fund appropriations:			
Fiscal Year 2012			
Decrease in Voluntary Separation Program Reduction (Section xx)		(20,056,371)	
Delete contingent reduction in DHMH for Youth Camp Inspections		(334,152)	
Decrease contingent reduction in Aid to Education		(956)	
Contingent Reduction – Guaranteed Tax Base		1,932,991	

Decrease contingent reduction for Retirement benefits	(470,866)	
Increase contingent specific reversions for Retirement Benefits	470,866	
		(18,458,488)
Total Available		283,171,869
Uses:		
General Funds	48,857,390	
Special Funds	50,185,838	
Federal Funds	91,480,435	
Current Unrestricted Funds	7,000,000	
Current Restricted Funds	28,200,000	
		225,723,663
Revised estimated general fund unappropriated balance July 1, 2012.		57,448,206

PUBLIC SERVICE COMMISSION

1. C90G00.01 General Administration and Hearings

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for expert witness and legal analysis services for litigation before the Federal Energy Regulatory Commission.

Object .08 Contractual Services	400,000	
Special Fund Appropriation		400,000

2. C90G00.01 General Administration and Hearings

In addition to the appropriation shown on page 7 of the printed bill (first reading file bill), to provide funds for expert witness and legal analysis services for litigation before the Federal Energy Regulatory Commission.

Object .08 Contractual Services	1,250,000	
Special Fund Appropriation		1,250,000

EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS AND OFFICES

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 transfer the Sexual Assault and Domestic Violence Programs from the Department of Human Resources to the Governor's Office of Crime Control and Prevention.

Object .12 Grants, Subsidies and Contributions	534,838	
General Fund Appropriation, provided that this appropriation is contingent upon the enactment of House Bill 739 pertaining to the transfer of the programs.		534,838

4. 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 transfer the Advanced and Specialized Training Unit (AST) from the Police and Correctional Training Commission to the Governor's Office of Crime Control and Prevention effective July 1, 2011. The transfer includes two permanent and four contractual positions and associated operating costs.

Personnel Detail:			
Administrator IV	1.00	57,677	
Administrative Aide	1.00	36,710	
Fringe		39,657	
Turnover		–8,567	
Object .01 Salaries, Wages and Fringe Benefits		125,477	
Object .02 Technical and Special Fees		163,455	
Object .03 Communications		2,500	
Object .04 Travel		4,500	
Object .07 Motor Vehicle Operations and Maintenance		5,500	
Object .09 Supplies and Materials		3,500	
		304,932	
General Fund Appropriation			304,932

GOVERNOR'S OFFICE FOR CHILDREN

5. D18A18.01 Governor's Office for Children

To add an appropriation on page 14 of the printed bill (first reading file bill), to provide funds for nutrition programs and to expand access to nutritious food for families with children.

Object .12 Grants, Subsidies and Contributions	550,000	
Federal Fund Appropriation		550,000

DEPARTMENT OF PLANNING

6. D40W01.07 Management Planning and Educational Outreach

In addition to the appropriation shown on page 17 of the printed bill (first reading file bill), to provide funds for a grant to the Maryland Humanities Council.

Object .12 Grants, Subsidies and Contributions	53,500	
General Fund Appropriation		53,500

MILITARY DEPARTMENT

7. D50H01.05 State Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funding related to snow emergency costs not covered by the Federal Emergency Management Agency Public Assistance Grant and other operating costs.

Object .08 Contractual Services	395,243	
General Fund Appropriation		395,243

DEPARTMENT OF VETERANS AFFAIRS

8. D55P00.04 Cemetery Program – Capital Appropriation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to cover Garrison Forest Veterans Cemetery capital projects.

Object .14 Land and Structures	3,873,000	
Federal Fund Appropriation		3,873,000

9. D55P00.05 Veterans Home Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to cover additional Federal per diems.

Object .08 Contractual Services	2,500,000	

Federal Fund Appropriation 2,500,000

COMPTROLLER OF MARYLAND

10. E00A05.01 Compliance Administration

In addition to the appropriation shown on page 25 of the printed bill (first reading file bill), to provide funds for 4 contractual employees to handle increased call volumes associated with tax clearances for MVA renewals.

Object .02 Technical and Special Fees 100,000

General Fund Appropriation, provided that this appropriation is contingent upon the enactment of House Bill 72, Budget Reconciliation and Financing Act of 2011, provision requiring a tax clearance before renewing a vehicle registration or driver license. 100,000

DEPARTMENT OF INFORMATION TECHNOLOGY

11. F50B04.03 Application Systems Management

In addition to the appropriation shown on page 34 of the printed bill (first reading file bill), to modify the Financial Management Information System (FMIS)/ADPICS system to track awards and payments for those contracts provided by veteran owned small businesses.

Object .08 Contractual Services 175,000

General Fund Appropriation 175,000

12. F50B04.03 Application Systems Management

In addition to the appropriation shown on page 34 of the printed bill (first reading file bill), to modify the Financial Management Information System (FMIS) system to implement the Federal Tax Increase and Reconciliation Act. The Act requires the state to withhold 3% of certain vendor payments as a withhold tax for the Federal government.

Object .08 Contractual Services	~~850,000~~ ***250,000***	
General Fund Appropriation		~~850,000~~ ***250,000***

DEPARTMENT OF GENERAL SERVICES

13. H00D01.01 Procurement and Logistics

In addition to the appropriation shown on page 38 of the printed bill (first reading file bill), to modify the eMaryland Marketplace legacy system to flag contracts that would be eligible and well suited for the services provided by the veteran owned small businesses on the verified list of potential contractors. Modifications will be performed by a third–party systems contractor.

Object .08 Contractual Services	150,000	
General Fund Appropriation		150,000

MARYLAND DEPARTMENT OF TRANSPORTATION

14. J00A01.07 Office of Transportation Technology Services

In addition to the appropriation shown on page 40 of the printed bill (first reading file bill), to modify the Financial Management Information System (FMIS)/ADPICS system to track awards and payments for those contracts provided by veteran owned small businesses.

Object .08 Contractual Services	400,000	
Special Fund Appropriation		400,000

15. J00B01.03 County and Municipality Capital Funds

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to revise the cash flow of American Recovery and Reinvestment Act (ARRA) grant funds to local governments.

Object .12 Grants, Subsidies and Contributions 21,561,000

Federal Fund Appropriation 21,561,000

16. J00B01.05 County and Municipality Funds

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to increase funds in the Highway User Program to be distributed to local governments.

Object .12 Grants, Subsidies and Contributions 20,642,490

Special Fund Appropriation 20,642,490

DEPARTMENT OF NATURAL RESOURCES

17. K00A04.01 Statewide Operations

To add an appropriation on page 47 of the printed bill (first reading file bill), to provide funds for the Civic Justice Corps.

Object .08 Contractual Services 370,000

General Fund Appropriation 370,000

18. K00A05.10 Outdoor Recreation Land Loan

In addition to the appropriation shown on page 47 of the printed bill (first reading file bill), to provide funds to reflect an over attainment in transfer tax revenues from FY 2010.

Object .12 Grants, Subsidies, and Contributions ~~3,670,521~~ ***0***

Object .14 Land and Structures ~~3,480,852~~ ***0***

Special Fund Appropriation ~~7,151,373~~ ***0***

19. K00A14.02 Watershed Services

To become available immediately upon passage of

this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for Chesapeake Bay 2010 Fund supported local natural filter projects.

Object .08 Contractual Services	2,400,000	
Special Fund Appropriation		2,400,000

20. K00A17.01 Fisheries Services

In addition to the appropriation shown on page 53 of the printed bill (first reading file bill), to provide funds to the University of Maryland Center for Environmental Science and the Oyster Recovery Partnership for the restoration of native oysters in the Chesapeake Bay.

Object .08 Contractual Services	1,800,000	
Special Fund Appropriation		1,800,000

DEPARTMENT OF AGRICULTURE

21. L00A11.11 Capital Appropriation

In addition to the appropriation on page 55 of the printed bill (first reading file bill), to provide funds to account for an over attainment of transfer tax revenues in FY 2010.

Object .14 Land and Structures	~~1,469,933~~ ***0***	
Special Fund Appropriation		~~1,469,933~~ ***0***

22. L00A15.03 Resource Conservation Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for the development of the nutrient trading tool as part of the next suite of 2–Year Milestones for Chesapeake Bay Restoration.

Object .01 Salaries, Wages and

Fringe Benefits	171,000	
Object .03 Communication	665	
Object .04 Travel	2,500	
Object .08 Contractual Services	206,625	
Object .09 Supplies and Materials	1,321	
Object .12 Equipment Additional	3,000	
	385,111	
Federal Fund Appropriation		385,111

23. L00A15.04 Resource Conservation Grants

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for Chesapeake Bay 2010 Fund supported cover crop payments to farmers.

Object .12 Grants, Subsidies, and Contributions	2,000,000	
Special Fund Appropriation		2,000,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

24. M00B01.04 Health Professionals Boards and Commission

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for the Board of Pharmacy's procurement of a sequel–based database system.

Object .08 Contractual Services	366,500	
Special Fund Appropriation		366,500

25. M00L01.03 Community Services for Medicaid Recipients

To become available immediately upon passage of this budget to increase the appropriation for fiscal year 2011 due to claims for services provided during fiscal year 2010 that were received after June 30, 2010.

Object .08 Contractual Services	25,000,000	

General Fund Appropriation		10,000,000
Federal Fund Appropriation		15,000,000

26. M00L01.03 Community Services for Medicaid Recipients

In addition to the appropriation on page 66 of the printed bill (first reading file bill), to enhance rates for Mental Health Community Providers.

Object .08 Contractual Services	10,000,000	
General Fund Appropriation		5,000,000
Federal Fund Appropriation		5,000,000

27. M00M01.02 Community Services

To adjust the appropriation on page 69 of the printed bill (first reading file bill), to account for federal funds due to enhanced match per Money Follows the Person community services transitional funding.

Object .08 Contractual Services	0	
General Fund Appropriation		–150,000
Federal Fund Appropriation		150,000

28. M00Q01.02 Office of Systems, Operations, and Pharmacy

To become available immediately upon passage of this budget to increase the appropriation for fiscal year 2011 to accelerate claims processing in the last week of March and the last week of June.

Personnel Detail:		
Overtime	54,285	
Object .01 Salaries, Wages and Fringe Benefits	54,285	
General Fund Appropriation		13,794
Federal Fund Appropriation		40,491

29. M00Q01.02 Office of Systems, Operations, and Pharmacy

In addition to the appropriation shown on page 71 of the printed bill (first reading file bill), to implement provider re–enrollments required to comply with the Affordable Care Act.

Object .02 Technical & Special Fees	100,000	
General Fund Appropriation		25,000
Federal Fund Appropriation		75,000

30. M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2011 relating to a planned Medicaid waiver that has not yet received federal approval.

Object .08 Contractual Services	–5,000,000	
Special Fund Appropriation		–2,500,000
Federal Fund Appropriation		–2,500,000

31. M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to adjust the appropriation for fiscal year 2011 based on additional collections of enhanced federal matching funds on Mental Hygiene Administration services and other claims processed before June 30.

Object .08 Contractual Services	0	
General Fund Appropriation		–2,500,000
Federal Fund Appropriation		2,500,000

32. M00Q01.03 Medical Care Provider Reimbursements

In addition to the appropriation shown on page 72 of the printed bill (first reading file bill), to provide funds for an expansion of the Family Planning Program to all women of childbearing age in households up to 200% of the federal poverty level. Reimbursable Funds from the

Family Health Administration will provide the State match.

Object .08 Contractual Services 4,000,000

Federal Fund Appropriation, provided that this appropriation is contingent on enactment of HB 778 or SB 743 expanding the Family Planning Program to women in households up to 200% of the federal poverty level. 4,000,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Contingent upon the enactment of HB 778 or SB 743 authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

33. M00Q01.03 Medical Care Provider Reimbursements

In addition to the appropriation shown on page 72 of the printed bill (first reading file bill), to increase funds for rebalancing activities under the Money Follows the Person program.

Object .08 Contractual Services 300,000

General Fund Appropriation, provided that this appropriation may be transferred to M00M01.02 by approved budget amendment 150,000

Federal Fund Appropriation, provided that this appropriation may be transferred to M00M01.02 by approved budget amendment 150,000

34. M00Q01.04 Office of Health Services

In addition to the appropriation shown on page 73 of the printed bill (first reading file bill), to provide funds for provider re–enrollment activities required to comply with the Affordable Care Act. Some or all of these funds may be recovered by fee collections, pending federal

guidance on the matter.

Object .08 Contractual Services	200,000	
General Fund Appropriation		200,000

35. M00Q01.09 Office of Eligibility Services

In addition to the appropriation shown on page 74 of the printed bill (first reading file bill), to provide funds to investigate missing or inaccurate Social Security numbers in Medicaid enrollment data.

Personnel Detail:			
Medical Care Program Associate II	2.00	60,400	
Fringe		34,473	
Turnover		–17,718	
Object .01 Salaries, Wages and Fringe Benefits		77,155	
Object .10 Equipment – Additional		5,845	
		83,000	
General Fund Appropriation			20,750
Federal Fund Appropriation			62,250

36. M00Q01.09 Office of Eligibility Services

In addition to the appropriation shown on page 74 of the printed bill (first reading file bill), to provide funds to increase oversight of eligibility determinations performed by the Department of Human Resources.

Personnel Detail:			
DP Functional Analyst II	2.00	82,148	
DP Functional Analyst Supervisor	1.00	46,563	
Fringe		58,318	
Turnover		–7,551	
Object .01 Salaries, Wages and Fringe Benefits		179,478	
Object .04 Travel		2,000	
Object .09 Supplies		450	
		181,928	
General Fund Appropriation			90,964
Federal Fund Appropriation			90,964

37. M00Q01.09 Office of Eligibility Services

In addition to the appropriation shown on page 74 of the printed bill (first reading file bill), to provide funds for Family Planning Program eligibility determinations. Reimbursable Funds from the Family Health Administration will provide the State match.

Personnel Detail:		
Medical Care Program Associate II	6.00	104,364
Medical Care Program Supervisor	4.00	95,022
Fringe		115,413
Turnover		–78,700
Object .01 Salaries, Wages and Fringe Benefits		236,099
Object .03 Communications		950
Object .09 Supplies		525
Object .10 Equipment — Additional		20,200
Object .12 Fixed Charges		10,500
		268,274

Federal Fund Appropriation, provided that this appropriation is contingent on enactment of HB 778 or SB 743 expanding the Family Planning Program to women in households up to 200% of the federal poverty level. 268,274

Funds are appropriated in other agency budgets to pay for services provided by this program. Contingent upon the enactment of HB 778 or SB 743 authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

38. P00A01.01 Executive Direction

To adjust the appropriation on page 81 of the printed bill (first reading file bill), to account for the indirect costs associated with the costs of regulating appraisal management companies in the State of Maryland contingent upon the

enactment of Senate Bill 658 – Real Estate Appraisal Management Companies – Registration and Regulation.

Object .08 Contractual Services 0

General Fund Appropriation, provided that this appropriation shall be contingent upon the enactment of SB 658 which regulates appraisal management companies –20,000

Special Fund Appropriation, provided that this appropriation shall be contingent upon the enactment of SB 658 which regulates appraisal management companies 20,000

39. P00A01.05 Legal Services

To adjust the appropriation on page 81 of the printed bill (first reading file bill), to account for the indirect costs associated with the costs of regulating appraisal management companies in the State of Maryland contingent upon the enactment of Senate Bill 658 – Real Estate Appraisal Management Companies – Registration and Regulation.

Object .08 Contractual Services 0

General Fund Appropriation, provided that this appropriation shall be contingent upon the enactment of SB 658 which regulates appraisal management companies –50,000

Special Fund Appropriation, provided that this appropriation shall be contingent upon the enactment of SB 658 which regulates appraisal management companies 50,000

40. P00A01.09 Governor's Workforce Investment Board

In addition to the appropriation shown on page 81 of the printed bill (first reading file bill), to provide funds to the Maryland Center for Construction Education and Innovation to promote construction industry career opportunities and increase the supply of qualified construction workers.

Object .08 Contractual Services	225,000	
General Fund Appropriation		225,000

41. P00A01.11 Board of Appeals

To become available immediately upon passage of this budget to increase the appropriation for fiscal year 2011 to provide funds for 5 contractual positions and support costs to address increased caseloads for unemployment insurance appeals.

Personnel Detail:		
Overtime	85,380	
Fringe Benefits	6,343	
Object .01 Salaries, Wages and Fringe Benefits	91,723	
Object .02 Technical and Special Fees	144,807	
Object .08 Contractual Services	105,510	
Object .09 Supplies and Materials	10,428	
Object .11 Equipment Additional	18,297	
	370,765	
Federal Fund Appropriation		370,765

42. P00A01.12 Lower Appeals

To become available immediately upon passage of this budget to increase the appropriation for fiscal year 2011 to provide funds for 7 contractual positions and support costs to address increased caseloads for unemployment insurance lower appeals.

Personnel Detail:		
Overtime	151,215	
Fringe Benefits	11,235	
Object .01 Salaries, Wages and Fringe Benefits	162,450	
Object .02 Technical and Special Fees	105,409	
Object .04 Travel	24,491	
Object .08 Contractual Services	75,931	
	368,281	
Federal Fund Appropriation		368,281

43. P00F01.01 Occupational and Professional

Licensing

To increase the appropriation on page 84 of the printed bill (first reading file bill), to provide funds to cover the costs of regulating appraisal management companies in the State of Maryland contingent upon the enactment of Senate Bill 658 – Real Estate Appraisal Management Companies – Registration and Regulation.

Personnel Detail:			
Adm Assistant	1.00	32,091	
Assistant Attorney General	0.50	30,145	
License & Regulator	1.00	28,434	
Fringe Benefits		55,685	
Turnover Expectancy		–36,589	
Object .01 Salaries, Wages and Fringe Benefits		109,766	
Object .02 Technical and Special Fees		14,577	
Object .03 Communication		1,500	
Object .04 Travel		1,500	
Object .07 Motor Vehicle Operations and Maintenance		150	
Object .08 Contractual Services		155,000	
Object .09 Supplies and Materials		394	
Object .13 Fixed Charges		3,260	
		286,147	

General Fund Appropriation, provided that this appropriation shall be contingent upon the enactment of SB 658 which regulates appraisal management companies –155,000

Special Fund Appropriation, provided that this appropriation shall be contingent upon the enactment of SB 658 which regulates appraisal management companies 441,147

44. P00G01.01 Office of the Assistant Secretary

To become available immediately upon passage of this budget to increase the appropriation for fiscal year 2011 to provide funds for Workforce Development and Adult Learning grants.

Object .12 Grants, Subsidies and Contributions 11,568,830

Federal Fund Appropriation 11,568,830

45. P00G01.01 Office of the Assistant Secretary

In addition to the appropriation shown on page 85 of the printed bill (first reading file bill), to provide funds for YouthWorks to support summer jobs for youth.

Object .12 Grants, Subsidies and Contributions	1,130,000	
General Fund Appropriation		1,130,000

46. P00H01.01 Office of Unemployment Insurance

To become available immediately upon passage of this budget to increase the appropriation for fiscal year 2011 to provide funds for Center for Employment Security and Education and Research/Information Technology Support Center pass–through grants.

Object .12 Grants, Subsidies and Contributions	1,000,000	
Federal Fund Appropriation		1,000,000

47. P00H01.01 Office of Unemployment Insurance

To reduce the appropriation shown on page 86 to transfer application software funds for the Benefit Payment Control Automation Project to the Major Information Technology Development Projects program.

Object .08 Contractual Services	–4,500,000	
Federal Fund Appropriation		–4,500,000

48. P00H01.02 Major Information Technology Development Projects

To become available immediately upon passage of this budget to increase the appropriation for fiscal year 2011 to provide funds for the Benefit Payment Control Automation Project.

Object .08 Contractual Services	1,500,000	

Federal Fund Appropriation 1,500,000

49. P00H01.02 Major Information Technology Development Projects

In addition to the appropriation shown on page 86 to provide funds for the Benefit Payment Control Automation Project.

Object .08 Contractual Services 6,000,000

Federal Fund Appropriation 6,000,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

50. Q00A01.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for inmate medical care costs. Funds will be distributed to units across the Department.

Object .08 Contractual Services 3,510,000

General Fund Appropriation 3,510,000

51. Q00B02.02 Jessup Correctional Institution

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide for overtime costs. Funds will be distributed to units across the Department.

Personnel Detail:
Overtime 2,450,000
Object .01 Salaries, Wages and Fringe Benefits 2,450,000

General Fund Appropriation 2,450,000

52. Q00B03.03 Maryland Correctional Adjustment Center

To become available immediately upon passage of this budget to adjust the appropriation for fiscal

year 2011 for increased attainment of federal fund reimbursement from the Federal Marshal for housing federal inmates at this facility, based upon a revised agreement and an increase in the average daily population of federal prisoners.

Object .01 Salaries, Wages and Fringe Benefits	0	
Object .02 Technical and Special Fees	0	
Object .03 Communications	0	
Object .04 Travel	0	
Object .06 Fuel and Utilities	0	
Object .07 Motor Vehicle Operations	0	
Object .08 Contractual Services	0	
Object .09 Supplies and Materials	0	
Object .10 Equipment Replacement	0	
Object .12 Grants, Subsidies, and Contributions	500,000	
Object .14 Land and Structures	0	
	500,000	
General Fund Appropriation		–7,769,543
Federal Fund Appropriation		8,269,543

53. Q00G00.01 General Administration

To reduce the appropriation shown on page 96 of the printed bill (first reading file bill), to transfer the Advanced and Specialized Training Unit (AST) from the Police and Correctional Training Commission to the Governor's Office of Crime Control and Prevention effective July 1, 2011. The transfer includes two permanent and four contractual positions and associated operating costs.

Personnel Detail:			
Administrator IV	–1.00	–57,677	
Administrative Aide	–1.00	–36,710	
Fringe		–39,657	
Turnover		8,567	
Object .01 Salaries, Wages and Fringe Benefits		–125,477	
Object .02 Technical and Special Fees		–163,455	
Object .03 Communications		–2,500	
Object .04 Travel		–4,500	
Object .07 Motor Vehicle			

Operations and Maintenance	–5,500	
Object .09 Supplies and Materials	–3,500	
	–304,932	
General Fund Appropriation		–304,932

MARYLAND STATE DEPARTMENT OF EDUCATION

54. R00A01.02 Division of Business Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to enhance nutrition and physical activity in child care centers.

Object .02 Technical and Special Fees	175,019	
Object .12 Grants, Subsidies and Contributions	228,682	
Object .13 Fixed Charges	2,700	
	406,401	
Federal Fund Appropriation		406,401

55. R00A01.04 Division of Accountability, Assessment, and Data Systems

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for general operations in the Division.

Object .12 Grants, Subsidies and Contributions	25,310	
Special Fund Appropriation		25,310

56. R00A01.13 Division of Special Education/Early Intervention Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for a review of health related services for children with an Individual Education Program.

Object .02 Technical and Special Fees	132,106	

Object .08 Contractual Services	51,300	
	183,406	
Special Fund Appropriation		183,406

57. R00A02.01 State Share of Foundation Program

To become available immediately upon passage of this budget to supplement the General Fund appropriation for fiscal year 2011 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		12,800,000
Special Fund Appropriation		–12,800,000

58. R00A02.01 State Share of Foundation Program

To reduce the appropriation shown on page 102 of the printed bill (first reading file bill), to adjust for a revision in the wealth component of the Education Aid formula.

Object .12 Grants, Subsidies and Contributions	–4,868	
General Fund Appropriation		–4,868

59. R00A02.02 Compensatory Education

To reduce the appropriation shown on page 102 of the printed bill (first reading file bill), to adjust for a revision in the wealth component of the Education Aid formula.

Object .12 Grants, Subsidies and Contributions	–16,485	
General Fund Appropriation		–16,485

60. R00A02.07 Students with Disabilities

To reduce the appropriation shown on page 103 of the printed bill (first reading file bill), to adjust for a revision in the wealth component of the Education Aid formula.

Object .12 Grants, Subsidies and Contributions –4,812

General Fund Appropriation –4,812

61. R00A02.09 Gifted and Talented

To add an appropriation on page 103 of the printed bill (first reading file bill), to provide funding to cover the cost of STEM–focused AP exams for all students and PSAT testing for all high school sophomores.

Object .12 Grants, Subsidies and Contributions ~~3,376,091~~ ***0***

General Fund Appropriation ~~3,376,091~~ ***0***

62. R00A02.24 Limited English Proficient

To reduce the appropriation shown on page 104 of the printed bill (first reading file bill), to adjust for a revision in the wealth component of the Education Aid formula.

Object .12 Grants, Subsidies and Contributions –145

General Fund Appropriation –145

63. R00A02.25 Guaranteed Tax Base

In addition to the appropriation shown on page 104 of the printed bill (first reading file bill), to adjust funding to the statutorily required level as revised.

Object .12 Grants, Subsidies and Contributions ~~1,934,400~~ ***710,143***

General Fund Appropriation ~~1,934,400~~ ***710,143***

64. R00A02.25 Guaranteed Tax Base

To reduce the appropriation shown on page 104 of the printed bill (first reading file bill), to adjust

for a revision in the wealth component of the Education Aid formula.

Object .12 Grants, Subsidies and Contributions	–110,494	
General Fund Appropriation		–110,494

65. R00A02.59 Child Care Subsidy Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the Child Care Subsidy program to offset a lower than anticipated level of federal funds.

Object .12 Grants, Subsidies and Contributions	14,823,775	
General Fund Appropriation		14,823,775

UNIVERSITY SYSTEM OF MARYLAND

66. R30B26.00 Frostburg State University

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for an increase in federal grants for Pell grants to low income students.

Object .12 Grants, Subsidies and Contributions	1,000,000	
Current Restricted Fund		1,000,000

67. R30B28.00 University of Baltimore

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for an increase in private grants associated with the new Law School construction costs.

Object .14 Land and Structures	5,000,000	
Current Restricted Fund		5,000,000

68. R30B30.00 University of Maryland University College

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for an increase in federal grants for Pell grants to low income students.

Object .12 Grants, Subsidies and Contributions	17,000,000	
Current Restricted Fund		17,000,000

MARYLAND HIGHER EDUCATION COMMISSION

69. R62I00.07 Educational Grants

In addition to the appropriation shown on page 114 of the printed bill (first reading file bill), to provide funds for the UMB – Wellmobile.

Object .12 Grants, Subsidies and Contributions	285,250	
General Fund Appropriation		285,250

70. R62I00.07 Educational Grants

In addition to the appropriation shown on page 114 of the printed bill (first reading file bill), to provide funds for Washington Center for Internships and Academic Seminars.

Object .12 Grants, Subsidies and Contributions	25,000	
General Fund Appropriation		25,000

71. R62I00.15 Delegate Scholarships

To reduce the appropriation on page 114 of the printed bill (first reading file bill), to adjust the amount for Delegate Scholarships to reflect the 3% increase for in–state undergraduate tuition included in the FY2012 allowance for the 4–year public institutions of higher education within the University System of Maryland.

Object .12 Grants, Subsidies and Contributions	–49,868	
General Fund Appropriation		–49,868

BALTIMORE CITY COMMUNITY COLLEGE

72. R95C00.00 Baltimore City Community College

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for the purchase of land, for federal Pell grants, and for the digitalization and renovation of the radio station.

Object .08 Contractual Services	180,000	
Object .10 Equipment Replacement	675,000	
Object .12 Grants, Subsidies & Contribution	4,000,000	
Object .14 Land and Structure	7,345,000	
	12,200,000	
Current Unrestricted Appropriation		7,000,000
Current Restricted Appropriation		5,200,000

MARYLAND SCHOOL FOR THE DEAF

73. R99E01.00 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for educational equipment, computer maintenance contracts and building repairs at the Frederick Campus.

Object .08 Contractual Services	67,142	
Object .10 Equipment Replacement	10,000	
	77,142	
Special Fund Appropriation		77,142

74. R99E02.00 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for salaries, fringes and building repairs at the Columbia Campus.

Personnel Detail:		
Salaries	27,430	

Fringe Benefits	22,570	
Object .01 Salaries, Wages and Fringe Benefits	50,000	
Object .08 Contractual Services	53,005	
	103,005	
Special Fund Appropriation		103,005

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

75. 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 Capital energy efficiency improvements to DHCD supported Neighborhood Revitalization projects.

Object .14 Land and Structures	2,500,000	
Federal Fund Appropriation		2,500,000

76. 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 Capital energy efficiency improvements to DHCD supported affordable multi–family housing developments.

Object .14 Land and Structures	2,000,000	
Federal Fund Appropriation		2,000,000

77. S00A25.08 Homeownership 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 Capital energy efficiency improvements to single family homes.

Object .14 Land and Structures	2,000,000	
Federal Fund Appropriation		2,000,000

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

78. T00F00.08 Financing Programs Operations

~~In addition to the appropriation shown on page 126 of the printed bill (first reading file bill) to provide funds to implement and operate the InvestMaryland program. Includes funds for three new permanent positions as well as consultants to manage some of the processes.~~

~~Personnel Detail:~~		
~~Program Mgr Senior III~~	~~1.00~~	~~99,139~~
~~Program Mgr Senior II~~	~~1.00~~	~~92,896~~
~~Management Associate~~	~~1.00~~	~~45,560~~
~~Fringe~~		~~95,671~~
~~Turnover~~		~~–83,317~~
~~Object .01 Salaries, Wages and Fringe Benefits~~		~~249,949~~
~~Object .03 Communications~~		~~900~~
~~Object .04 Travel~~		~~2,250~~
~~Object .08 Contractual Services~~		~~425,000~~
~~Object .09 Supplies and Materials~~		~~473~~
~~Object .11 Equipment–Additional~~		~~2,400~~
~~Total~~		~~680,972~~

~~Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 180 or House Bill 173 pertaining to the InvestMaryland program.~~ ~~680,972~~

79. T00F00.09 Maryland Small Business Development Financing Authority – Business Assistance

In addition to the appropriation shown on page 126 of the printed bill (first reading file bill) to provide funds to make investments under the Equity Participation Investment Program with revenues from the InvestMaryland program.

Object .14 Land and Structures ~~2,708,333~~
0

Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 180 or House Bill

173 pertaining to the InvestMaryland program. ~~2,708,333~~ ***0***

80. T00F00.17 Maryland Enterprise Investment Fund and Challenge Programs

In addition to the appropriation shown on page 127 of the printed bill (first reading file bill) to provide funds to make investments with new revenues to be received under the InvestMaryland program.

Object .14 Land and Structures ~~18,958,333~~ ***0***

Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 180 or House Bill 173 pertaining to the InvestMaryland program. ~~18,958,333~~ ***0***

81. T00G00.06 Film Production Rebate Program

In addition to the appropriation shown on page 128 of the printed bill (first reading file bill), to provide funds to attract and increase the number of film productions, television series and commercials produced in Maryland.

Object .12 Grants, Subsidies and Contributions 1,000,000

General Fund Appropriation 1,000,000

MARYLAND DEPARTMENT OF THE ENVIRONMENT

82. U00A04.01 Water Management Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for hydrology studies and to upgrade databases related to flood plain projects.

Object .08 Contractual Services 285,000

Federal Fund Appropriation		285,000

83. U00A04.01 Water Management Administration

In addition to the appropriation shown on page 131 of the printed bill (first reading file bill), to provide funds to be used for development of databases to track and report on public water supply systems.

Object .08 Contractual Services	500,000	
Federal Fund Appropriation		500,000

84. U00A07.01 Air and Radiation Management Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for clean diesel school bus retrofits.

Object .12 Grants, Subsidies and Contributions	310,000	
Federal Fund Appropriation		310,000

85. U00A10.01 Coordinating Offices

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds to be used for engineering and technical consultants to monitor ARRA supported capital waste water and drinking water projects.

Object .08 Contractual Services	400,000	
Federal Fund Appropriation		400,000

86. U00A10.01 Coordinating Offices

In addition to the appropriation shown on page 132 of the printed bill (first reading file bill), to provide funds to be used to link information technology systems between the Maryland Department of the Environment and federal partner agencies.

Object .08 Contractual Services	680,000	
Federal Fund Appropriation		680,000

DEPARTMENT OF JUVENILE SERVICES

87. V00D02.01 Departmental Support

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to provide funds for security enhancements at State–run facilities.

Object .08 Contractual Services	90,000	
Object .11 Equipment Additional	415,000	
	505,000	
Special Fund Appropriation		505,000

DEPARTMENT OF STATE POLICE

88. W00A01.02 Field Operations Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to fund equipment repair for the Aviation Division.

Object .07 Motor Vehicle Operation and Maintenance	487,000	
Federal Fund Appropriation		487,000

89. W00A01.03 Criminal Investigation Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to fund training and match funding for reimbursable grants.

Object .04 Travel	10,725	
Object .08 Contractual Services	258,800	
	269,525	
Federal Fund Appropriation		269,525

90. W00A01.04 Support Services Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2011 to fund telecommunication upgrades, training, vehicles, information technology services, supplies and equipment replacement funding.

Object .03 Communications	160,500	
Object .04 Travel	5,760	
Object .07 Motor Vehicle Operation and Maintenance	2,000,000	
Object .08 Contractual Services	778,250	
Object .09 Supplies and Materials	54,100	
Object .10 Equipment Replacement	360,390	
	3,359,000	
Federal Fund Appropriation		3,359,000

PUBLIC DEBT

91. X00A00.01 Redemption and Interest on State Bonds

In addition to the appropriation shown on page 142 of the printed bill (first reading file bill), to provide funds to be used for debt service payments on the State's general obligation bonds.

Object .13 Fixed Charges	3,852,894	
Special Fund Appropriation		3,852,894

AMENDMENTS TO HOUSE BILL 70/SENATE BILL 85
(First Reading File Bill)

Amendment No. 1:

On page 28, line 8, strike the word "Valuations" and insert the word "Valuation".

On lines 18 and 19, strike the words "Real Property Valuations" and insert the words "Office of Information Technology"

On lines 29 and 30, strike the words "Real Property Valuations" and insert the words "Business Property Valuation"

Correction for the appropriate Department of Assessment program names in which 90% of the costs of these programs will be distributed to the counties and Baltimore City contingent upon the enactment of legislation.

~~Amendment No. 2:~~

~~On page 47, line 30, strike "48,189,692" and replace with "52,101,610".~~

~~On line 32, strike "20,841,842" and replace with "24,081,298".~~

~~On page 48, line 32, strike "20,841,842" and replace with "24,081,298",~~

~~On line 33, strike "22,220,491" and replace with "24,671,636"~~

~~On line 37, strike "4,625,567" and replace with "5,500,091".~~

~~On line 44, strike "10,125,567" and replace with "11,000,091".~~

~~On page 49, line 1, strike "2,076,256" and replace with "2,231,439"~~

~~On line 2, strike "13,767,378" and replace with "14,198,443".~~

~~On line 3, strike "48,189,692" and replace with "52,101,610".~~

~~On lines 7 and 9, strike "66,314,534" and replace with "73,465,908".~~

~~On line 14, strike "21,579,747" and replace with "24,186,076".~~

~~On line 16, strike "20,841,842" and replace with "24,081,298".~~

~~On line 18, strike "10,125,567" and replace with "11,000,091".~~

~~On line 19, strike "13,767,378" and replace with "14,198,443".~~

~~On line 21, strike "66,314,534" and replace with "73,465,908".~~

~~*Revises the allocation of funding for Program Open Space projects in Program K00A05.10 Outdoor Land Loan program to reflect additional appropriation from the over attainment in transfer tax revenues from FY 2010.*~~

~~Amendment No. 3:~~

~~On page 55, line 25, strike "19,555,275" and replace with "21,025,208".~~

~~*Revises the allocation of funding for Program Open Space projects in Program L00A11.11 Capital Appropriation program to reflect additional appropriation from the over attainment in transfer tax revenues from FY 2010.*~~

Amendment No. 4:

~~On page 60, after line 13~~ ***On page 61, after line 12***, insert the words "Contingent on enactment of HB166/SB182 creating an independent Health Benefit Exchange agency, appropriations may be transferred to that agency by approved budget amendment"

Adds budget language permitting the transfer of appropriation for grants in Executive Direction to an independent Health Benefit Exchange agency that may be created by legislation.

~~Amendment No. 5:~~

~~On page 62, lines 31–35, after the word "Appropriation," strike the words "provided" through "camps".~~

~~*Deletes general fund reduction of $334,152 contingent upon the enactment of legislation requiring accreditation of youth camps.*~~

~~Amendment No. 6:~~

~~On page 102, line 17, strike "$62,146,481" and replace with "$62,144,590".~~

~~*Revises the amount of the reduction, in the R00A02.01 Foundation program within Aid to Education, contingent upon the enactment of legislation reducing the per pupil foundation amount to reflect a revision in the wealth component of the Education Aid formula.*~~

~~Amendment No. 7:~~

~~On page 102, line 31, strike "$24,033,764" and replace with "$24,033,401".~~

~~*Revises the amount of the reduction, in the R00A02.02 Compensatory Education program within Aid to Education, contingent upon the enactment of legislation reducing the per pupil foundation amount to reflect a revision in the wealth component of the Education Aid formula.*~~

~~Amendment No. 8:~~

~~On page 103, line 9, strike "$5,867,879" and replace with "$5,867,769".~~

~~*Revises the amount of the reduction, in the R00A02.07 Students With Disabilities program within Aid to Education, contingent upon the enactment of legislation reducing the per pupil foundation amount to reflect a revision in the wealth component of the Education Aid formula.*~~

~~Amendment No. 9:~~

~~On page 103, line 14, strike "266,401,443" and replace with "266,396,631".~~

~~*Revises the amount of the Formula funding allocated in the R00A02.07 Students With Disabilities program within Aid to Education to reflect a reduction in funding provided for the program in this supplemental budget.*~~

~~Amendment No. 10:~~

~~On page 104, line 19, strike "$3,632,993" and replace with "$3,632,992".~~

~~*Revises the amount of the reduction, in the R00A02.24 Limited English Proficient program within Aid to Education, contingent upon the enactment of legislation reducing the per pupil foundation amount to reflect a revision in the wealth component of the Education Aid formula.*~~

Amendment No. 11:

On page 104, line 25, after the word "be" strike "increased by" and replace with the words "reduced by".

On line 26, strike "$1,934,400" and replace with "~~$1,932,991~~ ***$710,143***", strike the word "enactment" and replace with the word "failure"

Revises the contingent action in the Guaranteed Tax Base program within Aid to Education to reduce funds contingent upon the failure of legislation reducing the per pupil foundation and includes an adjustment to reflect a revision in the wealth component of the Education Aid formula.

Amendment No. 12:

On page 114, after line 27, insert the following words:

"UMB – WellMobile..... 285,250
Washington Center for Internships and Academic Seminars.... 25,000"

*Adds the UMB – Wellmobile and the Washington Center for Internships and Academic ~~Seminarso~~ **Seminars** to the list of educational grants within the Educational Grants program (R62I00.07)*

Amendment No. 13:

On page 160, line 14, after the word "Appropriation", insert ", provided that a portion of this appropriation may be transferred to M00L01.03".

Adds budget language permitting the transfer of General Fund deficiency appropriations to the Mental Hygiene Administration's budget for serving Medicaid enrollees.

~~Amendment No. 14:~~

~~On page 207, line 15, strike "101,781,068" and replace with "101,310,202". On page 207, line 22 through page 208, line 37, strike in its entirety and replace with the following:~~

~~"C80~~	~~Office of the Public Defender~~	~~849,895~~
~~C81~~	~~Office of the Attorney General~~	~~196,762~~
~~C82~~	~~State Prosecutor~~	~~11,792~~
~~C85~~	~~MD Tax Court~~	~~6,306~~
~~D05~~	~~Board of Public Works (BPW)~~	~~9,610~~

~~D10~~	~~Executive Department – Governor~~	~~100,493~~
~~D11~~	~~Office of Deaf and Hard of Hearing~~	~~2,893~~
~~D12~~	~~Department of Disabilities~~	~~14,323~~
~~D15~~	~~Boards and Commissions~~	~~74,676~~
~~D16~~	~~Secretary of State~~	~~21,252~~
~~D17~~	~~Historic St. Mary's City Commission~~	~~20,873~~
~~D18~~	~~Governor's Office for Children~~	~~16,312~~
~~D25~~	~~BPW Interagency Committee for School Construction~~	~~15,983~~
~~D26~~	~~Department of Aging~~	~~25,895~~
~~D27~~	~~Commission on Human Relations~~	~~27,877~~
~~D38~~	~~State Board of Elections~~	~~26,712~~
~~D39~~	~~Maryland State Board of Contract Appeals~~	~~5,214~~
~~D40~~	~~Department of Planning~~	~~121,088~~
~~D50~~	~~Military Department~~	~~95,539~~
~~D55~~	~~Department of Veterans Affairs~~	~~45,038~~
~~D60~~	~~Maryland State Archives~~	~~27,361~~
~~E00~~	~~Comptroller of Maryland~~	~~630,579~~
~~E20~~	~~State Treasurer's Office~~	~~27,857~~
~~E50~~	~~Department of Assessments and Taxation~~	~~402,177~~
~~E75~~	~~State Lottery Agency~~	~~35,932~~
~~E80~~	~~Property Tax Assessment Appeals Board~~	~~5,835~~
~~F10~~	~~Department of Budget and Management~~	~~153,228~~
~~F50~~	~~Department of Information Technology~~	~~79,386~~
~~H00~~	~~Department of General Services~~	~~293,353~~
~~K00~~	~~Department of Natural Resources~~	~~257,851~~
~~L00~~	~~Department of Agriculture~~	~~216,483~~
~~M00~~	~~Department of Health and Mental Hygiene~~	~~3,916,145~~
~~N00~~	~~Department of Human Resources~~	~~1,904,647~~
~~P00~~	~~Department of Labor, Licensing, and Regulation~~	~~262,094~~
~~Q00~~	~~Department of Public Safety and Correctional Services~~	~~2,862,143~~
~~R00~~	~~State Department of Education – Operating~~	~~335,333~~
~~R00~~	~~State Department of Education – Aid for Local Employee Fringe Benefits~~	~~75,624,494~~
~~R15~~	~~Maryland Public Broadcasting Commission~~	~~65,149~~
~~R62~~	~~Maryland Higher Education Commission – Operating~~	~~34,755~~
~~R62~~	~~Maryland Higher Education Commission – Aid to Community Colleges – Fringe Benefits~~	~~4,284,708~~
~~R75~~	~~Support for State Operated Institutions of Higher Education~~	~~5,445,043~~
~~R99~~	~~Maryland School for the Deaf~~	~~321,017~~
~~T00~~	~~Department of Business and Economic Development~~	~~177,011~~

~~U00~~	~~Department of the Environment~~	~~288,311~~
~~V00~~	~~Department of Juvenile Services~~	~~1,568,368~~
~~W00~~	~~Department of State Police~~	~~402,409~~
	~~Total General Funds~~	~~101,310,202~~"

~~*Adjusts the Section 21 retirement savings allocation to exclude correctional officers and redistributes the general fund savings within the applicable Executive Branch agencies.*~~

Amendment No. 15:

On page 208, line 15, after the word "by", strike "general funds of $40,000,000" and replace with "31,027,418". On line 43, after the word "2012", insert the words "by the following amounts" On line 44, after the word "Governor", strike "." and insert the following:

	Agency	"General Funds
C80	Office of the Public Defender	917,381
C81	Office of the Attorney General	113,282
D15	Boards and Commissions	320,078
D16	Secretary of State	62,632
D26	Department of Aging	91,483
D27	Commission on Human Relations	76,784
D40	Department of Planning	167,222
D50	Military Department	165,112
E00	Comptroller of Maryland	465,614
E50	Department of Assessments and Taxation	253,774
F10	Department of Budget and Management	275,276
F50	Department of Information Technology	57,101
H00	Department of General Services	260,525
K00	Department of Natural Resources	410,095
L00	Department of Agriculture	267,566
M00	Department of Health and Mental Hygiene	4,726,803
N00	Department of Human Resources	3,311,567
P00	Department of Labor, Licensing, and Regulation	186,464
Q00	Department of Public Safety and Correctional Services	2,476,853
R00	State Department of Education – Operating	608,864
R15	Maryland Public Broadcasting Commission	110,268
R62	Maryland Higher Education Commission – Operating	139,897
T00	Department of Business and Economic Development	397,995
U00	Department of the Environment	976,762

V00	Department of Juvenile Services	1,596,516
W00	Department of State Police	633,849
	Total General Funds	19,069,763

	Agency	Special Funds
C90	Public Service Commission	254,391
C98	Workers' Compensation Commission	124,441
D80	Maryland Insurance Administration	561,059
E00	Comptroller of Maryland	65,963
E50	Department of Assessments and Taxation	48,183
E75	State Lottery Agency	365,018
F10	Department of Budget and Management	179,316
G20	State Retirement Agency	236,092
G50	Teachers and State Employees Supplemental Retirement Plans	72,786
J00	Department of Transportation	7,468,322
K00	Department of Natural Resources	719,893
L00	Department of Agriculture	68,367
M00	Department of Health and Mental Hygiene	424,023
N00	Department of Human Resources	9,210
P00	Department of Labor, Licensing and Regulation	161,784
Q00	Department of Public Safety and Correctional Services	432,355
R15	Maryland Public Broadcasting Commission	85,070
S00	Department of Housing and Community Development	173,302
T00	Department of Business and Economic Development	222,439
U00	Department of the Environment	285,641
	Total Special Funds	11,957,655 ”

Revises general fund savings and adds special fund savings for Section 22 by agency related to the implementation of the FY 2011 State Employee's Voluntary Separation Program.

SUMMARY

SUPPLEMENTAL APPROPRIATIONS

	General Funds	Special Funds	Federal Funds	Current Unrestricted Funds	Current Restricted Funds	Total Funds
Appropriation						
2011 Fiscal Year	43,992,812	26,702,853	70,453,947	7,000,000	28,200,000	176,349,612
2012 Fiscal Year	16,000,725	38,782,985	28,026,488	– 0 –	– 0 –	82,810,198
Subtotal	59,993,537	65,485,838	98,480,435	7,000,000	28,200,000	259,159,810
Reduction in Appropriation						
2011 Fiscal Year	-10,269,543	-15,300,000	-2,500,000	– 0 –	– 0 –	-28,069,543
2012 Fiscal Year	-866,604	– 0 –	-4,500,000	– 0 –	– 0 –	-5,366,604
Subtotal	-11,136,147	-15,300,000	-7,000,000	– 0 –	– 0 –	-33,436,147
Net Change in Appropriation	48,857,390	50,185,838	91,480,435	7,000,000	28,200,000	225,723,663

Sincerely,

Martin O'Malley
Governor

Enacted under Article III, § 52(6) of the Maryland Constitution, April 8, 2011.

Chapter 396

(House Bill 71)

AN ACT concerning

Creation of State Debt – Maryland Consolidated Capital Bond Loan of 2011, and the Maryland Consolidated Capital Bond Loans of 1996, *2001*, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010

FOR the purpose of authorizing the creation of a State Debt in the amount of ~~Nine Hundred Thirty–Five Million, Six Hundred Eighteen Thousand ($935,618,000) Nine Hundred Forty–Seven Million, Five Hundred Thirty–Three Thousand, Seven Hundred and Nineteen Dollars ($947,533,719)~~ *Nine Hundred Forty–Nine Million, One Hundred and Two Thousand, Five Hundred and One Dollars ($949,102,501)*, the proceeds to be used for certain necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of this State, for acquiring certain real estate in connection therewith, and for grants to certain subdivisions and other organizations for certain development and improvement purposes, subject to the requirement that certain grantees provide and expend certain matching funds by certain dates; 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; *altering the distribution of certain funds within a certain program; stating the intent of the General Assembly that the Capital Debt Affordability Committee's review of certain debt include an evaluation of the capacity to increase the amount of certain bonds;* ~~*providing funds for a certain program to finance certain rental housing; requiring the Department of Housing and Community Development to submit a certain report with certain information; providing that funds encumbered or expended after the transfer of a certain hospital system may not be used for certain purposes;*~~ stating the intent of the General Assembly that certain funding be included in future Maryland Consolidated Capital Bond Loans; providing generally for the issuance and sale of bonds evidencing the loan; authorizing the creation of State Debt to be issued in 2012, the proceeds to be used for certain purposes; authorizing the creation of State Debt to be issued in 2013, the proceeds to be used for certain purposes; authorizing the creation of State Debt to be issued in 2014, the proceeds to be used for certain purposes; imposing a certain tax on all assessable property in the State; requiring that certain grantees convey certain easements under certain circumstances to the Maryland Historical Trust; providing that the proceeds of certain loans must be expended or encumbered by a certain date;

requiring certain grantees to submit certain reports; providing that certain authorizations do not terminate before a certain date; authorizing certain unexpended appropriations in certain prior capital budgets and bond loans to be expended for other public projects; altering certain requirements for certain projects and programs in certain prior capital budgets and bond loans; providing that the authorizations of State Debt in certain prior capital budgets and bond loans be reduced by certain amounts; providing for certain additional information to be detailed about each project in the capital program under certain circumstances; requiring that certain projects be constructed at certain locations; repealing certain requirements for certain appropriations; requiring the Comptroller to make certain transfers, adjustments, and reconciliations; repealing certain Maryland Consolidated Capital Bond Loan Preauthorization Acts; ~~*repealing a certain requirement that the Governor include a certain amount for county library capital projects in the annual operating or capital budget,*~~ *extending the deadline by which certain loan proceeds must be expended or encumbered by the Board of Public Works; extending the deadline by which certain grantees must present evidence to the Board of Public Works that certain matching funds will be provided; altering and expanding the authorized uses of certain grants; altering the purpose of certain grants; altering the grantees under certain projects; altering the location of certain facilities for which grants are to be received; altering the requirement that certain grantees provide a certain matching fund; altering the matching fund requirements of certain grants;* providing for delayed effective dates for certain provisions of this Act; and generally relating to the financing of certain capital projects.

BY repealing and reenacting, with amendments,
Chapter 125 of the Acts of the General Assembly of 1996
Section 1(3) Item 38.01.00(D)

BY repealing and reenacting, with amendments,
Chapter 125 of the Acts of the General Assembly of 1996, as amended by Chapter 138 of the Acts of the General Assembly of 1998, Chapter 212 of the Acts of the General Assembly of 1999, Chapter 508 of the Acts of the General Assembly of 2000, Chapter 290 of the Acts of the General Assembly of 2002, and Chapter 204 of the Acts of the General Assembly of 2003
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 462 of the Acts of the General Assembly of 2001, as amended by Chapter 707 of the Acts of the General Assembly of 2009
Section 1

BY repealing and reenacting, with amendments,
Chapter 680 of the Acts of the General Assembly of 2001, as amended by Chapter 32 of the Acts of the General Assembly of 2003, Chapter 30 of the Acts of the General Assembly of 2004, Chapter 219 of the Acts of the General

Assembly of 2008, and Chapter 707 of the Acts of the General Assembly of 2009
Section 1

BY repealing and reenacting, with amendments,
Chapter 715 of the Acts of the General Assembly of 2001, as amended by Chapter 94 of the Acts of the General Assembly of 2002, and Chapter 707 of the Acts of the General Assembly of 2009
Section 1

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003
Section 1(3) Item QB08(A)~~, Item RP00.05(B),~~ and Item TF00(A) *and 12(3) Item (AQ)*

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(3)(i) Item (A)

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004, Chapter 445 of the Acts of the General Assembly of 2005, Chapter 46 of the Acts of the General Assembly of 2006, Chapter 336 of the Acts of the General Assembly of 2008, Chapter 485 of the Acts of the General Assembly of 2009, and Chapter 483 of the Acts of the General Assembly of 2010
Section 1(1)

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, and Chapter 508 of the Acts of the General Assembly of 2006
Section 13(3)(i) Item (H)

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, and Chapter 202 of the Acts of the General Assembly of 2007
Section 13(3)(ii) Item (A)

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, and Chapter 707 of the Acts of the General Assembly of 2009
Section 13(3)(i) Item (BD) and (ii) Item (Q)

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item MA01(B) and Item UB00(A)

BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004
Section 1(3) Item DE02.01(K), Item KA05(C)(3), Item QB08.02(A), *Item QG00(A)*, Item RP00.05(A), and Item ZA00(G), (I), and (L)

BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004, as amended by Chapter 445 of the Acts of the General Assembly of 2005, Chapter 46 of the Acts of the General Assembly of 2006, Chapter 488 of the Acts of the General Assembly of 2007, Chapter 336 of the Acts of the General Assembly of 2008, Chapter 485 of the Acts of the General Assembly of 2009, and Chapter 483 of the Acts of the General Assembly of 2010
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA01(O)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 46 of the Acts of the General Assembly of 2006, Chapter 488 of the Acts of the General Assembly of 2007, Chapter 485 of the Acts of the General Assembly of 2009, and Chapter 483 of the Acts of the General Assembly of 2010
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item RM00(D)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item RM00(B) ~~and~~, Item UB00(A), *Item ZA00(T), and Item ZA01(BP)*

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter 219 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(AD) and Item ZA02(AD)

BY repealing and reenacting, with amendments,

Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA01(BT)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item DB01(B), Item RD00(A), Item RE01(A), ~~and~~ Item RM00(C), *and Item ZA00(P)*

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 219 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(AM) and ZA02(AW)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item RM00(B)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA01(AM) and ZA02(AW) and (AX)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 372 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA01(BM)

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, Chapter 485 of the Acts of the General Assembly of 2009, and Chapter 483 of the Acts of the General Assembly of 2010
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item DE02.01(C), Item MF05(A), *Item RB22(A),* ~~and~~ Item RD00(B), *ZA01(AT), and Item ZA02(AG)*

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 485 of the Acts of the General Assembly of 2009
Section 12(1) and (3) Item DE02.01(I)

BY repealing and reenacting, with amendments,

Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 372 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA02(BV–2)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 485 of the Acts of the General Assembly of 2009 and Chapter 483 of the Acts of the General Assembly of 2010
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item ~~RM00(C)~~ Item QB08.01(A) and (B), Item RM00(A) and (C), ~~and~~ Item ZA00(N) and (P), *Item ZA02(G), (H), (I), (K), (Z), (AG), (AN), and (AP), and Item ZA03(F), (G), (H), (U), (AK), (AO), (AZ), (BG), (BJ), and (BP)*

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009, as amended by Chapter 483 of the Acts of the General Assembly of 2010
Section 1(1) and 12(1) and (3) Item WA01(A)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section ~~1(3)~~ *1(1) and (3)* Item DE02.02(A), Item QP00(A), Item RB31(A), *Item RN00(A), Item ZA00(K)*, Item ~~ZA02(W)~~ *ZA02(Q), (U), (W), (AY), (BF), (BK), (BM), (BP), and (BX)* and (BM), and Item ZA03(H) *and (I)*, (M), *(R), (X)*, (Y), (Z), (AB), ~~and (AC)~~ *(AC), (BB–1), and (BO)*

BY repealing
Chapter 483 of the Acts of the General Assembly of 2010
Section 12 and 13

~~*BY repealing*~~
~~*Article – Education*~~
~~*Section 23–510(c)(5)*~~
~~*Annotated Code of Maryland*~~
~~*(2008 Replacement Volume and 2010 Supplement)*~~

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2011 in the total principal amount of ~~$935,618,000~~ ~~$947,533,719~~ *$949,102,501*. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of

Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

EXECUTIVE DEPARTMENT – GOVERNOR

DA02.01 DEPARTMENT OF DISABILITIES
(Statewide)

(A) Accessibility Modifications. Provide funds to design and construct handicapped accessibility modifications at State–owned facilities 1,444,000

DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) Legislative Facilities. Provide funds to design and construct alterations and renovations to the Lowe House Office Building 7,050,000

(B) State House – Old Senate Chamber. Provide funds to design, construct, and equip alterations and renovations to the State House in order to restore the Old Senate Chamber to its 19th Century appearance, 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..... 3,000,000

(C) State House Exhibits. Provide funds to design, construct, and equip the State House with interpretive exhibits..... 140,000

JUDICIARY/MULTISERVICE CENTERS

~~(C)~~ *(D) New Catonsville District Court. Provide funds for preliminary design of a new District Court facility in Catonsville (Baltimore County)..... 1,500,000*

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, 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:

(1) applied to another eligible project in the current fiscal year; or

(2) 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.

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 240,344,000

(B) Aging Schools Program. Provide additional grants to be distributed to local boards of education ~~in proportion to grants received under § 5–206 of the Education Article~~. *Notwithstanding § 5–206(f)(2)(ii) of the Education Article, for fiscal year 2012, the distribution to local boards of education shall be as follows:* ..... ~~6,109,000~~
~~*11,109,000*~~
8,609,000

(1)	*Allegany County*	*137,810*
(2)	*Anne Arundel County*	*713,128*
(3)	*Baltimore City*	*1,955,915*
(4)	*Baltimore County*	*1,231,993*
(5)	*Calvert County*	*53,948*
(6)	*Caroline County*	*70,566*
(7)	*Carroll County*	*193,433*

(8)	*Cecil County*	*135,320*
(9)	*Charles County*	*70,566*
(10)	*Dorchester County*	*53,962*
(11)	*Frederick County*	*257,358*
(12)	*Garrett County*	*53,962*
(13)	*Harford County*	*306,339*
(14)	*Howard County*	*123,697*
(15)	*Kent County*	*53,962*
(16)	*Montgomery County*	*849,278*
(17)	*Prince George's County*	*1,704,368*
(18)	*Queen Anne's County*	*70,566*
(19)	*St. Mary's County*	*70,566*
(20)	*Somerset County*	*53,962*
(21)	*Talbot County*	*53,962*
(22)	*Washington County*	*190,111*
(23)	*Wicomico County*	*150,262*
(24)	*Worcester County*	*53,962*

DT01 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS
(Baltimore City)

(A) Emergency Medical Communications Systems. Provide funds to design, construct, and equip improvements to the Maryland Institute for Emergency Medical Services Systems (MIEMSS) communications systems to establish redundant connectivity between the Bressler Research Building and the MIEMSS building 1,000,000

DEPARTMENT OF PLANNING

DW01.08 JEFFERSON PATTERSON PARK AND MUSEUM
(Calvert County)

(A) Riverside Interpretive Trails and Exhibit Stations. Provide funds to construct a system of trails and exhibits at the Jefferson Patterson Park and Museum 1,001,000

DW01.10 DIVISION OF HISTORICAL AND CULTURAL PROGRAMS
(Statewide)

(A) Maryland Historical Trust. Provide funds for the African American Heritage Preservation Program to assist in the protection of historic property. The funds appropriated for this purpose shall be administered in accordance with § 5A–330 of the State Finance and Procurement Article 1,000,000

FB04 DEPARTMENT OF INFORMATION TECHNOLOGY
(Statewide)

(A) Public Safety Communications System. Provide funds to construct and equip a statewide public safety communications system to provide the State with a new, modern, unified radio communications system 10,000,000

(B) One Maryland Broadband Network. Provide funds for the construction of a statewide fiber optic network 5,800,000

DEPARTMENT OF NATURAL RESOURCES

KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION
(Statewide)

(A) Community Parks and Playgrounds. Provide funds for grants to local governments to design and construct eligible projects 2,500,000

(B) Rural Legacy Program. Provide funds for the purchase of conservation easements and the acquisition of land. The funds appropriated for this purpose shall be administered in accordance with §§ 5–9A–01 through 5–9A–09 of the Natural Resources Article ..... ~~14,104,000~~
~~9,104,000~~
~~0~~
4,515,000

(C) Natural Resources Development Fund. Provide funds to design, construct, and equip capital development projects on

Department of Natural Resources property in accordance with § 5–903(g) of the Natural Resources Article. Funds may only be spent on the projects listed below or on previously authorized projects: 3,450,000

(1) Fort Frederick State Park – Officer's Quarters (Frederick County) 2,144,000

(2) South Mountain Battlefield – Museum (Allegany County) 500,000

(3) Sandy Point State Park – Natural Resources Police New Area 3 and Communication Center (Anne Arundel County) 441,000

(4) Patapsco Valley State Park – Bloede Dam Removal (Howard County) 269,000

(5) Black Walnut Point Natural Resources Management Area – Shore Erosion Control (Talbot County) 96,000

(D) Program Open Space. Provide funds for the purchase of conservation easements and acquisition of land, and to make grants to local jurisdictions for the purchase of conservation easements and acquisition of land, and development of recreational facilities. Funds appropriated for local grants shall be administered in accordance with §§ 5–905 through 5–906 of the Natural Resources Article..... 28,459,000

(1) Program Open Space – Stateside – FY 2012 Allocation..... 2,347,000

(2) Program Open Space – Local – FY 2012 Allocation..... 6,947,000

(3) Baltimore City Direct Grant – FY 2012 Allocation..... 400,000

(4) Heritage Conservation Fund – FY 2012 Allocation..... 2,076,000

(5) Program Open Space – Local – Prior Funds Replacement..... 16,689,000

(E) Critical Maintenance Program. Provide funds to construct

capital improvements such as planned maintenance and repair projects at public use facilities on State–owned property 3,380,000

(F) Dam Rehabilitation Program. Provide funds to construct improvements to dams on State–owned property (Statewide) 1,045,000

(G) Ocean City Beach Replenishment Fund. Provide funds for the maintenance of the restoration of the beach at Ocean City (Worcester County) 1,000,000

(H) Waterway Improvement Fund. Provide funds to finance projects which expand and improve recreational boating throughout the State consistent with the State Boat Act. The funds appropriated for this purpose shall be administered in accordance with §§ 8–707 through 8–709 of the Natural Resources Article 7,347,000

KA17 FISHERIES SERVICE
(Statewide)

(A) Oyster Habitat Restoration Projects. Provide funds to design and construct oyster habitat restoration projects ..... ~~1,500,000~~
~~0~~
1,000,000

DEPARTMENT OF AGRICULTURE

LA11 OFFICE OF THE SECRETARY
(Statewide)

(A) Maryland Agricultural Land Preservation Program. Provide funds for the acquisition of conservation easements on agricultural land. The funds appropriated for this purpose shall be administered in accordance with §§ 2–501 through 2–519 of the Agricultural Article 4,367,000

~~LA12 OFFICE OF MARKETING, ANIMAL INDUSTRIES AND CONSUMER SERVICES~~
~~(Statewide)~~

~~(A) Tobacco Transition Program. Provide funds for the purchase of agricultural easements for the Tobacco Transition Program~~ ..... ~~1,500,000~~
~~0~~

LA15 DEPARTMENT 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 6,000,000

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..... 3,568,000

(B) Federally Qualified Health Centers Grant Program. Provide grants to acquire, design, construct, renovate, convert, and equip buildings to be used as Federally Qualified Health Centers..... 2,002,000

MI04.01 FAMILY HEALTH ADMINISTRATION
(Wicomico County)

(C) Deer's Head Hospital Center. Provide funds to complete design and construct a new kidney dialysis unit and renovate the existing kidney dialysis unit for administrative purposes at the Deer's Head Center..... 6,124,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QB02 DIVISION OF CORRECTION
MARYLAND HOUSE OF CORRECTION
(Anne Arundel County)

(A) Maryland House of Correction Deconstruction Project. Provide funds to design the deconstruction of the Maryland House of Correction in Jessup, provided that the Department of Public Safety and Correctional Services shall submit a report to the budget committees by December 1, 2011, providing detail on how inmate labor will be used for the

project. The report shall identify the number of inmates that will be trained, the work areas they will participate in, the type of training required, and the cost of providing that training. The budget committees shall have 45 days to review and comment following receipt of the report..... 500,000

QB04.02 MARYLAND CORRECTIONAL TRAINING CENTER
(Washington County)

(A) Housing Unit Windows and Heating Systems. Provide funds to construct replacements for the windows and heating systems in Housing Units 1 and 2 at the Maryland Correctional Training Center in Hagerstown. Any funds not needed for these improvements may be used to design and construct replacement for the windows and heating systems of Housing Units 3 through 6 9,729,000

QP00 DIVISION OF PRETRIAL DETENTION AND SERVICES
(Baltimore City)

(A) Baltimore City Detention Center Dining Facility Renovation. Provide funds to design and renovate the Annex Building at the Baltimore City Detention Center to create a new dining facility, provided that funds may not be expended until the Part I and II Program Plans have been approved by the Department of Budget and Management..... 1,500,000

RA01 STATE DEPARTMENT OF EDUCATION

(A) Public Library Capital Grant Program. Provide grants to acquire land, design, construct, and equip public library facilities. The funds appropriated for this purpose shall be administered in accordance with § 23–510 of the Education Article (Statewide)..... ~~5,000,000~~
4,000,000

(B) Western Maryland Regional Library. Provide funds to construct and equip renovations and an addition to the Western Maryland Regional Library (Washington County) 2,500,000

UNIVERSITY SYSTEM OF MARYLAND

RB21 UNIVERSITY OF MARYLAND, BALTIMORE
(Baltimore City)

(A) Health Sciences Research Facility III. Provide funds for preliminary design of a new research facility for the School of

Medicine, subject to the requirement that the University of Maryland, Baltimore provide an equal and matching fund for this purpose ..... ~~3,500,000~~ ~~5,000,000~~ *4,000,000*

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK
(Prince George's County)

(A) Physical Sciences Complex. Provide funds to construct Phase I of a new Physical Sciences Complex to provide modern laboratory and office space for the Department of Physics, the Department of Astronomy, and the Institute for Physical Sciences and Technology, 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 30,100,000

(B) Campuswide Building System and Infrastructure Improvements. Provide funds to design, construct, and equip campuswide infrastructure improvements, provided that it is the intent of the General Assembly that during the 2011 interim, as part of the Capital Debt Affordability Committee's review of the size and condition of the University System of Maryland (USM) debt (as required by § 8-112(e) of the State Finance and Procurement Article), the committee include an evaluation of the capacity to increase the amount of the USM Academic Revenue Bonds (ARB) by $5,000,000 annually beginning in the 2012 legislative session for the purposes of providing additional authorizations to support campuswide building system and infrastructure improvements at the University of Maryland, College Park. Any amount of additional ARBs would be used to match State general obligation bond funds for the multi–year infrastructure improvement project *5,000,000*

RB23 BOWIE STATE UNIVERSITY
(Prince George's County)

(A) Campuswide Site Improvements. Provide funds to complete design and construct Campuswide Site Improvements..... ~~1,833,000~~ 1,757,000

(B) New Fine and Performing Arts Building. Provide funds to equip a new Fine and Performing Arts Building ..... ~~1,050,000~~ 0

(C) New Bulldog Football Stadium Field Lights. Provide funds to design, construct, and equip the installation of new field lights at Bulldog Stadium ..... ~~600,000~~ *500,000*

(D) Field House Renovation and Addition. Provide funds to design, construct, and equip renovations and an addition to the Bulldog Football Stadium Field House 700,000

RB24 TOWSON UNIVERSITY
(Baltimore County)

(A) Campuswide Safety and Circulation Improvements. Provide funds to design campuswide infrastructure and site improvements 1,200,000

RB25 UNIVERSITY OF MARYLAND EASTERN SHORE
(Somerset County)

(A) New Engineering and Aviation Science Building. Provide funds to complete design of a new Engineering and Aviation Science Building 3,600,000

RB26 FROSTBURG STATE UNIVERSITY
(Allegany County)

(A) New Center for Communications and Information Technology. Provide funds to complete design and construct a new Center for Communications and Information Technology, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project 10,054,000

RB28 UNIVERSITY OF BALTIMORE
(Baltimore City)

(A) New Law School Building. Provide funds to construct and equip a new Law School Building 41,493,000

RB29 SALISBURY UNIVERSITY
(Wicomico County)

(A) Gymnasium Repairs and Renovation. Provide funds to design and construct repairs to the Salisbury University gymnasium 1,500,000

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY

(Baltimore County)

(A) New Performing Arts and Humanities Facility. Provide funds to construct and equip a new Performing Arts and Humanities Facility 31,200,000

RC00 BALTIMORE CITY COMMUNITY COLLEGE
(Baltimore City)

(A) Main Building Renovation – Administration Wing – Liberty Campus. Provide funds to renovate the Administration Wing, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project. Further provided that this authorization may not be encumbered or expended until Baltimore City Community College complies with the reporting requirements on public-private partnerships (P3) required by Title 10A of the State Finance and Procurement Article. The budget committees shall have 45 days from the date of receipt of the report to review and comment 2,250,000

RE01 MARYLAND SCHOOL FOR THE DEAF
(Frederick County)

(A) New Fire Alarm and Emergency Notification System. Provide funds to design a new Fire Alarm and Emergency Notification System on the Frederick Campus..... 332,000

RI00 MARYLAND HIGHER EDUCATION COMMISSION
(Statewide)

(A) Community College Facilities Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. Provided that the funds needed for the State's share of the cost of design, construction, and capital equipping for the Montgomery College's Rockville Science East Building Renovation and the College of Southern Maryland's La Plata Campus CE Building be provided as split authorizations in fiscal 2012 and 2013 and that this Act include a pre–authorization for each project in the State's remaining fiscal 2013 cost share. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article ..... ~~60,791,000~~
58,091,000

RM00 MORGAN STATE UNIVERSITY
(Baltimore City)

(A) New Center for the Built Environment and Infrastructure Studies. Provide funds to equip the new Center for the Built Environment and Infrastructure Studies. 4,000,000

(B) New School of Business Complex. Provide funds to design a new School of Business Complex 921,000

(C) Lillie Carroll Jackson Museum Renovation. Provide funds to equip the Lillie Carroll Jackson Museum 50,000

(D) New Jenkins Behavioral and Social Sciences Center. Provide funds for the preliminary design of a new Jenkins Behavioral and Social Sciences Center 1,400,000

RQ00 UNIVERSITY OF MARYLAND MEDICAL SYSTEM
(Baltimore City)

(A) Trauma, Critical Care, and Emergency Medicine Services Expansion Project. Provide a grant to the University of Maryland Medical System to assist in the construction of the University of Maryland Medical Center – Trauma, Critical Care, and Emergency Medicine Services Expansion project..... 10,000,000

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Provided that any financial assistance awarded under the Community Legacy Program, Homeownership Programs, and Special Loan Programs is not subject to § 8–301 of the State Finance and Procurement Article.

SA24 DIVISION OF NEIGHBORHOOD REVITALIZATION
(Statewide)

(A) Community Legacy Program. Provide funds to assist neighborhoods with revitalization efforts. The funds shall be administered in accordance with §§ 6–201 through 6–211 of the Housing and Community Development Article and Code of Maryland Regulations (COMAR) 05.17.01..... 4,250,000

(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 ..... ~~4,250,000~~
~~5,156,719~~
4,250,000

SA25 DIVISION OF DEVELOPMENT FINANCE
(Statewide)

(A) Partnership Rental Housing Program. Provide funds to be credited to the Partnership Rental Housing Fund to be administered in accordance with §§ 4–501, 4–503, and 4–1201 through 4–1209 of the Housing and Community Development Article..... 6,000,000

(B) Homeownership Programs. Provide funds for below–market interest rate mortgages with minimum down payments to low– and moderate–income families. These funds shall be administered in accordance with §§ 4–501, 4–502, 4–801 through 4–810, and 4–814 through 4–816 of the Housing and Community Development Article ..... ~~8,500,000~~
7,500,000

(C) Shelter and Transitional Housing Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip facilities for homeless individuals and families. The funds shall be administered in accordance with the Code of Maryland Regulations (COMAR) 05.05.09..... 2,000,000

(D) Special Loan Programs. Provide funds to low– and moderate–income families, sponsors of rental properties occupied primarily by limited income families, and nonprofit sponsors of housing facilities, including group homes and shelters. These funds shall be administered in accordance with §§ 4–501, 4–505, 4–601 through 4–612, 4–701 through 4–712, 4–901, 4–923, 4–927, and 4–933 of the Housing and Community Development Article 7,400,000

DEPARTMENT OF THE ENVIRONMENT

UA01 OFFICE OF THE SECRETARY
(Statewide)

(A) Enhanced Nutrient Removal. Provide funds to local governments to implement enhanced nutrient removal technology at the 67 largest wastewater treatments plants in Maryland 146,825,000

(B) Maryland Water Quality Revolving Loan Fund. Provide

funds to finance water quality improvement projects. These funds shall be administered in accordance with § 9–1605 of the Environment Article 9,856,000

(C) Maryland Drinking Water Revolving Loan Fund. Provide funds to finance drinking water projects. These funds shall be administered in accordance with § 9–1605.1 of the Environment Article..... 1,970,000

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..... 35,900,000

(1) Biological Nutrient Removal Program. Provide not more than $30,900,000 in grants for projects to remove nutrients at publicly owned sewage treatment works;

(2) Supplemental Assistance Program. Provide not more than $5,000,000 in grants to provide assistance to grant and loan recipients to meet the local share of construction costs;

(B) Water Supply Financial Assistance Program. Provide funds for assistance to State and local government entities to acquire, design, construct, rehabilitate, equip, and improve water supply facilities. The 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

WA01 DEPARTMENT OF STATE POLICE

(A) Barrack P Land Acquisition. Provide funds to acquire land owned by the Maryland Aviation Administration and currently occupied by the Maryland State Police in Glen Burnie (Anne Arundel County)..... 760,000

(B) Helicopter Replacement. Provide funds <u>for the purchase of a flight training device and</u> to acquire new helicopters to upgrade the quality of the State helicopter fleet<u>, provided that</u>

it is the intent of the General Assembly that general obligation bond funding be added to the Maryland Consolidated Capital Bond Loan of 2012 for the design, construction, and renovation of a suitable location for the flight training device (Statewide) 22,650,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) Baltimore Museum of Art. Provide a grant to the Board of Trustees of the Baltimore Museum of Art for the design, renovation, and reconfiguration of facilities at the Baltimore Museum of Art, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City)..... 2,500,000

(B) East Baltimore Biotechnology Park. Provide a grant to the Mayor and City Council of the City of Baltimore for demolition 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) 2,500,000

(C) Charles E. Smith Life Communities. Provide a grant to the Board of Governors of the Charles E. Smith Life Communities for the 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) 675,000

(D) Intercounty Connector. Provide funds to the Maryland Transportation Authority for the construction of an east–west controlled access, tolled highway linking the US 1/I–95 corridor in Prince George's County with I–270/I–370 in Montgomery County (Montgomery and Prince George's Counties)..... ~~57,630,000~~ ~~*59,415,719*~~ *46,154,501*

(E) Johns Hopkins Medicine – Cardiovascular and Critical Care Tower. Provide a grant to the Board of Trustees of the Johns Hopkins Health System to prepare detailed plans, construct and equip the Cardiovascular and Critical Care Tower on the Johns Hopkins East Baltimore Campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act

(Baltimore City) 5,500,000

(F) Kennedy Krieger Institute. Provide a grant to the Board of Directors of the Kennedy Krieger Institute, Inc. for the design, construction, and capital equipping for a new Comprehensive Autism Center at Kennedy Krieger's East Baltimore Campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City) 1,000,000

(G) 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 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) 250,000

(H) Maryland Independent College and University Association – Johns Hopkins University. Provide a grant equal to the lesser of (i) ~~$1,000,000~~ ~~$1,500,000~~ *$3,000,000* or (ii) the amount of the matching fund provided, to the Board of Trustees of Johns Hopkins University to assist in the planning, design, construction, renovation, and capital equipping of the Brody Learning Commons on the Johns Hopkins Homewood 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) ..... ~~1,000,000~~
~~1,500,000~~
3,000,000

(I) Maryland Independent College and University Association – Maryland Institute College of Art. Provide a grant equal to the lesser of (i) ~~$1,000,000~~ ~~$1,500,000~~ *$3,000,000* or (ii) the amount of the matching fund provided, to the Board of Trustees of the Maryland Institute College of Art to assist in the planning, design, construction, renovation, and capital equipping of the Studio Center located at 113 – 131 West North Avenue on the Maryland Institute College of Art 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) ..... ~~1,000,000~~
~~1,500,000~~
3,000,000

(J) Maryland Independent College and University Association – Mount St. Mary's University. Provide a grant equal to the lesser of (i) ~~$1,000,000~~ $1,500,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Mount St. Mary's University to assist in the planning, design, construction, renovation, and capital equipping of Bradley Hall on the Mount St. Mary's campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Frederick County) ..... ~~1,000,000~~ 1,500,000

(K) Maryland Independent College and University Association – Washington College. Provide a grant equal to the lesser of (i) ~~$1,000,000~~ ~~$1,500,000~~ *$2,500,000* or (ii) the amount of the matching fund provided, to the Board of Visitors and Governors of Washington College to assist in the planning, design, construction, renovation, and capital equipping of the Clifton M. Miller Library on the Washington College campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Kent County) ..... ~~1,000,000~~ ~~1,500,000~~ *2,500,000*

(L) Maryland Zoo in Baltimore – Infrastructure Improvements. Provide a grant to the Directors of the Maryland Zoological Society, Inc. for the design, construction, and equipping of various infrastructure improvements or life safety projects (Baltimore City)..... 2,500,000

(M) National Children's Museum. Provide a grant to the Board of Directors of the National Children's Museum, Inc. for the design, construction, and capital equipping of the new National Children's Museum in Oxon Hill, Maryland, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George's County)..... 3,000,000

(N) Prince George's Hospital System. Provide a grant to the

County Executive and County Council of Prince George's County for the acquisition of property, and the design, construction, renovation, and capital equipping of infrastructure improvements for facilities within the Prince George's Hospital System, provided that this authorization may not be encumbered or expended until the Department of Health and Mental Hygiene and Prince George's County submit a report to the budget committees on the proposed use of funds to improve the system. The budget committee shall have 45 days from the date of the receipt of the report to review and comment (Prince George's County) 4,000,000

(O) Sinai Hospital. Provide a grant to the Board of Directors of Sinai Hospital, Inc., for the design, renovation, and expansion of the new Neurological Rehabilitation Center – Traumatic Brain Injury 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)..... 1,000,000

(P) St. Ann's Infant and Maternity Home. Provide a grant to the Board of Directors of St. Ann's Infant and Maternity Home, Inc. for the design, construction, renovation, and improvements to the St. Ann's Infant and Maternity Home in Hyattsville (Prince George's County) 750,000

(Q) Maryland School for the Blind. Provide a grant to the Board of Directors of the Maryland School for the Blind, Inc., for the design, construction, and capital equipping of a new Life Education Building at the Maryland School for the Blind (Baltimore City)..... 4,000,000

(R) National Aquarium in Baltimore Infrastructure Improvements. Provide a grant equal to the lesser of (i) $1,000,000 or (ii) the amount of the matching fund provided, to the Board of Governors of the National Aquarium in Baltimore, Inc., to assist in infrastructure improvements, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City) 1,000,000

(S) Liberty Road Corridor Infrastructure Improvements. Provide a grant equal to the lesser of (i) $2,000,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the design, construction, and capital equipping of infrastructure

improvements of the Liberty Road Corridor at Liberty and Old Court Roads (Baltimore County) 2,000,000

(T) Reece Road Community Health Center. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the People's Community Health Center, Inc. for the design, construction, and capital equipping of the Reece Road Community Health Center, located in Severn. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County) 250,000

(U) Elkridge Volunteer Fire Department. Provide a grant equal to the lesser of (i) $500,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the ~~repair and renovation of~~ purchase of land for the Elkridge Volunteer Fire Department Station, located in Elkridge (Howard County) 500,000

(V) Bates Middle School. Provide a grant to the Anne Arundel County Board of Education for the design, construction, and capital equipping of renovations and reconstruction of the gymnasium and theatre at Bates Middle School (Anne Arundel County) 1,000,000

(W) Annapolis High School. Provide a grant to the Anne Arundel County Board of Education for the design, construction, and capital equipping for stadium upgrades to include a new score board and field house at the Annapolis High School (Anne Arundel County) 400,000

(X) Wiley H. Bates Heritage Park. Provide a grant equal to the lesser of (i) $350,000 or (ii) the amount of the matching fund, provided to the County Executive and County Council of Anne Arundel County to assist in the design, construction, and capital equipping of a turf field at the Wiley H. Bates Heritage Park, located in Annapolis (Anne Arundel County) 350,000

ZA01 MARYLAND HOSPITAL ASSOCIATION

(A) Anne Arundel Medical Center. Provide a grant to the Board of Trustees of the Anne Arundel Health System to assist in the renovation of the Pathways Alcohol and Drug Treatment Center at the Anne Arundel 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 (Anne Arundel County) 300,000

(B) Dorchester General Hospital. Provide a grant to the Board of Directors of the Shore Health System to assist in the renovation of the behavioral health unit at Dorchester General Hospital, 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 consist of funds expended prior to the effective date of this Act (Dorchester County) 1,000,000

(C) Maryland General Hospital. Provide a grant to the Board of Directors of Maryland General Hospital to assist in the construction and renovation of the emergency department, 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) 1,000,000

(D) Mercy Medical Center – Maternal and Children's Health Facility. Provide a grant to the Board of Directors of the Mercy Medical Center to assist with the construction, expansion, and relocation of the Maternal and Children's Health Facility, 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) 2,700,000

ZA01.08 SOUTHERN MARYLAND HIGHER EDUCATION CENTER
(St. Mary's County)

(A) New Classroom and Engineering Laboratory Building. Provide funds to design a third academic building on the Southern Maryland Higher Education Center campus 935,000

ZA02 LOCAL SENATE INITIATIVES
~~(Statewide)~~

~~(A) Legislative Initiatives. Provide funds for projects of political subdivisions and nonprofit organizations ..... 7,500,000~~

(A) Linwood 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 Linwood Center, Inc. for the planning and design of a new school building at the Linwood Center, located in Ellicott City (Statewide) 250,000

(B) Little Sisters of the Poor – Boiler Room. 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 Little Sisters of the Poor of Baltimore, Inc. for the design, acquisition, construction, repair, renovation, reconstruction, and capital equipping of boilers and the boiler room, located in Catonsville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Statewide) 125,000

(C) Maryland Food Bank. 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 Maryland Food Bank, Inc. for the acquisition, construction, and repair of Maryland Food Bank facilities, located in Baltimore City and Salisbury. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Statewide)..... 250,000

(D) Maryland Historical Society. Provide a grant of $250,000 to the Board of Trustees of the Maryland Historical Society, Inc. for the acquisition, construction, and capital equipping of a boiler and chiller, located in Baltimore City (Statewide)..... 250,000

~~*(E) Port Discovery. 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 Baltimore Children's Museum, Inc. for the planning, design, construction, renovation, and capital equipping of Port Discovery, located in Baltimore City (Statewide)..... 125,000*~~

(F) Allegany 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 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)..... 50,000

(G) Cumberland City Market. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided,

to the Mayor and City Council of the City of Cumberland for the design, renovation, and capital equipping of the Cumberland City Market, located in Cumberland (Allegany County)..... 50,000

(H) Andover Field Renovations. Provide a grant equal to the lesser of (i) $25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Andover Football League, Inc. and the County Executive and County Council of Anne Arundel County for the planning, design, construction, repair, and renovation of the Andover Park fields and field house, located in Linthicum (Anne Arundel County) 25,000

(I) Annapolis and Anne Arundel County Conference and Visitors Bureau 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 Annapolis and Anne Arundel County Conference and Visitors Bureau, Inc. for the acquisition, construction, repair, renovation, reconstruction, and capital equipping of the windows and roof, located in Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County)..... 50,000

(J) Arundel Lodge Expansion. 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 Arundel Lodge, Inc. for the planning, design, construction, and capital equipping of the Arundel Lodge, located in Edgewater (Anne Arundel County)..... 100,000

(K) Carroll Field Puglise Stadium Field Lights. 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 Arundel Boosters Club, Inc. for the design, construction, and renovation of field lights at the Carroll Field Puglise Stadium, located in Gambrills. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Anne Arundel County) 100,000

(L) Charles Carroll House. 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 Charles Carroll House of Annapolis, Inc. for the acquisition, planning, design, construction, repair, reconstruction, and capital equipping of the Charles Carroll House, 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)..... 75,000

(M) South River High School Media Center. Provide a grant ~~of $50,000~~ equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Anne Arundel County Board of Education and the Board of Directors of the South River High School Community Partnership, Inc. for the design, construction, and renovation of the South River High School Media Center, located in Edgewater. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County) 50,000

(N) Dr. Bob's Place – A Hospice for Children. 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 Joseph Richey House, Inc. for the construction, renovation, and capital equipping, including landscaping, at Dr. Bob's Place, a hospice for children, 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

(O) Garrett–Jacobs Mansion Ballroom. 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 the Garrett–Jacobs Mansion Endowment Fund, Inc. for the design, repair, renovation, and reconstruction of the performance hall at the Garrett–Jacobs Mansion, 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)..... 25,000

(P) In Our House Homeless Youth Center. Provide a grant equal to the lesser of (i) $175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Loving Arms, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of multiple homeless youth facilities, 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)..... 175,000

(Q) *Junior League of Baltimore Thrift Store. 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 Junior League of Baltimore, Inc. for the design, construction, and renovation of the Junior League of Baltimore Thrift Store's Community Space, 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*

(R) *Mary Harvin Transformation 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 Mary Harvin Transformation Center Development Corporation, Inc. for the acquisition, planning, design, and construction of the Mary Harvin Transformation 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*

(S) *Maryland Center of Veterans Education and Training. Provide a grant equal to the lesser of (i) $90,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Maryland Center for Veterans Education and Training, Inc. for the construction and renovation of the Maryland Center of Veterans Education and Training, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City)* *90,000*

(T) *Mattie B. Uzzle Outreach 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 Collington Square Non–Profit Corporation, Inc. for the construction, repair, renovation, reconstruction, and capital equipping of the Mattie B. Uzzle Outreach Center, including demolition and construction of a parking lot, 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)* *150,000*

(U) *Morgan Mill Facility. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Project PLASE, Inc. for the*

acquisition and renovation of the Morgan Mill Facility, located in Baltimore City (Baltimore City)..... 100,000

(V) Park Heights Women and Children 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 Gaudenzia Foundation, Inc. for the planning, design, and construction of the Park Heights Women and Children Center, located in Baltimore City (Baltimore City)..... 100,000

(W) St. Elizabeth School Roof Replacement. 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 St. Elizabeth School, Inc. for the repair and renovation of the St. Elizabeth School roof, 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)..... 50,000

(X) St. Francis Xavier Head Start. 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 St. Francis Xavier Head Start, Inc. for the renovation of the St. Francis Xavier Head Start facility, 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

(Y) Star–Spangled Banner Flag House. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Star Spangled Banner Flag House Association, Inc. for the planning, design, repair, renovation, reconstruction, and capital equipping of the Star–Spangled Banner Flag House, 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. The grantee may provide the matching fund and the Board of Public Works may certify the matching fund in installments. Each installment of the matching fund that the grantee provides shall be at least $25,000 (Baltimore City)..... 150,000

(Z) Town Theatre 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 Everyman Theatre, Inc. for the acquisition, design, construction, renovation, reconstruction, and capital equipping of the Town Theatre, located in

Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Baltimore City) *60,000*

(AA) *Augsburg Lutheran Home of Maryland. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Augsburg Lutheran Home of MD, Inc. for the construction, renovation, and capital equipping of the Augsburg Lutheran Home of Maryland, located in Baltimore (Baltimore County)* *150,000*

(AB) *Good Shepherd Student Courtyard 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 House of the Good Shepherd, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the student courtyard at the Good Shepherd Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County)* *100,000*

(AC) *Jewish Community Services Addition. 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 Associated Jewish Charities of Baltimore, Inc. for the design, construction, and renovation of the Jewish Community Services Facility, located in Owings Mills (Baltimore County)*..... *175,000*

(AD) *Todd's Inheritance. Provide a grant equal to the lesser of (i) $175,000 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. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore County)* *175,000*

(AE) *North Beach Public Works Building. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of North Beach for the construction of a Public Works Building, located in North Beach. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Calvert County)*..... *200,000*

(AF) *Bel Alton High School Community Development 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 Bel Alton High School Alumni Association Community Development Corporation for the construction, repair, renovation, reconstruction, and capital equipping of a community development center, including window repair, located in La Plata. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Charles County) *100,000*

(AG) *Greater Baden Medical Services Facility. Provide a grant of $200,000 to the Board of Directors of the Greater Baden Medical Services, Inc. for the planning, design, construction, and capital equipping of the Greater Baden Medical Services Facility, located in La Plata (Charles County)* *200,000*

(AH) *Chesapeake Grove – Senior Housing and Intergenerational Center. Provide a grant equal to the lesser of (i) $45,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Delmarva Community Services, Inc. for the planning, design, and construction of the Chesapeake Grove – Senior Housing and Intergenerational Center, located in Cambridge. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Dorchester County)* *45,000*

(AI) *Dorchester Center for the Arts – Atrium Entrance. Provide a grant equal to the lesser of (i) $40,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Dorchester Center for the Arts, Inc. for the construction of the atrium entrance and rear addition to the Dorchester Center for the Arts, located in Cambridge. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Dorchester County)* *40,000*

(AJ) *Replica Choptank River Lighthouse. 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 Choptank River Lighthouse Society, Inc. for the design and construction of a replica of the Choptank River Lighthouse, located in Cambridge. 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 (Dorchester County)* *80,000*

(AK) *Cultural Arts 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 Frederick Arts Council, Inc. for*

the acquisition and renovation of the Cultural Arts Center, located in Frederick. 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 (Frederick County) *100,000*

(AL) *Frederick Alliance For Youth – Youth and Community Center. Provide a grant equal to the lesser of (i) $175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Frederick Alliance for Youth, Inc. for the acquisition, planning, design, and construction of the Frederick Alliance For Youth – Youth and Community Center, located in Frederick (Frederick County)* *175,000*

(AM) *Weinberg Center for the Arts. Provide a grant equal to the lesser of (i) $75,000 or (ii) the amount of the matching fund provided, to the Mayor and Board of Aldermen of the City of Frederick for the design, construction, repair, renovation, reconstruction, and capital equipping of the Weinberg Center, located in Frederick (Frederick County)* *75,000*

(AN) *HART Animal Adoption 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 HART for Animals, Inc. for the planning, design, renovation, construction, and capital equipping of the HART Animal Adoption Center, located in McHenry (Garrett County)* *125,000*

(AO) *Former Ellicott City Post Office. Provide a grant equal to the lesser of (i) $175,000 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. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Howard County)* *175,000*

(AP) *Mount Pleasant Farm House. 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 Howard County Conservancy, Inc. for the repair, renovation, reconstruction, and capital equipping of the Mount Pleasant Farm House, including updating building systems, located in Mount Pleasant (Howard County)* *75,000*

(AQ) *American Film Institute Silver Theatre and Cultural 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 Trustees of the American Film Institute, Inc. for the capital equipping of the American Film Institute Silver Theatre and Cultural Center, located in Silver Spring. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County)..... 125,000

(AR) Battleridge Place Stream Valley Restoration. Provide a grant equal to the lesser of (i) $20,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Stedwick Homes Corporation, Inc. for the repair and renovation of the Battleridge Place stream valley, located in Montgomery Village (Montgomery County)..... 20,000

(AS) Glenbrooke Stormwater Management Pond Renovation. 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 East Village Homes Corporation, Inc. for the design, repair, renovation, and reconstruction of the Glenbrooke stormwater management pond, located in Montgomery Village (Montgomery County)..... 30,000

(AT) Homecrest House. Provide a grant equal to the lesser of (i) $119,000 or (ii) the amount of the matching fund provided, to the Board of Directors of National Capital B'nai B'rith Assisted Housing Corporation for the design, repair, renovation, and capital equipping of the Homecrest House, located in Silver Spring (Montgomery County)..... 119,000

(AU) Ivymount School Annex Building. 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 Ivymount School, Inc. for the planning, design, construction, renovation, and capital equipping of the Ivymount School Annex Building, located in Rockville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)..... 100,000

(AV) JCCGW Theatre Renovation. Provide a grant equal to the lesser of (i) $115,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Jewish Community Center of Greater Washington, Inc. for the design, construction, renovation, and capital equipping of the Jewish Community Center of Greater Washington Theatre, located in Rockville (Montgomery County)..... 115,000

(AW)	*Jewish Social Service Agency. Provide a grant equal to the lesser of (i) $235,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Jewish Social Service Agency, Inc. for the design and construction of the Jewish Social Service Agency facility, located in Rockville (Montgomery County)*	*235,000*
(AX)	*Lewisberry Corridor Lighting Improvement. 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 East Village Homes Corporation, Inc. for the acquisition and renovation of improved lighting along the Lewisberry Corridor, located in Montgomery Village (Montgomery County)*.....	*30,000*
(AY)	*MacDonald Knolls Center. Provide a grant of $100,000 to the Board of Directors of CHI Centers, Inc. for the design, renovation, and capital equipping of the MacDonald Knolls Center, located in Silver Spring, subject to a requirement that the grantee provide and expend a matching fund of $37,500. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County)*	*100,000*
(AZ)	*Mental Health Association HVAC Replacement. 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 Mental Health Association of Montgomery County, Inc. for the construction, renovation, and replacement of the HVAC system at the Mental Health Association, located in Rockville (Montgomery County)*	*35,000*
(BA)	*Noyes Children's Library Renovations. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Noyes Children's Library Foundation, Inc. for the planning, design, construction, renovation, and capital equipping of the Noyes Children's Library, located in Kensington (Montgomery County)*.....	*50,000*
(BB)	*Olney Theatre 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 Olney Theatre Center for the Arts, Inc. for the construction of the main stage building at the Olney Theatre Center, located in Olney. 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)*	*150,000*

(BC) *Orthodox Congregation of Silver Spring Preschool Building Repair. Provide a grant equal to the lesser of (i) $48,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Orthodox Congregation of Silver Spring, Inc. for the repair of the roof and capital equipping of the preschool, located in Silver Spring. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County)..... 48,000*

(BD) *Poole's Store Restoration. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Maryland National–Capital Park and Planning Commission for the construction, repair, and renovation of Poole's Store and the property, located in Poolesville. 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*

(BD–1) *Rockville Swim and Fitness Center – Renovation of Locker Room Facility. Provide a grant equal to the lesser of (i) $20,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Rockville for the planning, design, construction, renovation, and capital equipping of the locker room facility at the Rockville Swim and Fitness Center, located in Rockville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)..... 20,000*

(BE) *Seneca Park North. Provide a grant equal to the lesser of (i) $18,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Seneca Park North, HOA, Inc. for the construction of a new gazebo, located in Germantown (Montgomery County)..... 18,000*

(BF) *Warner Manor. 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 design, construction, repair, renovation, and reconstruction of the Warner Manor, located in Kensington. 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~~ on or after December 1, 2005 (Montgomery County)..... 100,000*

(BG) *Water Park at Bohrer Park. Provide a grant equal to the lesser of (i) ~~$100,000~~ $80,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Gaithersburg for the repair, reconstruction, renovation, and refurbishment of the water park at Bohrer Park, located in Gaithersburg (Montgomery County)* ..... ~~100,000~~ 80,000

(BH) *Battle of Bladensburg Visitor Center and Monument. 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 Anacostia Trails Heritage Area, Inc. for the construction and renovation of the Battle of Bladensburg Visitor Center and Monument, located in Bladensburg. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Prince George's County)* 125,000

(BI) *Berkshire Neighborhood Park Renovation. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the design, construction, and capital improvements to the Park Berkshire Neighborhood Park, located in District Heights. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Prince George's County)* 200,000

(BJ) *Capitol Heights Seat Pleasant Boys and Girls Club Initiative. 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 Prince George's County Boys and Girls Club, Inc. for the acquisition, planning, design, construction, renovation, and capital equipping of the scoreboard, signs, and stands, located in Prince George's County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County)* 25,000

(BK) *Community Safety and Surveillance Systems. Provide a grant of $120,000 to the Board of Directors of 301 Community Corporation, Inc. for the acquisition, construction, and capital equipping of community safety surveillance systems, located in Prince George's County (Prince George's County)* 120,000

(BL) *Joe's Movement Emporium. 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 World Arts Focus, Inc. for the repair, renovation, and capital equipping of Joe's Movement Emporium, located in Mount Rainier. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George's County) *50,000*

(BM) *Laurel Armory Anderson Murphy Community Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Laurel for the renovation, reconstruction, and capital equipping of the Laurel Armory Anderson Murphy Community Center, located in Laurel. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George's County)* *200,000*

(BN) *My Sister's Keeper Group Homes. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Carolina Missionary Baptist Church for the design and construction of group homes, located in Fort Washington. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County)*..... *50,000*

(BO) *Riverdale Park Town Hall Expansion. Provide a grant equal to the lesser of (i) $175,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Riverdale Park for the design, construction, and renovation of the Riverdale Park Town Hall, located in Riverdale Park (Prince George's County)* *175,000*

(BP) *Vesta Glenarden Facility. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Vesta, Inc. for the renovation and reconstruction of the Vesta Lanham Facility, located in Glenarden (Prince George's County)* *100,000*

(BQ) *Whitemarsh Turf Field. Provide a grant equal to the lesser of (i) $80,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Bowie for the design and construction of the Whitemarsh Turf Field, located in Bowie (Prince George's County)*..... *80,000*

(BQ–1) *Chesterwye Center – Jessie's House. 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 Chesterwye*

Center, Inc. for the planning, design, construction, and capital equipping of Jessie's House, which will provide full–time residential placement for adults with intellectual disabilities, located in Grasonville. 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 (Queen Anne's County) *125,000*

(BR) *Teackle Mansion and the Sarah Martin Done House. Provide a grant equal to the lesser of (i) $120,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Somerset County Historical Society, Inc. for the planning, design, construction, renovation, and capital equipping of the Teackle Mansion and the Sara Martin Done House, located in Princess Anne. 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 (Somerset County)*..... *120,000*

(BS) *Chesapeake Bay Maritime Museum Bulkhead Replacement. Provide a grant equal to the lesser of (i) $30,000 or (ii) the amount of the matching fund provided, to the Board of Governors of the Chesapeake Bay Maritime Museum, Inc. for the construction, repair, renovation, and reconstruction of the Chesapeake Bay Maritime Museum bulkhead, located in St. Michaels. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Talbot County)* *30,000*

(BT) *Talbot Hospice Expansion. 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 Talbot Hospice Foundation, Inc. for the construction and renovation of the Talbot Hospice, located in Easton (Talbot County)* *30,000*

(BU) *Tri–County Multi–Purpose Center. Provide a grant equal to the lesser of (i) $30,000 or (ii) the amount of the matching fund provided, to the Tri–County Council for the Lower Eastern Shore of Maryland for the renovation of the Tri–County Multi–Purpose Center, located in Salisbury (Wicomico County)* *30,000*

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES
~~(Statewide)~~

~~(A)~~ ~~Legislative Initiatives. Provide funds for projects of political subdivisions and nonprofit organizations~~ ..... ~~7,500,000~~

(A) Broad Creek Maryland Boy Scouts of America Ecology Conservation Learning 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 Baltimore Area Council, Boy Scouts of America, Inc. for the planning, design, construction, renovation, reconstruction, and capital equipping of the Broad Creek Maryland Boy Scouts of America Ecology Conservation Learning Center, located in Whiteford. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Statewide)..... 250,000

(B) Camp Fairlee Manor. 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 Easter Seals Delaware & Maryland's Eastern Shore, Inc. for the construction and capital equipping of Camp Fairlee Manor, located in Chestertown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Statewide)..... 125,000

(C) Linwood 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 Linwood Center, Inc. for the planning and design of a new school building at the Linwood Center, located in Ellicott City (Statewide) 250,000

(D) Little Sisters of the Poor – Boiler Room. 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 Little Sisters of the Poor of Baltimore, Inc. for the design, acquisition, construction, repair, renovation, reconstruction, and capital equipping of boilers and the boiler room, located in Catonsville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Statewide)..... 125,000

(E) Maryland Food Bank. 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 Maryland Food Bank, Inc. for the acquisition, construction, and repair of Maryland Food Bank facilities, located in Baltimore and Salisbury. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Statewide)..... 250,000

(F) 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) 100,000

(G) Cumberland City Market. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Cumberland for the design, renovation, and capital equipping of the Cumberland City Market, located in Cumberland (Allegany County) 50,000

(H) Andover Field Renovations. Provide a grant equal to the lesser of (i) $75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Andover Football League, Inc. and the County Executive and County Council of Anne Arundel County for the planning, design, construction, repair, and renovation of the Andover Park fields and field house, located in Linthicum (Anne Arundel County) 75,000

(I) Annapolis Market House. 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 the City of Annapolis for the construction, renovation, reconstruction, and capital equipping of the Market House, located in Annapolis (Anne Arundel County) 250,000

(J) Arundel Lodge Expansion. 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 Arundel Lodge, Inc. for the planning, design, construction, and capital equipping of the Arundel Lodge, located in Edgewater (Anne Arundel County) 100,000

(K) Clay Street Development. 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 Bowman Community Development Corporation for the repair and renovation of a building, located in Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Anne Arundel County) 100,000

(L) American Visionary Art Museum. Provide a grant equal to the lesser of (i) $55,000 or (ii) the amount of the matching

fund provided, to the Board of Directors of the American Visionary Art Museum, Inc. for the planning, design, 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 (Baltimore City) 55,000

(M) Dayspring Square. 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 Dayspring Programs, Inc. for the construction and renovation of the Dayspring Square facility, located in Baltimore City (Baltimore City) 50,000

(N) Delta Lambda Foundation Head Start Facility. 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 Delta Lambda Foundation, Inc. for the renovation of the Delta Lambda Foundation Head Start Facility, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City) 150,000

(O) Doctor Christina Phillips Community Center. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Community Initiatives, Inc. for the construction and capital equipping of the Doctor Christina Phillips Community Center, 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) 100,000

(P) Habitat for Humanity of the Chesapeake. 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 Habitat for Humanity of the Chesapeake, Inc. for the acquisition, planning, construction, and capital equipping of Habitat for Humanity of the Chesapeake homes, located in Baltimore City (Baltimore City) 250,000

(Q) Historic Diamond Press Building. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Historic East Baltimore Community Action Coalition, Inc. for the repair of the Historic Diamond Press Building, 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

(R) In Our House Homeless Youth 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 Loving Arms, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of multiple homeless youth facilities, 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

(S) Junior League of Baltimore Thrift Store. Provide a grant equal to the lesser of (i) $215,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Junior League of Baltimore, Inc. for the design, construction, and renovation of the Junior League of Baltimore Thrift Store's Community Space, 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) 215,000

(T) Mattie B. Uzzle Outreach Center. Provide a grant equal to the lesser of (i) $175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Collington Square Non–Profit Corporation, Inc. for the construction, repair, renovation, reconstruction, and capital equipping of the Mattie B. Uzzle Outreach Center, including demolition and construction of a parking lot, 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) 175,000

(U) Mount Vernon Place Conservancy. 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 Mount Vernon Place Conservancy, Inc. for the repair, renovation, and reconstruction of the Washington Monument and historic masonry in Mount Vernon Place, located in Baltimore City (Baltimore City)..... 100,000

(V) 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, reconstruction, and renovation of the Parks and People Headquarters at Auchentoroly Terrace, located in Baltimore City (Baltimore City)..... 50,000

(W) St. Elizabeth School Roof Replacement. 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 St. Elizabeth School, Inc. for the repair and renovation of the St. Elizabeth School roof, 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)..... 50,000

(X) Augsburg Lutheran Home of Maryland. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Augsburg Lutheran Home of MD, Inc. for the construction, renovation, and capital equipping of the Augsburg Lutheran Home of Maryland, located in Baltimore County (Baltimore County) 150,000

(Y) Career Development Center. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Center on Institutions and Alternatives, Inc. for the planning, design, and construction of the Career Development Center, located in Baltimore County (Baltimore County)..... 250,000

(Z) Comet Booster Club Concession Stand. Provide a grant equal to the lesser of (i) $65,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Comet Booster Club, Inc. for the renovation and construction of the Comet Booster Club Concession Stand, located in Catonsville (Baltimore County)..... 65,000

(AA) United Cerebral Palsy Adult Daycare Facility. Provide a grant of $125,000 to the Board of Directors of the United Cerebral Palsy of Central Maryland, Inc. for the design, construction, repair, renovation, and capital equipping of the United Cerebral Palsy adult daycare facility, located in White Marsh (Baltimore County)..... 125,000

(AB) Girl Scouts Conowingo Water System. 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 Girl Scouts of Central Maryland, Inc. for the planning, design, construction,

repair, and renovation of the waterlines and waste water treatment system at Camp Conowingo, located in Conowingo. 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 (Cecil County) . 250,000

(AC) Plumpton Park Zoological Garden. 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 Plumpton Park Zoological Gardens, Inc. for the construction and renovation of the Giraffe Conservation and Education Center, located in Rising Sun. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Cecil County) 100,000

(AD) Maryland Veterans Memorial 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 the Maryland Veterans Memorial Museum, Inc. for the construction and renovation of interior improvements to create the Visitors Reception Center at the Maryland Veterans Memorial Museum, located in La Plata. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Charles County) 100,000

(AE) Replica Choptank River Lighthouse. 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 Choptank River Lighthouse Society, Inc. for the design and construction of a replica of the Choptank River Lighthouse, located in Cambridge. 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 (Dorchester County) 150,000

(AF) Cultural Arts 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 Frederick Arts Council, Inc. for the acquisition and renovation of the Cultural Arts Center, located in Frederick. 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 (Frederick County) 25,000

(AG) Frederick Alliance For Youth – Youth and 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 Frederick Alliance for Youth, Inc. for the acquisition, planning, design, and construction of the Frederick Alliance For Youth – Youth and Community Center, located in Frederick (Frederick County) 200,000

(AH) Weinberg Center for the Arts. Provide a grant equal to the lesser of (i) $75,000 or (ii) the amount of the matching fund provided, to the Mayor and Board of Aldermen of the City of Frederick for the design, construction, repair, renovation, reconstruction, and capital equipping of the Weinberg Center for the Arts, located in Frederick (Frederick County) 75,000

(AI) Mount Pleasant Farm 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 Howard County Conservancy, Inc. for the repair, renovation, reconstruction, and capital equipping of the Mount Pleasant Farm House, including updating building systems, located in Mount Pleasant (Howard County)..... 50,000

(AJ) The Arc of Howard County – Graeloch Home Renovation. 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 Arc of Howard County, Inc. for the construction, renovation, and capital equipping of a home for residents with disabilities, located in Laurel. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Howard County)..... 145,000

(AK) American Film Institute Silver Theatre and Cultural Center. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the American Film Institute, Inc. for the capital equipping of the American Film Institute Silver Theatre and Cultural Center, located in Silver Spring. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County) 250,000

(AL) Cardinal McCarrick Center. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Catholic Charities of the Archdiocese of Washington for the renovation and build–out of space at the Cardinal McCarrick Center, located in Wheaton (Montgomery County) 125,000

(AM) Discovery Sports Center. Provide a grant equal to the lesser of (i) $30,000 or (ii) the amount of the matching fund

provided, to the Board of Directors of the Maryland Soccer Foundation, Inc. for the acquisition and installation of new lighting at the Discovery Sports Center, located in Germantown (Montgomery County)..... 30,000

(AN) Ivymount School Annex Building. 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 Ivymount School, Inc. for the planning, design, construction, renovation, and capital equipping of the Ivymount School Annex Building, located in Rockville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)..... 100,000

(AO) JCCGW Theatre 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 Jewish Community Center of Greater Washington, Inc. for the design, construction, renovation, and capital equipping of the Jewish Community Center of Greater Washington Theatre, located in Rockville (Montgomery County) 100,000

(AP) Jewish Social Service Agency. 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 Jewish Social Service Agency, Inc. for the design and construction of the Jewish Social Service Agency facility, located in Rockville (Montgomery County) 100,000

(AQ) 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 design, renovation, and capital equipping of the MacDonald Knolls Center, located in Silver Spring. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County)..... 100,000

(AR) Mental Health Association HVAC Replacement. Provide a grant equal to the lesser of (i) $40,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Mental Health Association of Montgomery County, Inc. for the construction, renovation, and replacement of the HVAC system at the Mental Health Association, located in Rockville (Montgomery County) 40,000

(AS) Renovation of Falling Green at OBGC Park. 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 Boys and Girls Community Sports Association, Inc. for the construction of the historic "Falling Green" at the Olney Boys and Girls Community Park, 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) 150,000

(AT) Water Park at Bohrer Park. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Gaithersburg for the repair, reconstruction, renovation, and refurbishment of the water park at Bohrer Park, located in Gaithersburg (Montgomery County) 125,000

(AU) African American Museum and Cultural 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 Prince George's African American Museum and Cultural Center at North Brentwood, Inc. for the planning, design, repair, renovation, and reconstruction of the African American Museum and Cultural Center, located in North Brentwood. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George's County) 75,000

(AV) Arthur & Mary E. Ridgley, Sr. Museum Phase I. 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 Mildred Ridgley Gray Charitable Trust, Inc. for the planning, design, repair, and renovation of the Arthur & Mary E. Ridgley, Sr. Museum, located in Landover. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County) 150,000

(AW) Capitol Heights Seat Pleasant Boys and Girls Club Initiative. 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 Prince George's County Boys and Girls Club, Inc. for the acquisition, planning, design, construction, renovation, and capital equipping of the scoreboard, signs, and stands for the Capitol Heights and Seat Pleasant Boys and Girls Club field, located in Prince George's County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds

expended prior to the effective date of this Act (Prince George's County) 75,000

(AX) Civic Center Design Drawings. Provide a grant equal to the lesser of (i) $75,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Mount Rainier for the design of the civic center, located in Mount Rainier. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County) 75,000

(AY) Crossland High School. Provide a grant equal to the lesser of (i) $30,000 or (ii) the amount of the matching fund provided, to the Prince George's County Board of Education for the planning, design, and construction of a press box at the Crossland High School football stadium, located in Temple Hills (Prince George's County)..... 30,000

(AZ) Greenbelt Arts 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 Greenbelt Cultural Arts Center, Inc. for the planning, design, construction, reconstruction, and capital equipping of the restrooms at the Greenbelt Arts Center, located in Greenbelt. 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)..... 25,000

(BA) Laurel Police Department Facility – Community Space. 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 Laurel for the planning, design, renovation, and capital equipping, including hazardous material removal, of the Laurel Police Department Facility Community Space, located in Laurel. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George's County) 100,000

(BB) M–NCPPC's Field Lights. Provide a grant equal to the lesser of (i) $300,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park & Planning Commission for the construction of field lights, located in Prince George's County (Prince George's County)..... 300,000

(BC) My Sister's Keeper Group Homes. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching

fund provided, to the Carolina Missionary Baptist Church for the design and construction of group homes, located in Fort Washington. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County) 100,000

(BD) New Horizons Disability Job Training and Recycling Center. Provide a grant of $150,000, to the Board of Directors of the New Horizons Supported Services, Inc. for the acquisition, planning, design, repair, renovation, and construction of the New Horizons Disability Job Training and Recycling Center, located in Upper Marlboro, subject to a requirement that the grantee provide and expend a matching fund of $50,000 (Prince George's County)..... 150,000

(BE) Riverdale Park Town Hall Expansion. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Riverdale Park for the design, construction, and renovation of the Riverdale Park Town Hall, located in Riverdale Park (Prince George's County)..... 100,000

(BF) Salisbury Zoological Park Animal Health Clinic Phase II and III. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Salisbury for the construction and capital equipping of the Salisbury Zoological Park Animal Health Clinic, located in Salisbury. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Wicomico County) 200,000

(BG) Tri–County Multi–Purpose Center. Provide a grant equal to the lesser of (i) $270,000 or (ii) the amount of the matching fund provided, to the Tri–County Council for the Lower Eastern Shore of Maryland for the renovation of the Tri–County Multi–Purpose Center, located in Salisbury (Wicomico County)..... 270,000

ZB02 LOCAL JAILS AND DETENTION CENTERS

(A) Cecil County Detention Center. Provide a grant to the Board of Commissioners of Cecil County to assist in the construction and renovation of the Cecil 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 (Cecil County)..... 4,955,000

(4) An annual tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issue of the bonds.

(5) (a) Prior to the payment of any matching grant funds under the provisions of Section 1(3), Items ZA00 through 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, 2013, 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, 2013, 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, 2013, the proceeds of the loan shall be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article. The proceeds of any amount of the loan in excess of the matching fund certified by the Board of Public Works shall also be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article.

(6) (a) Prior to the issuance of the bonds, unless the Maryland Historical Trust determines that the property to be assisted by a grant under Section 1(3) Items ZA00 through ZB02 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, 2018. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2018, 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 the loan for the purposes authorized under Section 1(3) Items ZA02 through ZA03 of this Act must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than December 1, 2014. If any funds authorized for the purposes authorized under Section 1(3) Item ZA02 through ZA03 of this Act remain unexpended or unencumbered after December 1, 2014, 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.

(9) On or before December 31 of any year in which the payment of any funds under the provisions of this Act for the purposes of a capital project as set forth in Section 1(3) above is made and on or before December 31 of the year following a year in which the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above is made, if the grantee is a hospital or institution of higher education that receives at least $500,000 under this Act and is not subject to the reporting requirement under § 14–305 of the State Finance and Procurement Article, the grantee shall submit a report to the Governor's Office of Minority Affairs on the extent to which the grantee has used, or will use, any part of the funds received under the provisions of this Act for contracts with minority–owned businesses and on any minority business outreach efforts.

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

Chapter 125 of the Acts of 1996

Section 1(3)

38.01.00 DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

(D) Maryland State Welcome Center. Provide a grant to the Mayor and City Council of Baltimore City to assist in constructing and equipping the Maryland State Welcome Center to be located at the Inner Harbor, provided that all services provided to visitors through this center be closely coordinated with the information and visitor services located in the expanded Baltimore City Convention Center. It is the intent of the General Assembly that comprehensive statewide visitor information be delivered to convention delegates and other tourists at both facilities (Baltimore City) ..... **[**1,313,000**]** **829,000**

Chapter 125 of the Acts of 1996, as amended by Chapter 138 of the Acts of 1998, Chapter 212 of the Acts of 1999, Chapter 508 of the Acts of 2000, Chapter 290 of the Acts of 2002, and Chapter 204 of the Acts of 2003

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 1996 in the total principal amount of **[**$363,926,000**]** **$363,442,000**. 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 Section 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(3)

QB08 NORTH BRANCH CORRECTIONAL INSTITUTION

(A) 1024–Cell Housing Units and Support Space. Provide supplemental funds to complete construction of the Support Services Building, construction funds for a second Housing

Unit, and design funds for a third Housing Unit and a levee system (Allegany County) ..... **[**30,641,000**]**
30,139,000

~~RP00.05 MARYLAND PUBLIC BROADCASTING COMMISSION~~

~~(B) Back–up Power Supply System. Provide funds to purchase and install a Back–up Power Supply System at the Owings Mills headquarters (Baltimore County) .....~~ ~~**[**700,000**]**~~
~~**589,000**~~

~~DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT~~

TF00 DIVISION OF FINANCING PROGRAMS

(A) Smart Growth Economic Development Infrastructure Fund. Provide funds to jurisdictions defined as economically distressed for infrastructure and capital improvements related to the location or expansion of companies in those areas, and which can be re–loaned to companies locating or expanding in those areas for infrastructure and capital improvements. These funds shall be administered in accordance with Article 83A, Section 5–701 (Statewide) ..... **[**7,500,000**]**
7,135,000

Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of 2004, Chapter 445 of the Acts of 2005, Chapter 46 of the Acts of 2006, Chapter 336 of the Acts of 2008, Chapter 485 of the Acts of 2009, and Chapter 483 of the Acts of 2010

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 **[**$731,962,684**]** ~~**$730,619,684**~~ **$730,730,684**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

Chapter 204 of the Acts of 2003, as amended by Chapter 483 of the Acts of 2010

Section 1(3)

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

MA01 OFFICE OF THE SECRETARY

(B) Adult Day Care Facilities. Provide grants to acquire, design, construct, renovate, and equip adult day care facilities. The funds appropriated for this purpose shall be administered in accordance with Sections 24–701 through 24–707 of the Health – General Article (Statewide) ..... **[**1,225,000**]** **860,000**

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**]** **PRIOR OR FUTURE** authorized projects. Expenditure of any part of this appropriation for **[**a previously**]** **AN** authorized project **NOT LISTED BELOW** shall also require notification to the General Assembly. Notwithstanding **[**Section 1(5) of this Act**]** **SECTION 2 OF CHAPTER 153 OF THE ACTS OF 2003**, this authorization shall not terminate prior to **[**June 1, 2011**]** **JUNE 1, 2012**..... 3,637,000

Chapter 432 of the Acts of 2004

Section 1(3)

DE02.01 BOARD OF PUBLIC WORKS

JUDICIARY/MULTISERVICE CENTERS

(K) Rockville District Court. Provide funds to prepare detailed plans for a new district court in Rockville (Montgomery County) ..... **[**2,378,000**]** **2,199,000**

DEPARTMENT OF NATURAL RESOURCES

KA05 LAND AND WATER CONSERVATION SERVICE

OFFICE OF THE SECRETARY

(C) (3) Dam Rehabilitation Program. Provide funds to construct improvements to dams on State–owned property. **NOTWITHSTANDING SECTION 1(6) OF THIS ACT, THIS AUTHORIZATION SHALL NOT TERMINATE PRIOR TO JUNE 1, 2012** (Statewide) 500,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QB08.02 NORTH BRANCH CORRECTIONAL INSTITUTION
(Allegany County)

(A) 1024–Cell Housing Units and Support Space. Provide funds to complete construction of the Support Services Building; equip the second housing unit; construct a flood control levee, a railroad culvert, site/utilities work, fencing and perimeter road for the third and fourth housing units; and design the fourth housing unit ..... **[**17,536,000**]**
17,066,000

QG00 *POLICE AND CORRECTIONAL TRAINING COMMISSIONS*

(A) *Public Safety Training Center. Provide funds to equip two renovated dormitory buildings and design the remaining components of the center (Carroll County)*..... ***[****940,000****]***
736,000

RP00.05 MARYLAND PUBLIC BROADCASTING COMMISSION

(A) Digital Interconnection Network System. Provide funds to purchase and install a Statewide Digital Interconnection Network System**. NOTWITHSTANDING SECTION 1(6) OF THIS ACT, THIS AUTHORIZATION SHALL NOT TERMINATE PRIOR TO JUNE 1, 2012** (Statewide)..... **[**500,000**]**
~~**398,000**~~

ZA00 MISCELLANEOUS GRANT PROGRAMS

(G) Maryland Independent College and University Association – Columbia Union College. Provide a grant equal to the lesser of (i) $2,250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Columbia Union College to assist in the design and construction of a new library, 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 consist of funds expended prior to the effective date of this Act. **NOTWITHSTANDING SECTION 1(6) OF THIS ACT, THIS AUTHORIZATION SHALL NOT TERMINATE PRIOR TO JUNE 1, 2012** (Montgomery County) 2,250,000

(I) Maryland Independent College and University Association – Sojourner–Douglass College. Provide a grant equal to the lesser of (i) $2,0000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Sojourner–Douglass College to assist in the renovation of a building and the design and construction of an addition to the building, to be used as a new administrative and academic 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 consist of funds expended prior to the effective date of this Act. **NOTWITHSTANDING SECTION 1(6) OF THIS ACT, THIS AUTHORIZATION SHALL NOT TERMINATE PRIOR TO JUNE 1, 2012** (Baltimore City) 2,000,000

(L) Maryland Technology Development Corporation. Provide a grant to the Maryland Technology Development Corporation for the purpose of assisting Montgomery County with development and improvement for the East County Center for Science and Technology Incubator located adjacent to the U.S. Food and Drug Administration, subject to the requirement that the County Executive and County Council of Montgomery County 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. The funds shall be administered in accordance with Article 83A, Section 5–2A–04.1 (Montgomery County) ..... **[**1,000,000**]**
0

Chapter 432 of the Acts of 2004, as amended by Chapter 445 of the Acts of 2005, Chapter 46 of the Acts of 2006, Chapter 488 of the Acts of 2007, Chapter 336 of the Acts of 2008, Chapter 485 of the Acts of 2009, and Chapter 483 of the Acts of 2010

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 **[**$608,543,592**]** ~~**$606,792,592**~~ ~~**$606,894,592**~~ ***$606,690,592***. 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, as amended by Chapter 46 of the Acts of 2006, Chapter 488 of the Acts of 2007, Chapter 485 of the Acts of 2009, and Chapter 483 of the Acts of 2010

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2005 in the total principal amount of **[**$643,016,700**]** **$642,616,700**. 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 445 of the Acts of 2005, as amended by Chapter 485 of the Acts of 2009

Section 1(3)

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**]** **520,000**

Chapter 46 of the Acts of 2006

Section 1(3)

RM00 MORGAN STATE UNIVERSITY
(Baltimore City)

(B) Campuswide Site Improvements. Provide funds to design the landscaping of the Hillen Road/Perring Parkway edge, and to construct landscaping improvements to the Academic Quad, and to [upgrade the athletic fields jointly used by the Northwood Baseball League and] **DESIGN AND CONSTRUCT SOFTBALL FACILITIES AT THE MURRAY SCHOOL FOR THE USE OF** Morgan State University 2,840,000

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] **PRIOR OR FUTURE** authorized projects. Expenditure of any part of this appropriation for [a previously] **AN** authorized project **NOT LISTED BELOW** shall also require notification to the General Assembly 2,917,000

Chapter 488 of the Acts of 2007

Section 1(3)

DB01 HISTORIC ST. MARY'S CITY COMMISSION
(St. Mary's County)

(B) St. John's Archaeological Site Exhibit. Provide funds to supplement previous appropriations to construct improvements to the St. John's Archaeological Site Exhibit .... [650,000] **351,000**

RD00 ST. MARY'S COLLEGE OF MARYLAND
(St. Mary's County)

(A) New Academic Building. Provide funds to equip the new Academic Building..... [1,077,000] **897,000**

RE01 MARYLAND SCHOOL FOR THE DEAF

(A) New Elementary, Family Education, and Student Support Services Complex – Frederick Campus. Provide funds to equip the new Elementary, Family Education, and Student Support Services Complex on the Frederick Campus (Frederick County) ..... **[**1,250,000**]**
541,000

RM00 MORGAN STATE UNIVERSITY
(Baltimore City)

(C) Banneker Hall. Provide funds to equip the renovated Banneker Hall ..... **[**1,068,000**]**
611,000

Chapter 488 of the Acts of 2007, as amended by Chapter 485 of the Acts of 2009

Section 1(3)

RM00 MORGAN STATE UNIVERSITY
(Baltimore City)

(B) Campuswide Site Improvements. Provide funds to construct the landscaping of the Hillen Road/Perring Parkway edge **[**,**]** **AND** the academic quad, **[**the upgrade of the athletic field jointly used by the Northwood Baseball League and**]** **TO DESIGN AND CONSTRUCT SOFTBALL FACILITIES AT THE MURRAY SCHOOL FOR THE USE OF** Morgan State University, and to design improvements to the exterior campus signage 3,723,000

Chapter 488 of the Acts of 2007, as amended by Chapter 336 of the Acts of 2008, Chapter 485 of the Acts of 2009, and Chapter 483 of the Acts of 2010

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 **[**$818,590,000**]** **$816,945,000**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8–117

through 8–124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

Chapter 336 of the Acts of 2008

Section 1(3)

DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – BALTIMORE
(Baltimore City)

GENERAL STATE FACILITIES

(C) 2100 Guilford Avenue. Provide supplemental funds to complete the design and construction of an addition and related improvements to State Office Building #3 at 2100 Guilford Avenue, provided that no funds may be expended until the Department of Budget and Management submits a project plan to the budget committees that reflects the final decision regarding the State's intended use of the building. The budget committees shall have 45 days to review and comment on the plan ..... **[**3,000,000**]**
0

MF05 OFFICE OF THE CHIEF MEDICAL EXAMINER
(Baltimore City)

(A) New Forensic Medical Center. Provide funds to construct the new Forensic Medical Center ..... **[**47,807,000**]**
45,307,000

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK

(A) Tawes Building Conversion. Provide funds to equip the Tawes Building (Prince George's County)..... ***[2,450,000]***
1,785,218

RD00 ST. MARY'S COLLEGE OF MARYLAND
(St. Mary's County)

(B) Bruce Davis Theater Renovation. Provide funds to renovate and equip the Bruce Davis Theater..... **[**2,402,000**]**
2,032,000

Chapter 336 of the Acts of 2008, as amended by Chapter 485 of the Acts of 2009

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 **[**$17,990,000**]** **$16,190,000** 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 $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.

(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..... **[**17,990,000**]** **16,190,000**

Chapter 336 of the Acts of 2008, as amended by Chapter 485 of the Acts of 2009 and Chapter 483 of the Acts of 2010

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2008 in the total principal amount of **[**$872,692,000**]** ~~**$869,822,000**~~ ~~**$866,822,000**~~ ***$866,157,218***. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

Chapter 485 of the Acts of 2009

Section 1(3)

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]
9,166,000

(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]
1,415,000

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]
4,035,281

(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]
2,085,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(N) Maryland Independent College and University Association – Baltimore International College. Provide a grant equal to the lesser of (i) [$3,000,000] **$0** 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)..... [3,000,000]
0

(P) Maryland Independent College and University Association –

Capitol College – Innovation and Leadership Institute. Provide a grant equal to the lesser of (i) **[**$2,500,000**] $0** 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). ..... **[**2,500,000**]**
0

Chapter 485 of the Acts of 2009, as amended by Chapter 483 of the Acts of 2010

SECTION 1. AND 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 **[**$1,092,653,660**]** ~~**$1,092,553,660**~~ **$1,083,424,941**. 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, § 22 of the Code.

SECTION 12. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2010 in the total principal amount of **[**$143,431,000**] $143,206,000**. 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.

(3)

WA01 DEPARTMENT OF STATE POLICE
(Washington County)

(A) New Hagerstown Barrack and Garage. Provide funds to design, construct and equip a new Hagerstown Barrack and

Garage..... [2,525,000]
2,300,000

Chapter 483 of the Acts of 2010

~~Section 1(3)~~

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2010 in the total principal amount of ***[****$1,033,794,441****] $1,033,094,441****. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.*

(3)

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**, PROVIDED THAT ANY SCHOOL CONSTRUCTION FUNDS ALLOCATED TO AN ELIGIBLE PROJECT IN A COUNTY THAT ARE NOT SPENT FOR THE PROJECT MAY, WITHIN 2 YEARS, AT THE COUNTY'S OPTION BE:**

(1) APPLIED TO ANOTHER ELIGIBLE PROJECT IN THE CURRENT FISCAL YEAR; OR

(2) 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.

FURTHER PROVIDED THAT ANY SCHOOL CONSTRUCTION FUNDS RESERVED FOR A COUNTY IN

THE CONTINGENCY FUND THAT ARE NOT ENCUMBERED WITHIN 2 YEARS SHALL BECOME AVAILABLE TO BE ALLOCATED TO AN ELIGIBLE PROJECT IN ANY COUNTY 250,000,000

QP00 DIVISION OF PRETRIAL DETENTION AND SERVICES
(Baltimore City)

(A) New Youth Detention Facility. Provide funds to construct a New Youth Detention Facility, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriations of all the funds necessary to complete this project**. FURTHER PROVIDED THAT NO FUNDS MAY BE EXPENDED FOR CONSTRUCTION UNTIL THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SUBMITS A REPORT TO THE BUDGET COMMITTEES PROVIDING THE FINDINGS OF THE NEW POPULATION ANALYSIS AND IDENTIFYING THE NUMBER OF BEDS TO BE PROVIDED IN THE NEW YOUTH DETENTION FACILITY. THE BUDGET COMMITTEES SHALL HAVE 45 DAYS FROM THE RECEIPT OF THE REPORT TO REVIEW AND COMMENT** 17,520,000

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY
(Baltimore County)

(A) New Performing Arts and Humanities Facility. Provide funds to complete design**, [**and**]** construct**, AND EQUIP** a new performing arts and humanities facility, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project 37,400,000

RM00 *MORGAN STATE UNIVERSITY*
(Baltimore City)

(A) Banneker Hall Renovation and Hub Relocation. Provide supplemental construction funds to renovate Banneker Hall and to relocate the telecommunications hub..... ***[**3,265,000**]*** ***2,565,000***

MISCELLANEOUS

ZA02 LOCAL SENATE INITIATIVES

(W) Kellam's Field. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the **MAYOR AND TOWN COUNCIL OF** the Town of Chesapeake Beach for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of Kellam's Field, located in Chesapeake Beach. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Calvert County) 125,000

(BM) St. Mary's School Gymnasium and Multi–Purpose Room. Provide a grant equal to the lesser of (i) $25,000 or (ii) the amount of the matching fund provided, to **THE BOARD OF TRUSTEES OF** St. Mary's of the Assumption **CHURCH** for the construction of the St. Mary's School Gymnasium and Multi–Purpose Room, located in Upper Marlboro (Prince George's County) 25,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(H) Southern and Broadneck High School Field Lights. Provide a grant equal to the lesser of (i) $375,000 or (ii) the amount of the matching fund provided, to the Anne Arundel County **[**Public Schools**] BOARD OF EDUCATION** for the acquisition, construction, renovation, reconstruction, and capital equipping of field lights at Southern and Broadneck High Schools, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County) 375,000

(M) Glen Avenue Firehouse. Provide a grant equal to the lesser of (i) $75,000 or (ii) the amount of the matching fund provided, to the **[**Baltimore City Fire Department**] MAYOR AND CITY COUNCIL OF THE CITY OF BALTIMORE** for the repair, renovation, and capital equipping of the Glen Avenue Firehouse, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City) 75,000

(Y) Milford Mill Academy Sign. Provide a grant of $40,000 to the Baltimore County **[**Public Schools**] BOARD OF EDUCATION** for the Milford Mill Academy, located in Baltimore County (Baltimore County) 40,000

(Z) North County Park. Provide a grant of $100,000 to the **COUNTY EXECUTIVE AND COUNTY COUNCIL OF** Baltimore County **[**Parks and Recreation**]** for the planning, design, acquisition, construction, and capital equipping of the North County Park, located in Baltimore County (Baltimore County)..... 100,000

(AB) Randallstown High School. Provide a grant of $40,000 to the Baltimore County **[**Public Schools**] BOARD OF EDUCATION** for the construction, renovation, and capital equipping of the dark room, located in Baltimore County (Baltimore County) .. 40,000

(AC) Woodlawn High School. Provide a grant of $40,000 to the Baltimore County **[**Public Schools**] BOARD OF EDUCATION** for the construction, renovation, and capital equipping of the Woodlawn High School, located in Baltimore County (Baltimore County)..... 40,000

[SECTION 12. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2011 in total principal amount of $260,399,300. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) Legislative Facilities. Provide funds to construct and equip

alterations and renovations to the Lowe House Office Building 4,250,000

DEPARTMENT OF NATURAL RESOURCES

KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION
(Statewide)

(A) Natural Resources Development Fund. Provide funds to design and construct development projects on property owned by the Department of Natural Resources..... 1,650,000

(1) Harriet Tubman Underground Railroad State Park – Visitor Center and Site Improvements (Dorchester County)..... 1,650,000

(B) Program Open Space. Provide funds for the purchase of conservation easements and acquisition of land, and to make grants to local jurisdictions for the purchase of conservation easements and acquisition of land, and development of recreational facilities. Funds appropriated for local grants shall be administered in accordance with §§ 5–905 through 5–906 of the Natural Resources Article..... 34,047,500

(1) Program Open Space – Local – Prior Funds Replacement..... 29,041,000

(2) Program Open Space – Stateside – Prior Funds Replacement..... 5,006,500

(C) Rural Legacy Program. Provide funds for the purchase of conservation easements and acquisition of land. The funds appropriated for this purpose shall be administered in accordance with §§ 5–9A–01 through 5–9A–09 of the Natural Resources Article..... 6,318,500

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QP00 DIVISION OF PRETRIAL DETENTION AND SERVICES
(Baltimore City)

(A) New Youth Detention Facility. Provide funds to construct a New Youth Detention Facility 38,000,000

RA01 STATE DEPARTMENT OF EDUCATION

(A) Western Maryland Regional Library. Provide funds to design,

construct, and equip renovations and an addition to the Western Maryland Regional Library, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriate of all the funds necessary to complete this project (Washington County) 2,500,000

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK

(B) Physical Sciences Complex. Provide funds to construct Phase I of a new physical sciences complex to provide modern laboratory and office space for the Department of Physics, the Department of Astronomy, and the Institute for Physical Sciences and Technology (Prince George's County)..... 44,100,000

RB28 UNIVERSITY OF BALTIMORE
(Baltimore City)

(A) New Law School Building. Provide funds to construct a new law school..... 38,500,000

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY
(Baltimore County)

(A) New Performing Arts and Humanities Facility. Provide funds to construct a new performing arts and humanities facility 37,400,000

RI00 MARYLAND HIGHER EDUCATION COMMISSION
(Statewide)

(A) Community College Facilities Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article..... 33,633,000

(1) Howard Community College – Allied Health Building..... 9,466,000

(2) Hagerstown Community College – Arts and Science Complex 6,064,000

(3) Prince George's Community College – Center for Health Studies..... 868,000

(4) Prince George's Community College –

Circulation/Roadway Modifications 2,586,000

(5) Anne Arundel Community College – Library Renovation and Addition..... 3,500,000

(6) College of Southern Maryland – Phase II Campus Development 3,245,000

(7) Harford Community College – Susquehanna Center Renovation/Expansion 7,904,000

WA01 DEPARTMENT OF STATE POLICE

(A) Helicopter Replacement. Provide funds to acquire new helicopters to upgrade the quality of the State helicopter fleet (Statewide)..... 20,000,000

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2018. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2018, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further effect. If bonds have been issued for these loans, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.**]**

[SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2012 in total principal amount of $72,483,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and

delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) Legislative Facilities. Provide funds to construct and equip alterations and renovations to the Lowe House Office Building 4,000,000

DEPARTMENT OF NATURAL RESOURCES

KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION
(Statewide)

(A) Program Open Space. Provide funds for the purchase of conservation easements and acquisition of land, and to make grants to local jurisdictions for the purchase of conservation easements and acquisition of land, and development of recreational facilities. Funds appropriated for local grants shall be administered in accordance with §§ 5–905 through 5–906 of the Natural Resources Article..... 32,283,000

(1) Program Open Space – Local – Prior Funds Replacement 32,283,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QP00 DIVISION OF PRETRIAL DETENTION AND SERVICES
(Baltimore City)

(A) New Youth Detention Facility. Provide funds to construct a New Youth Detention Facility 25,600,000

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK

(A) Physical Sciences Complex. Provide funds to construct Phase I of a new physical sciences complex to provide modern laboratory and office space for the Department of Physics, the Department of Astronomy, and the Institute for Physical Sciences and Technology (Prince George's County)..... 10,600,000

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2019. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2019, 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 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~~,~~:

(1) with the approval of the Department of Budget and Management, any appropriation for design provided in this Act may be used to fund construction if the amount of the appropriation exceeds the amount required for design expenses, including allowances for contingencies; and

(2) with the approval of the Department of Budget and Management, any appropriation for construction provided in this Act may be used to purchase capital equipment if the amount of the appropriation exceeds the amount required for construction expenses, including allowances for contingencies.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, before a State agency or institution named in this Act as responsible for an individual item may begin work with funds appropriated by this Act, the agency or institution shall provide satisfactory evidence to the Board of Public Works that the work described in the individual item can be completed with the funds specified for that item.

SECTION 7. AND BE IT FURTHER ENACTED, That, with the approval of the Department of Budget and Management, any appropriation under the provisions of

this Act that is in excess of the amount needed for a project may be credited to the Construction Contingency Fund under § 3–609 of the State Finance and Procurement Article.

SECTION 8. AND BE IT FURTHER ENACTED, That, if federal funds are available to help accomplish any project identified in this Act, the State agency or institution responsible for the project shall make efforts through proper administrative procedures to obtain these federal funds. Before spending any funds appropriated by this Act, the agency or institution shall certify its efforts to the Board of Public Works and state the reason for any failure to obtain federal funds. If federal funds are obtained, they shall be used to defray the costs of the project described in this Act and not to expand its scope.

SECTION 9. AND BE IT FURTHER ENACTED, That:

(1) for any appropriation for the planning of a State–owned project provided in this Act, if a program required by § 3–602(d) of the State Finance and Procurement Article has not been submitted, the State agency or institution responsible for the project shall submit a program to the Department of Budget and Management for approval before funds may be expended from the appropriation; and

(2) for any appropriation for the construction of a State–owned project provided in this Act, if preliminary plans and outline specifications required by § 3–602(f)(2)(i) of the State Finance and Procurement Article have not been prepared, the State agency or institution responsible for the project shall submit preliminary plans and outline specifications to the Department of Budget and Management for approval before funds may be expended from the appropriation.

SECTION 10. AND BE IT FURTHER ENACTED, That, no portion of the proceeds of a loan or any of the matching funds provided for a project funded under this Act may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, construction, or equipping of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, a recipient of the proceeds of a loan under this Act shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds has been or is being used for a purpose prohibited by this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That, the Comptroller may advance funds to any loan funds account established pursuant to a general obligation bond loan enabling Act, for any expenditure authorized by that Act, provided that if general obligation bonds have not been issued under the authority of that Act, the next ensuing sale of general obligation bonds shall include the issuance of bonds under the authority of that Act in an amount at least equivalent to the amount of the funds so advanced.

SECTION 12. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2012 in total principal amount of ~~$233,734,000~~ ~~$322,898,000~~ ~~*$297,598,000*~~ *$315,898,000*. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

DE02.01 *BOARD OF PUBLIC WORKS*

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) *State House – Old Senate Chamber. Provide funds to construct and equip alterations and renovations to the State House in order to restore the Old Senate Chamber to its 19th Century appearance*..... *3,000,000*

KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION
(Statewide)

(A) Natural Resources Development Fund. Provide funds to design and construct development projects on property owned by the Department of Natural Resources..... 2,850,000

(1) Harriet Tubman Underground Railroad State Park – Visitor Center and Site Improvements (Dorchester County)..... 2,850,000

(B) Program Open Space. Provide funds for the purchase of conservation easements and acquisition of land, and to make grants to local jurisdictions for the purchase of conservation easements and acquisition of land, and development of

recreational facilities. Funds appropriated for local grants shall be administered in accordance with §§ 5–905 through 5–906 of the Natural Resources Article..... 46,423,000

(1) Program Open Space – Local – Special Fund Replacement 39,230,000

(2) Program Open Space – Stateside – Special Fund Replacement 7,193,000

(C) Rural Legacy Program. Provide funds for the purchase of conservation easements and acquisition of land. The funds appropriated for this purpose shall be administered in accordance with §§ 5–9A–01 through 5–9A–09 of the Natural Resources Article..... 4,589,000

DEPARTMENT OF AGRICULTURE

LA11 OFFICE OF THE SECRETARY
(Statewide)

(A) Maryland Agricultural Land Preservation Program. Provide funds for the acquisition of conservation easements on agricultural land. The funds appropriated for this purpose shall be administered in accordance with §§ 2–501 through 2–519 of the Agriculture Article 6,518,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QP00 DIVISION OF PRETRIAL DETENTION AND SERVICES
(Baltimore City)

(A) New Youth Detention Facility. Provide funds to construct a New Youth Detention Facility 41,100,000

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK

(A) Physical Sciences Complex. Provide funds to construct Phase I of a new Physical Sciences Complex to provide modern laboratory and office space for the Department of Physics, the Department of Astronomy, and the Institute for Physical Sciences and Technology (Prince George's County)..... 24,550,000

RB26 FROSTBURG STATE UNIVERSITY
(Allegany County)

(A) New Center for Communications and Information Technology.

Provide funds to design and construct a new Center for Communications and Information Technology 39,550,000

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY
(Baltimore County)

(A) New Performing Arts and Humanities Facility. Provide funds to design, construct, and equip Phase II of a new Performing Arts and Humanities Facility 37,350,000

RC00 BALTIMORE CITY COMMUNITY COLLEGE
(Baltimore City)

(A) Main Building Renovation – Administration Wing – Liberty Campus. Provide funds to renovate the Administration Wing 7,800,000

RI00 MARYLAND HIGHER EDUCATION COMMISSION
(Statewide)

(A) Community College Facilities Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article..... ~~10,779,000~~ 14,643,000

(1) Montgomery College – Rockville Science East Renovation 6,207,000

(2) College of Southern Maryland – La Plata – Renovation and Expansion of BU/CE Buildings 4,572,000

(3) Harford Community College – Susquehanna Center Renovation/Expansion 1,164,000

(4) Community College of Baltimore County – Owings Mills Center 2,700,000

DEPARTMENT OF THE ENVIRONMENT

UA01 OFFICE OF THE SECRETARY
(Statewide)

(A) Enhanced Nutrient Removal. Provide funds to local governments to implement enhanced nutrient removal technology at the 67 largest wastewater treatment plants in Maryland 18,175,000

DEPARTMENT OF JUVENILE SERVICES

VE01 RESIDENTIAL SERVICES

(A) New Youth Detention Center. Provide funds to design, construct, and equip a new 72–bed detention center (Prince George's County) 23,550,000

WA01 DEPARTMENT OF STATE POLICE
(Statewide)

(A) Helicopter Replacement. Provide funds for the purchase of a flight training device and to acquire new helicopters to upgrade the quality of the State helicopter fleet, provided that general obligation bond funds shall be authorized for the design, construction, and renovation of a suitable location for the flight training device ..... ~~31,400,000~~
42,800,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) Maryland School for the Blind. Provide a grant to the Board of Directors of the Maryland School for the Blind, Inc., for the planning, design, construction, and capital equipping of the Maryland School for the Blind Life Education Building (Baltimore City)..... 3,000,000

~~ZA01.08 SOUTHERN MARYLAND HIGHER EDUCATION CENTER (St. Mary's County)~~

~~(A) New Classroom and Engineering Laboratory Building. Provide funds to construct and capital equip a third academic building on the Southern Maryland Higher Education Center campus~~..... ~~10,000,000~~
~~0~~

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2019. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2019, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further effect. If bonds have been issued for these loans, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2013 in total principal amount of ~~$62,147,000~~ ~~$132,147,000~~ ~~*$113,847,000*~~ *$132,147,000*. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION
(Statewide)

(A)	Program Open Space. Provide funds for the purchase of conservation easements and acquisition of land, and to make grants to local jurisdictions for the purchase of conservation easements and acquisition of land, and development of recreational facilities. Funds appropriated for local grants shall be administered in accordance with §§ 5–905 through 5–906 of the Natural Resources Article.....		14,140,000
	(1) Program Open Space – Local – Special Fund Replacement	6,947,000	
	(2) Program Open Space – Stateside – Special Fund Replacement	7,193,000	

(B) Rural Legacy Program. Provide funds for the purchase of conservation easements and acquisition of land. The funds appropriated for this purpose shall be administered in accordance with §§ 5–9A–01 through 5–9A–09 of the Natural Resources Article 4,589,000

DEPARTMENT OF AGRICULTURE

LA11 OFFICE OF THE SECRETARY
(Statewide)

(A) Maryland Agricultural Land Preservation Program. Provide funds for the acquisition of conservation easements on agricultural land. The funds appropriated for this purpose shall be administered in accordance with §§ 2–501 through 2–519 of the Agriculture Article 6,518,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QP00 DIVISION OF PRETRIAL DETENTION AND SERVICES
(Baltimore City)

(A) New Youth Detention Facility. Provide funds to construct a New Youth Detention Facility 21,700,000

RB26 FROSTBURG STATE UNIVERSITY
(Allegany County)

(A) New Center for Communications and Information Technology. Provide funds to construct a new Center for Communications and Information Technology 4,400,000

<u>RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY
(Baltimore County)</u>

<u>(A) New Performing Arts and Humanities Facility. Provide funds to construct and equip Phase II of a new Performing Arts and Humanities Facility ..... 37,300,000</u>

<u>DEPARTMENT OF JUVENILE SERVICES</u>

<u>VE01 RESIDENTIAL SERVICES</u>

<u>(A) New Youth Detention Center. Provide funds to construct and equip a new 72–bed detention center (Prince George's County) ..... 23,500,000</u>

WA01 DEPARTMENT OF STATE POLICE
(Statewide)

(A) Helicopter Replacement. Provide funds to acquire new helicopters to upgrade the quality of the State helicopter fleet ..... ~~10,800,000~~ 20,000,000

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2020. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2020, 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 14. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2014 in total principal amount of ~~$3,000,000~~ $7,300,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

WA01 DEPARTMENT OF STATE POLICE
(Statewide)

(A) Helicopter Replacement. Provide funds to acquire new helicopters to upgrade the quality of the State helicopter

fleet ..... ~~3,000,000~~
7,300,000

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2021. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2021, 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 15. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Chapter 462 of the Acts of 2001, as amended by Chapter 707 of the Acts of 2009

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Prince George's County – Ebenezer Community Life Center Loan of 2001 in a total principal amount equal to the lesser of (i) $100,000 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.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(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: as a grant to the Board of Directors of Ebenezer Community Development Corporation (referred to hereafter in this Act as "the grantee") for the design, renovation, reconstruction, and capital equipping of two existing buildings on Whitfield Chapel Road in Lanham, and the design and construction and

capital equipping of a new wing, to serve as a mixed educational, administrative, and fellowship complex.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest 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) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund. No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of in kind contributions. The fund may consist of real property and funds expended prior to the effective date of this Act. In case of any dispute as to the amount of the matching fund or 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. The grantee has until June 1, 2003, to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. 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. Any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

(6) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction 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, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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, 2011****]*** ***DECEMBER 1, 2012****. If any funds authorized by this Act remain unexpended or unencumbered after* ***[****June 1, 2011****]*** ***DECEMBER 1, 2013****, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further 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.*

Chapter 680 of the Acts of 2001, as amended by Chapter 32 of the Acts of 2003, Chapter 30 of the Acts of 2004, Chapter 219 of the Acts of 2008, and Chapter 707 of the Acts of 2009

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Prince George's County – Palmer Park Boys and Girls Club Loan of 2001 in the total principal amount of $200,000. 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.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(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: as a grant to the Board of Directors of the Palmer Park Boys and Girls Club, Inc. (referred to hereafter in this Act as "the grantee") for the planning, design, repair, renovation, and capital equipping of a facility at Barlowe Road in Palmer Park to house the Palmer Park Boys and Girls Club.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest 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 loan must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than ***[****June 1, 2011****]*** ***DECEMBER 1, 2012****. If any funds authorized by this Act remain unexpended or unencumbered after* ***[****June 1, 2011****]*** ***DECEMBER 1, 2012****, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further 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.*

Chapter 715 of the Acts of 2001, as amended by Chapter 94 of the Acts of 2002 and Chapter 707 of the Acts of 2009

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Baltimore City

– East Baltimore Community Recreation and Learning Center Loan of 2001 in a total principal amount equal to the lesser of (i) $500,000 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.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(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: as a grant to the Mayor and City Council of the City of Baltimore (referred to hereafter in this Act as "the grantee") for ***[****the acquisition, planning, design, and construction of a facility to be****]*** ***PRESERVING, STABILIZING, MAINTAINING, AND PREPARING THE PROPERTY*** *located at 2101 East Biddle Street in Baltimore* ***[****to be used as a community recreation and learning center****]*** ***FOR FUTURE DEVELOPMENT OPPORTUNITIES IN ACCORDANCE WITH RECOMMENDATIONS OFFERED IN PRIOR DESIGN AND PLANNING STUDIES FOR THE PROPERTY****.*

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest 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) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund. No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of in kind contributions or funds expended prior to the effective date of this Act. The fund may consist of real property. In case of any dispute as to the amount of the matching fund or 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. The grantee has until June 1, 2003, to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. 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. Any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

(6) 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, 2011****]*** ***DECEMBER 1, 2012****. If any funds authorized by this Act remain unexpended or unencumbered after* ***[****June 1, 2011****]*** ***DECEMBER 1, 2012****, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further 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.*

Chapter 204 of the Acts of 2003

SECTION 12. AND BE IT FURTHER ENACTED, That:

(3)

(AQ)	*Salisbury City Park. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of Salisbury for the repair and reconstruction of the historic bandstand pavilion, pedestrian bridges, the Beaverdam Bridge, the Picnic Island Bridge, and the Memorial Drive bridges located in the City Park in Salisbury, 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 in kind contributions.* ***NOTWITHSTANDING ANY OTHER PROVISION OF LAW, 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 DECEMBER 1, 2012*** *(Wicomico County).....*	*150,000*

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:

(3) (i) $15,200,000 for the following projects initially approved by the Senate:

(A)	***[****Eastport Fire Station and Paramedic Unit****]*** ***ANNAPOLIS RECREATIONAL CENTER AT 9 ST. MARY'S STREET****. 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 Annapolis for the planning, design, repair, renovation, reconstruction, and capital equipping of the* ***[****Eastport Fire Station Building****]*** ***ANNAPOLIS***	

RECREATIONAL CENTER AT 9 ST. MARY'S STREET, *located in* ***[****Eastport****]*** ***ANNAPOLIS****. 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* ***AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2013. 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, 2013*** *(Anne Arundel County)..... 250,000*

Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of 2004 and Chapter 508 of the Acts of 2006

SECTION 13. AND BE IT FURTHER ENACTED, That:

(3) (i) $15,200,000 for the following projects initially approved by the Senate:

(H) Carroll Mansion Museum. Provide a grant equal to the lesser of (i) $75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Carroll Museums, Inc. for the acquisition of heating, ventilating, and air conditioning equipment, and for the repair and renovation of the Carroll Mansion Museum, 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 and the grantee must present evidence that a matching fund will be provided by June 1, 2008. ***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 DECEMBER 1, 2012*** *(Baltimore City)..... 75,000*

Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of 2004 and Chapter 202 of the Acts of 2007

SECTION 13. AND BE IT FURTHER ENACTED, That:

(3) (ii) $2,500,000 for the following projects initially approved by the House:

(A) Carrie Weedon Science 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 Carrie Weedon Science Center Foundation, Inc. for the repair, renovation, construction, reconstruction, and capital equipping of the Carrie Weedon Science Center, including the replacement of the windows and the installation of an HVAC system, located in Galesville. ***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 DECEMBER 1, 2012*** *(Anne Arundel County)..... 25,000*

Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of 2004 and Chapter 707 of the Acts of 2009

SECTION 13. BE IT FURTHER ENACTED, That:

(3) (i) $15,200,000 for the following projects initially approved by the Senate:

(BD) Ivy Youth and Family Center. Provide a grant equal to the lesser of (i) $300,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Ivy Community Charities of Prince George's County, Inc. for the acquisition, planning, design, construction, and capital equipping of the Ivy Youth and Family Center, located in Prince George's County. 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 and the grantee must present evidence that a matching fund will be provided by ***[****June 1, 2011****] DECEMBER 1, 2012. 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 DECEMBER 1, 2012*** *(Prince George's County)..... 300,000*

(ii) $2,500,000 for the following projects initially approved by the House:

(Q) Ivy Youth and Family 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 Ivy Community Charities of Prince George's County, Inc. for the acquisition, planning, design, construction, and capital equipping of the Ivy Youth

and Family Center, located in Prince George's County. 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 and the grantee must present evidence that a matching fund will be provided by [June 1, 2011] ***DECEMBER 1, 2012. 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 DECEMBER 1, 2012*** *(Prince George's County)* *200,000*

Chapter 445 of the Acts of 2005

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

(3) ZA01 LOCAL HOUSE OF DELEGATES INITIATIVES

(O) East Baltimore Community Recreation and Learning Center. Provide a grant equal to the lesser of (i) $300,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Baltimore for [the acquisition, planning, design, and construction of a facility to be used as a community recreation and learning center, to be] ***PRESERVING, STABILIZING, MAINTAINING, AND PREPARING FOR FUTURE DEVELOPMENT THE PROPERTY LOCATED AT 2101 EAST BIDDLE STREET,*** *located in Baltimore City, subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust (Baltimore City)* *300,000*

Chapter 46 of the Acts of 2006

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

(3) ZA00 MISCELLANEOUS GRANT PROGRAMS

(T) [Annapolis Underground Wiring] ***MARYLAND HALL FOR THE CREATIVE ARTS****. Provide a grant equal to [the lesser of (i)] $600,000 [or (ii) the amount of the matching fund provided,] to the [Mayor and City Council of the City of Annapolis to assist in the construction and equipping of underground utilities in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund*

may consist of funds expended prior to the effective date of this Act] ***BOARD OF DIRECTORS OF THE MARYLAND HALL FOR THE CREATIVE ARTS FOR CONSTRUCTION OF IMPROVEMENTS TO THE MARYLAND HALL FOR THE CREATIVE ARTS*** *(Anne Arundel County)..... 600,000*

ZA01 LOCAL SENATE INITIATIVES

(BP) Accokeek Foundation. 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 The Accokeek Foundation, Inc. for the planning, design, construction, repair, renovation, and reconstruction of the [boat dock at the] Accokeek Foundation site, ***INCLUDING THE BOAT DOCK,*** *in Piscataway Park, located in Accokeek (Prince George's County)..... 125,000*

Chapter 46 of the Acts of 2006, as amended by Chapter 219 of the Acts of 2008

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

(3) ZA01 LOCAL SENATE INITIATIVES

(AD) The Powerhouse. 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 East Harbor Community Development Corporation] ***BOARD OF TRUSTEES OF THE LIVING CLASSROOMS FOUNDATION, INC.*** *for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of a community center, to be 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 funds expended prior to the effective date of this Act. Notwithstanding Section 1(5) of this Act, the grantee has until [June 1, 2010]* ***DECEMBER 1, 2012****, to present evidence that a matching fund will be provided (Baltimore City)..... 125,000*

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES

(AD) The Powerhouse. 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 East Harbor Community Development Corporation] ***BOARD OF TRUSTEES OF THE LIVING CLASSROOMS FOUNDATION, INC.*** *for the planning,*

design, construction, repair, renovation, reconstruction, and capital equipping of a community center, to be 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 funds expended prior to the effective date of this Act. Notwithstanding Section 1(5) of this Act, the grantee has until ***[****June 1, 2010****]*** ***DECEMBER 1, 2012****, to present evidence that a matching fund will be provided (Baltimore City)* *125,000*

Chapter 46 of the Acts of 2006, as amended by Chapter 707 of the Acts of 2009

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

(3) ZA01 LOCAL SENATE INITIATIVES

(BT) Ebenezer Community Life 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 Ebenezer Community Development Corporation for the planning, design, construction, renovation, reconstruction, and capital equipping of the Community Life Center, located in Lanham. 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. 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****]*** ***DECEMBER 1, 2012*** *(Prince George's County)*..... *150,000*

Chapter 488 of the Acts of 2007

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

(3) ZA00 MISCELLANEOUS GRANT PROGRAMS

(P) ***[****Annapolis Underground Wiring****]*** ***MARYLAND HALL FOR THE CREATIVE ARTS****. Provide a grant equal to* ***[****the lesser of (i)****]*** *$600,000* ***[****or (ii) the amount of the matching fund provided,****]*** *to the* ***[****Mayor and City Council of the City of Annapolis to assist in the construction and capital equipping of underground utilities in the City of Annapolis.*

Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act] ***BOARD OF DIRECTORS OF THE MARYLAND HALL FOR THE CREATIVE ARTS FOR CONSTRUCTION OF IMPROVEMENTS TO THE MARYLAND HALL FOR THE CREATIVE ARTS*** *(Anne Arundel County)..... 600,000*

Chapter 488 of the Acts of 2007, as amended by Chapter 219 of the Acts of 2008

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

(3) ZA00 MISCELLANEOUS GRANT PROGRAMS

(B) Comprehensive Housing Assistance, Inc. Provide a grant to THE ASSOCIATED: Jewish Community Federation of Baltimore for the ***ACQUISITION,*** *design, construction,* ***RENOVATION,*** *and capital equipping of a community development building [in]* ***AND OTHER BUILDINGS IN THE 5700 AND 5800 BLOCK OF*** *the Park Heights Avenue neighborhood near their existing campus, subject to the requirement that the grantee provide and expend a matching fund of $1,500,000.* ***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)..... 2,500,000*

Chapter 488 of the Acts of 2007, as amended by Chapter 707 of the Acts of 2009

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

(3) ZA01 LOCAL HOUSE INITIATIVES

(AM) [Agriculture Activity Center Expansion] ***LITTLE BENNETT REGIONAL PARK – DAY USE AREA****. 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* ***DESIGN,*** *construction, repair, reconstruction, and capital equipping of the [Agriculture Activity Center at the Agricultural History Farm Park]* ***DAY USE AREA AT THE LITTLE BENNETT REGIONAL PARK****, located in [Derwood]* ***CLARKSBURG****. Notwithstanding Section 1(5) of this Act,* ***THE MATCHING FUND MAY CONSIST OF FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF***

THIS ACT AND *the grantee has until June 1,* ***[****2011****] 2013****, to present evidence that a matching fund will be provided (Montgomery County)* *100,000*

ZA02 LOCAL SENATE INITIATIVES

(AW) ***[****Agriculture Activity Center Expansion****] LITTLE BENNETT REGIONAL PARK – DAY USE AREA****. 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* ***DESIGN,*** *construction, repair, reconstruction, and capital equipping of the* ***[****Agriculture Activity Center at the Agricultural History Farm Park****] DAY USE AREA AT THE LITTLE BENNETT REGIONAL PARK****, located in* ***[****Derwood****] CLARKSBURG****. Notwithstanding Section 1(5) of this Act,* ***THE MATCHING FUND MAY CONSIST OF FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT AND*** *the grantee has until June 1,* ***[****2011****] 2013****, to present evidence that a matching fund will be provided (Montgomery County)* *100,000*

(AX) Damascus Heritage Museum. Provide a grant of $200,000, to the Board of Directors of the Damascus Heritage Society, Inc. for the acquisition, planning, ***[****and****] DESIGN, CONSTRUCTION, REPAIR, RENOVATION, RECONSTRUCTION, AND CAPITAL EQUIPPING*** *of the Damascus Heritage Museum, located in Damascus, subject to a requirement that the grantee provide and expend a matching fund of $100,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions. Notwithstanding Section 1(5) of this Act, the grantee has until* ***[****June 1, 2011****] DECEMBER 1, 2012****, to present evidence that a matching fund will be provided (Montgomery County)*..... *200,000*

Chapter 488 of the Acts of 2007, as amended by Chapter 372 of the Acts of 2010

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

(3) ZA01 LOCAL HOUSE INITIATIVES

(BM) St. Mary's County Fairgrounds. 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 St. Mary's County Fair Association, Inc. for the construction, repair, renovation,

reconstruction, and capital equipping of the St. Mary's County Fairgrounds, located in ***[****St. Mary's City****]*** ***LEONARDTOWN****. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act and the grantee has until June 1, 2012, to present evidence that a matching fund will be provided (St. Mary's County)..... 75,000*

Chapter 336 of the Acts of 2008

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

(3) ZA01 LOCAL SENATE INITIATIVES

(AT) Lions Camp Merrick. Provide a grant equal to the lesser of (i) $102,500 or (ii) the amount of the matching fund provided, to the Board of Directors of ***[****Lions Camp Merrick, Inc.****]*** ***WALDORF LIONS FOUNDATION*** *for the renovation of the septic system at Camp Merrick, located in Nanjemoy. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions****, AND THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Charles County) 102,500*

ZA02 LOCAL HOUSE INITIATIVES

(AG) Lions Camp Merrick. Provide a grant equal to the lesser of (i) $48,000 or (ii) the amount of the matching fund provided, to the Board of Directors of ***[****Lions Camp Merrick, Inc.****]*** ***WALDORF LIONS FOUNDATION*** *for the renovation of the septic system at Camp Merrick, located in Nanjemoy. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions****, AND THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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***

DECEMBER 1, 2012 *(Charles County) 48,000*

Chapter 336 of the Acts of 2008, as amended by Chapter 372 of the Acts of 2010

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

(3) ZA02 LOCAL HOUSE INITIATIVES

*(BV–2) United States Colored Troops Memorial Monument. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Unified Committee for Afro–American Contributions, Inc.**[,]** **AND THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY** for the acquisition, planning, design, construction, and capital equipping of the United States Colored Troops Memorial Monument**, THE MEMORIAL PARK, AND A MEMORIAL INTERPRETIVE CENTER,** located in Lexington Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act and the grantee has until June 1, 2012, to present evidence that a matching fund will be provided (St. Mary's County)..... 150,000*

Chapter 485 of the Acts of 2009

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

(3) ZA02 HOUSE OF DELEGATES LEGISLATIVE INITIATIVES

*(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 **AND THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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***

DECEMBER 1, 2012 *(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 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. ***NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Statewide)..... 100,000*

(I) 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. ***NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Statewide)..... 125,000*

(K) 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 Annapolis. ***NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE***

PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012 *(Anne Arundel County)* *50,000*

(Z) *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****]*** ***NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Calvert County)*..... *50,000*

(AG) *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****.*** ***NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Montgomery County)*..... *250,000*

(AN) *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****, AND*** ***THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS***

ACT, 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 DECEMBER 1, 2012 *(Prince George's County)* 100,000

(AP) *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.****] MAYOR AND CITY COUNCIL OF THE CITY OF BOWIE*** *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.* ***NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Prince George's County)* 50,000

ZA03 LOCAL SENATE INITIATIVES

(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 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* ***AND THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(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. ***NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(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. ***NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Statewide)..... 225,000*

(U) Roland Park Fire Station Rehabilitation. Provide a grant of $110,000, to the [Baltimore City Fire Department] ***MAYOR AND CITY COUNCIL OF THE CITY OF BALTIMORE*** *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,* ***AND THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Baltimore City).. 110,000*

(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* ***AND THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Montgomery County)..... 50,000*

(AO) *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,* ***AND THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Montgomery County)..... 175,000*

(AZ) *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,* ***AND THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012 *(Prince George's County)*..... *100,000*

(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 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,* ***AND THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Prince George's County)*..... *25,000*

(BJ) *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.****]*** ***MAYOR AND CITY COUNCIL OF THE CITY OF BOWIE*** *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,* ***AND THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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 DECEMBER 1, 2012*** *(Prince George's County)*..... *25,000*

(BP) *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.* ***NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL DECEMBER 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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***

DECEMBER 1, 2012 *(Washington County)..... 25,000*

Chapter 483 of the Acts of 2010

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

(3) ZA00 MISCELLANEOUS GRANT PROGRAMS

(K) Maryland Independent College and University Association – Stevenson University. Provide a grant equal to the lesser of (i) $3,000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Stevenson University to assist in the planning, design, construction, renovation, and capital equipping of the former gymnasium on Stevenson University's Greenspring Campus ***OR THE ACQUISITION, PLANNING, DESIGN, CONSTRUCTION, AND RENOVATION OF A 28–ACRE SITE ADJACENT TO THE OWINGS MILLS CAMPUS, WHICH CURRENTLY HOUSES A 150,000 SQUARE FOOT MAIN BUILDING AND AN 18,000 SQUARE FOOT TECH CENTER SURROUNDED BY 532 PARKING SPACES****, 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*

ZA02 LOCAL SENATE INITIATIVES

(Q) Stadium Place. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Govans Ecumenical Development Corporation, Inc. for the design and construction of improvements to the Stadium Place water distribution system, ***INCLUDING THE ADDITION, REPLACEMENT, AND REMOVAL OF EQUIPMENT, EXPANSION TANKS, HOT WATER HEATERS, AND CIRCULATING PUMPS IN THE FOUR EXISTING RESIDENTIAL SENIOR BUILDINGS, THE INSTALLATION OF THE HYDROGUARD4-AUTOMATIC FLUSHING SYSTEM, AND THE DESIGN AND CONSTRUCTION OF NEW SERVICES TO THE EXISTING WATER DISTRIBUTION SYSTEM****, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City)..... 200,000*

(U) *HopeWell Cancer Support Facility. Provide a grant equal to the lesser of (i) $75,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of HopeWell Cancer Support, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the HopeWell Cancer Support Facility, located in* ***[****Brooklandville****]*** ***LUTHERVILLE*** *(Baltimore County)*..... 75,000

(AY) *Warner Manor. Provide a grant equal to the lesser of (i) $275,000 or (ii) the amount of the matching fund provided, to the Maryland-National Capital Park and Planning Commission for the design, construction, repair, renovation, and reconstruction of the Warner Manor, located in Kensington.* ***NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED ON OR AFTER DECEMBER 1, 2005, AND THE GRANTEE HAS UNTIL JUNE 1, 2013, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, 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, 2013*** *(Montgomery County)*..... 275,000

(BF) *John E. Feggans Center Renovation. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Mayor and Common Council of the City of Seat Pleasant for the construction, repair, renovation, reconstruction, and capital equipping of the John E. Feggans Center, located in Seat Pleasant.* ***NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY*** *(Prince George's County)*..... 150,000

(BK) *Marleigh Community Safety and Surveillance System. Provide a grant of $20,000 to the Board of Directors of the* ***[****Olde Mill Foundation, Inc.****]*** ***301 COMMUNITY CORPORATION, INC.*** *for the acquisition, construction, and capital equipping of the Marleigh Community Safety and Surveillance System, located in Bowie, subject to a requirement that the grantee provide and expend a matching fund of $6,250 (Prince George's County)*..... 20,000

(BP) *Hospice of Queen Anne's. Provide a grant equal to the lesser of (i) $25,000 or (ii) the amount of the matching fund provided, to*

the Board of Directors of the Hospice of Queen Anne's, Inc. for the acquisition of land, located in Centreville. ***NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT*** *(Queen Anne's County)..... 25,000*

(BX) Salisbury Zoological Park Animal Health Clinic. Provide a grant equal to the lesser of (i) $10,000 or (ii) the amount of the matching fund provided, to the ***[****Board of Directors of the Salisbury Zoo Commission, Inc.****]*** ***MAYOR AND CITY COUNCIL OF THE CITY OF SALISBURY*** *for the construction and capital equipping of the Salisbury Zoological Park Animal Health Clinic, located in Salisbury. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Wicomico County)..... 10,000*

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(I) William Paca House. Provide a grant equal to ***[****the lesser of (i)****]*** *$200,000* ***[****or (ii) the amount of the matching fund provided****]****, to the Board of Trustees of Historic Annapolis, Inc. for the repair, renovation, and reconstruction of the William Paca House* ***AND GARDEN AND OTHER PROPERTIES OWNED BY HISTORIC ANNAPOLIS, INC.****, located in Annapolis****[****. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act****]*** *(Anne Arundel County)..... 200,000*

*(R) Stadium Place. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Govans Ecumenical Development Corporation, Inc. for the design and construction of improvements to the Stadium Place water distribution system****, INCLUDING THE ADDITION, REPLACEMENT, AND REMOVAL OF EQUIPMENT, EXPANSION TANKS, HOT WATER HEATERS, AND CIRCULATING PUMPS IN THE FOUR EXISTING RESIDENTIAL SENIOR BUILDINGS, THE INSTALLATION OF THE HYDROGUARD4-AUTOMATIC FLUSHING SYSTEM, AND THE DESIGN AND CONSTRUCTION OF NEW SERVICES TO THE EXISTING WATER DISTRIBUTION SYSTEM****, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to*

the effective date of this Act (Baltimore City)..... 100,000

*(X) HopeWell Cancer Support Facility. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of HopeWell Cancer Support, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the HopeWell Cancer Support Facility, located in **[**Brooklandville**]** **LUTHERVILLE** (Baltimore County)..... 100,000*

*(BB–1) John E. Feggans Center Renovation. Provide a grant equal to the lesser of (i) $55,000 or (ii) the amount of the matching fund provided, to the Mayor and Common Council of the City of Seat Pleasant for the construction, repair, renovation, reconstruction, and capital equipping of the John E. Feggans Center, located in Seat Pleasant**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY** (Prince George's County)..... 55,000*

*(BO) Salisbury Zoological Park Animal Health Clinic. 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 Salisbury Zoo Commission, Inc.**]** **MAYOR AND CITY COUNCIL OF THE CITY OF SALISBURY** for the construction and capital equipping of the Salisbury Zoological Park Animal Health Clinic, located in Salisbury. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Wicomico County)..... 150,000*

SECTION ~~15.~~ *16.* AND BE IT FURTHER ENACTED, That the net new debt to be authorized by legislation in fiscal year 2012 may not exceed $925,000,000, as evidenced by the following:

FY 2012 debt to be authorized by this Act..... ~~935,618,000~~
~~947,533,719~~
949,102,501

Subtotal ..... ~~935,618,000~~
~~947,533,719~~
949,102,501

Reductions in Previously Authorized State Debt Made in This Bill . ~~(10,618,000)~~
~~(22,533,719)~~
(24,102,501)

Net new debt to be authorized in FY 2012..... 925,000,000

SECTION ~~16.~~ *17.* AND BE IT FURTHER ENACTED, That Section 12 of this Act shall take effect June 1, 2012.

SECTION ~~17.~~ *18.* AND BE IT FURTHER ENACTED, That Section 13 of this Act shall take effect June 1, 2013.

SECTION ~~18.~~ *19.* AND BE IT FURTHER ENACTED, That Section 14 of this Act shall take effect June 1, 2014.

SECTION ~~19.~~ *20.* AND BE IT FURTHER ENACTED, That, except as provided in ~~Section 16, Section 17, and Section 18~~ *Section 17, Section 18, and Section 19* of this Act, this Act shall take effect June 1, 2011.

Approved by the Governor, May 19, 2011.

Chapter 397

(House Bill 72)

AN ACT concerning

Budget Reconciliation and Financing Act of 2011

FOR the purpose of altering or repealing certain required appropriations; altering the distribution of certain revenues; altering or repealing certain funding requirements; altering the authorized use of certain funds; altering or repealing certain grant programs; *altering for a certain fiscal year a certain percentage used to determine eligibility for and the amount of certain State grants to certain counties and Baltimore City based on per capita yield of county income taxes;* authorizing certain units of government to charge a certain fee for certain purposes; ~~repealing altering certain requirements for a certain notice relating to abandoned property to be published in certain newspapers; requiring the Comptroller to maintain, or cause to be maintained, an abandoned property database containing the names and last known addresses, if any, of persons listed in certain reports; requiring the Comptroller to maintain, or cause to be maintained, a certain Internet website relating to the abandoned property database; requiring the Comptroller to publish certain notices of a certain Internet website;~~ altering the distribution of certain moving violation surcharges; altering the amount of a certain surcharge imposed for recording certain instruments for certain fiscal years; altering ~~a certain fee~~ certain fees imposed on persons supervised by the Division of Parole and Probation; *altering certain provisions relating to the annual budgets of county boards of education;* altering certain State education funding for ~~a certain fiscal year;~~ *certain fiscal*

years; requiring the State to provide a certain grant to a county board of education if certain funding provided to a county board decreases by a certain amount; providing that certain grants to county boards of education may be funded from the proceeds of certain bonds; requiring certain counties to reimburse the State for certain nonpublic education costs; authorizing the Maryland Higher Education Commission to impose certain fees; altering the calculation of certain State aid to community colleges; *authorizing certain community college boards of trustees to charge out–of–county fees to certain students enrolled in certain programs;* altering the calculation of certain State aid to certain nonpublic institutions of higher education; prohibiting new awards under a certain scholarship program and abolishing the program by a certain date; ~~altering the payment schedule for certain developmental disabilities providers; providing for the accreditation of certain youth camps by nationally recognized organizations; altering certain youth camp regulatory responsibilities of the Department of Health and Mental Hygiene; repealing certain youth camp inspection requirements; abolishing the Youth Camp Safety Advisory Council; altering certain hospital assessments for certain purposes~~ establishing a Need–based Student Financial Assistance Fund as a special, non–lapsing fund to be administered by the Commission; altering the amount of the fee collected by the Department of Health and Mental Hygiene for certain certificates and reports; altering the amount of certain fees collected by local health departments required to be transferred to the General Fund of the State; requiring the Department of Health and Mental Hygiene to ensure that certain publicly operated hospitals pay certain assessments comparable to certain assessments imposed on certain hospitals; *requiring the Developmental Disabilities Administration to ensure that certain providers do not have an overall funding reduction for a certain year as a result of certain changes in reimbursement policies for certain absence days;* altering certain provisions relating to certain hospital assessments; requiring the Health Services Cost Review Commission for a certain fiscal year to approve a combination of hospital assessments and remittances in a certain amount for certain purposes; requiring the Commission and the Department to adopt certain policies that will provide at least a certain amount from certain revenues and certain savings; altering a certain quality assessment on certain nursing facilities; repealing the sunset date for the quality assessment paid by certain nursing facilities; removing a certain limitation applicable to certain counties on the amount of certain license fees authorized to be imposed by the counties for certain licenses for food establishments; making the Injured Workers' Insurance Fund subject to the premium tax; altering certain provisions relating to certain requirements that certain nonprofit health service plans use certain funds for certain purposes under certain circumstances; requiring that certain information be included in a certain plan prior to approval by the Department of Information Technology; providing that certain proceeds derived from certain sales by the Department of State Police be allocated to the State Annuity Bond Fund; authorizing the Maryland Environmental Service to establish certain project reserve funds; *authorizing the Service to credit to certain project reserve funds only moneys that are reimbursable to the State;* prohibiting the Service

from retaining more than certain amounts in ~~the~~ *certain* project reserve funds; requiring the reversion of certain excesses to certain funds; requiring the transfer of certain interest from certain funds into the General Fund; authorizing the State to establish separate health insurance benefit options for retirees that differ from those for active employees; requiring that the health insurance benefit option for retirees include a certain prescription drug benefit; altering eligibility in the State Employees and Retirees Health and Welfare Benefits Program for certain retirees who begin State service on or after a certain date and their surviving spouses or dependent children; ~~authorizing~~ requiring the State to discontinue certain health benefits for certain retirees in a certain year; altering certain requirements that certain subsidies be deposited in the State Employees and Retirees Health and Welfare Benefits Program; ~~setting a certain limit on a certain amount paid by the State to certain funds of the State Retirement and Pension System;~~ requiring the Board of Trustees for the State Retirement and Pension System to certify certain information to the Governor and the Secretary of Budget and Management on or before certain dates; requiring the Governor to include certain amounts in the budget bill for payment to the State Retirement and Pension System; establishing a certain reformed contributory pension benefit for new and certain returning members of the Employees' Pension System and the Teachers' Pension System on or after a certain date; altering for certain members of the ~~Employees' Pension System and the Teachers' Pension System~~ State Retirement and Pension System the method for calculating the average final compensation that is used to determine certain retirement allowances; requiring the adjustment of a certain employer contribution rate for certain State retirement and pension systems to reflect the cost of legislative changes under certain circumstances; ~~requiring certain members of the Employees' Pension System and the Teachers' Pension System to make a certain selection that affects the rate of member contributions and the rate used to calculate certain benefits; providing for a certain selection if an individual fails to make a selection on or before a certain date or within a certain time period; making the selections irrevocable and not subject to change;~~ altering the rate of member contributions ~~and the method for calculating certain benefits~~ for certain members of the Employees' Pension System and the Teachers' Pension System; *providing that certain members of the Employees' Pension System or Teachers' Pension System who separate from service and return to service under certain circumstances are subject to a certain benefit; requiring the Board of Trustees of the State Retirement and Pension System to submit a certain annual report to the Joint Committee on Pensions on or before a certain date for a certain period of time;* providing that employees of certain participating governmental units participating in the State Retirement and Pension System are not subject to a certain reformed contributory pension benefit; altering eligibility for, and the method of calculating, an early service retirement allowance for certain members of the Employees' Pension System and the Teachers' Pension System; altering the number of years of eligibility service required for certain members of the State Police Retirement System to become eligible to receive certain retirement benefits; altering certain eligibility requirements for participation in certain deferred retirement option programs

for members of the State Police Retirement System ~~and the Law Enforcement Officers' Pension System;~~; altering the rate of member contributions for certain members of the Law Enforcement Officers' Pension System; altering the interest rate that certain benefits earn in certain deferred retirement option programs for members of the State Police Retirement System and the Law Enforcement Officers' Pension System; ~~altering the rate of member contributions for certain members of the Judges' Retirement System;~~ altering certain eligibility requirements for a certain vested allowance for certain members of the ~~Employees' Pension System and the Teachers' Pension System~~ State Retirement and Pension System; ~~providing for~~ *altering* a certain cost–of–living adjustment for members of the ~~Employees' Pension System and the Teachers' Pension System~~ State Retirement and Pension System ~~who are subject to the reformed contributory pension benefit~~; altering the method for applying service credit for military service so as to use the accrual rate in effect at the time of application for the military service credit; clarifying that certain members of the State Reformed Contributory Employees' Pension System or the State Reformed Contributory Teachers' Pension System may transfer certain service credit in a certain manner; requiring the Governor's Salary Commission, *the Judicial Compensation Commission,* and the General Assembly Salary Commission to make certain recommendations concerning benefit and contribution levels; requiring the Board of Trustees for the State Retirement and Pension System to provide certain reports to the Governor and the Joint Committee on Pensions; providing that certain administrative and operational expenses of the Board of Trustees of the State Retirement and Pension System and the State Retirement Agency shall be paid by certain employers in a certain manner and may not be transferred from certain funds, *except under certain circumstances*; *requiring certain amounts transferred from certain funds to be reimbursed from certain payments for administrative and operational expenses; reducing certain amounts required to be included annually in the budget bill by the amount of certain administrative and operational expenses required to be paid by certain employers; requiring the Board of Trustees to certify certain amounts to the Governor and the Secretary of Budget and Management relating to the State's contribution to the State Retirement and Pension System; requiring the Governor to include certain amounts in the budget bill in addition to certain required contributions; requiring the State to pay a certain share of the administrative and operational expenses for certain libraries;* requiring the Board of Trustees to ~~determine and certify to the State and certain employers certain amounts payable~~ *certify to the Secretary of Budget and Management certain percentages of membership employed by certain employers as of a certain date and certify to certain local employers certain amounts payable to the Board of Trustees; requiring the Board of Trustees to provide certain notifications*; requiring the Governor to include a certain ~~amount certified by the Board of Trustees~~ *appropriation for administrative and operational expenses* in the annual budget bill; providing for the manner of payment of certain administrative and operational expenses of the Board of Trustees by certain employers; *authorizing certain employers to deduct certain amounts from certain required employer contributions;* requiring the Comptroller to exercise the right

of setoff against any money due or becoming due to certain employers under certain circumstances; *authorizing the payment of certain grants for a certain fiscal year;* altering certain provisions relating to a certain credit allowed to vendors for collecting and paying the sales and use tax; 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 the calculation of a certain mandatory property tax credit for certain property located in certain enterprise zones; authorizing the governing body of a county or of a municipal corporation to grant, by law, a local supplement to a certain mandatory property tax credit for certain property located in certain enterprise zones; providing that a county or municipal corporation may not obtain reimbursement from the State for the revenues that would have been collected if a certain local supplement had not been granted;~~ prohibiting the transfer or diversion of funds in the Transportation Trust Fund unless certain legislation is enacted prior to the transfer or diversion; altering certain provisions relating to the funding of a certain highway; altering the pledging of certain revenues for certain purposes; providing that certain altered distributions of certain revenues do not apply until certain bonds are no longer outstanding and unpaid, except under certain circumstances; requiring the Maryland Transit Administration to include certain information in a certain report; requiring the Administration to set certain fares *and collect other operating revenues* for certain transit services at an amount sufficient to achieve a certain farebox recovery requirement; *prohibiting the Administration from reducing the level of services provided for the purpose of achieving a certain farebox recovery requirement;* ~~requiring the Maryland Aviation Administration Fire Rescue Service to charge a certain ambulance transport fee;~~ altering the distribution of certain highway user revenues ~~for a certain fiscal year; requiring certain tax clearance verification before registration or renewal of~~; altering certain limitations and requirements relating to certain miscellaneous fees that the Motor Vehicle Administration is authorized to set; altering the amount of certain fees related to motor vehicles; ~~altering certain provisions relating to a certain fee for certain vehicle emissions inspections;~~ *altering the amount a vehicle dealer may retain for collecting and remitting the vehicle excise tax; altering a certain limitation on the amount that a vehicle dealer may charge as a dealer processing charge;* prohibiting the Motor Vehicle Administration from renewing or transferring the registration of a motor vehicle~~; requiring certain tax clearance verification before issuance or renewal of~~ under certain circumstances; prohibiting the Administration from renewing a driver's license under certain circumstances; requiring the Administration to cooperate with the Comptroller and the Department of Labor, Licensing, and Regulation to develop certain procedures and adopt certain regulations; *repealing certain prohibitions on the State entering into certain agreements or spending funds for certain purposes;* ~~requiring the Motor Vehicle Administration to assess certain fees against certain licensees under certain circumstances; requiring the Administration to send a notice to an individual subject to a certain fee; requiring the suspension of an individual's driver's~~

~~license unless the individual pays a certain fee; providing for the distribution of certain fees assessed by the Administration; requiring a court to provide a certain notice to a certain defendant; repealing certain credits allowed against certain taxes for the purchase of Maryland–mined coal;~~ delaying a certain requirement for the State Department of Education to conduct a certain study of the adequacy of education funding in the State; requiring the study to incorporate certain standards and certain results from certain assessments; *authorizing certain funds in the Fair Campaign Financing Fund to be used to implement an online campaign finance reporting system in a certain fiscal year;* authorizing the transfer of certain funds for certain purposes; ~~providing that the Governor is not required to include certain appropriations in the budget for certain fiscal years under certain circumstances;~~ providing that certain retirees of the State Retirement Agency may be exempt from a certain earnings offset for a certain period of time if they are reemployed by the State Retirement Agency in a certain manner; *authorizing the Governor to include in the budget bill for a certain fiscal year a certain amount for the State's contributions to the State Retirement and Pension System;* prohibiting certain payments for certain rate increases for certain providers for a certain fiscal year; prohibiting the payment of certain merit increases for certain State employees for a certain period; authorizing the prefunding of certain education funding obligations; ~~providing that if certain institutions of higher education create a certain voluntary separation program, the institutions shall provide that certain positions be abolished and may not recreate certain positions and certain funds appropriated for a certain fiscal year shall be transferred to the General Fund;~~ requiring the transfer of certain funds to the General Fund ~~to reimburse the State for certain State administrative expenses~~, subject to certain contingencies; *allowing a county under certain circumstances to deduct any reduction in certain costs from the amount the county is required to appropriate to the county board of education for a certain fiscal year; stating the intent of the General Assembly that certain funds shifted by Baltimore City to the Baltimore City Board of School Commissioners be included in the calculation of certain State education aid for a certain fiscal year; requiring that a penalty imposed on a county or Baltimore City for not meeting a certain local maintenance of funding effort requirement be calculated in a certain manner;* ~~requiring the Maryland Insurance Administration to work with the Health Services Cost Review Commission and the Maryland Health Care Commission to develop a mechanism for identifying hospital rate adjustments and assessments as components in a certain process, take into account in its work certain items, and report its findings and recommendations to the Governor and the General Assembly on or before a certain date;~~ *providing that a certain memorandum of understanding negotiated and ratified within a certain period complies with certain provisions of law governing collective bargaining; defining certain terms; altering certain definitions;* making the provisions of this Act severable; providing for the effective dates and application of this Act; *making certain provisions of this Act subject to certain contingencies;* and generally relating to the financing of State government.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101(b)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 15–607 ~~and, 17–311, and 17–317(a)~~
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–702(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–301(f) and 13–604(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–226(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Economic Development~~
~~Section 10–523(a)(3)(i)~~
~~Annotated Code of Maryland~~
~~(2008 Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–523(a)(3)(i)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section *5–103,* 5–202(a)(13), 5–206(f)(1), 11–105(o), 16–305(c)(1)(i), 16–310(d)(1), *16–512(a)(1),* 17–104(a)(1) *and (b),* 18–107, 23–205(c) and (d), and 23–503(b)(1)

Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Education
Section *5–202(i)*, 8–507 ~~and~~, 18–1107, and 22–306.1
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 13–1114(g)(3)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

~~BY repealing~~
~~Article – Health – General~~
~~Section 14–401(b), (d), and (e), 14–402(b), (c), and (d), and 14–403 through 14–410~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Health – General
~~Section 7–306.1(d), 14–402(a), 14–411, 19–214(b) through (e), and 19–310.1(b)~~
Section 4–217(c)(1) and (3), 19–214(d)(2)(i) and (e), 19–310.1(b), and 21–308(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
~~Section 14–401(b), 14–402(b), and 14–403 through 14–405~~
Section 15–702
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 6–101(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–106(d)(1)(iv) and (2) and 14–106.1
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–105(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
~~Section 5–212(g), 5–212.1(g), and 5–215(b) and (c)~~
Section 3–103(h), 5–212(g), 5–212.1(g)*(2)*, and 5–903(a)(2)(v)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3A–308(g), 3A–309(e) ~~and~~, 6–226(a), and 10–306(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Personnel and Pensions
Section ~~2–508(b)(3)~~ 2–508(c) and (d), 20–101(hh–1), 20–205.1, ~~23–212(d) and (e), 23–221(d)~~ 21–316, 23–212(d), *23–215.1*; 23–225 and 23–226 to be under the new part "Part IV. Reformed Contributory Pension Benefit"; 23–401(f) ~~and (g), 29–303(h)~~ 29–302(b–1), 29–303(b–1); 29–430 through 29–432 to be under the new part "Part VII. ~~Three/One~~ *Two and One–Half/One* Percent Compound Adjustment"; ~~and 31–116.2, 29–435 and 29–436 to be under the new part "Part VIII. Three/One Percent Compound Combination Adjustment"; 31–116.2, and~~ *31–116.2, and* 37–101(r–1) and (r–2)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–508(b) and (c), 2–509, 2–509.1, 2–516, 20–101(g) and (bb), ~~20–205(a), 21–304(c) and (f),~~ 20–204, 20–205(a), ~~21–302(b)~~ *21–302(a) and (b)*, 21–303(d), 21–304(a)(2), ~~(b),~~ (e), and (f), 21–308(a), ~~23–212(c), 23–221(a), 23–222, 23–401(a), (b), and (d), 23–402, 24–401.1(c), 26–401.1(c), 27–202, 29–303(b), (c), and (e), 34–101(d), and 38–104(d)~~ 23–212(c), *23–215*, 23–401(a) and (b), 23–402, 24–401(a), 24–401.1(c), (d), and (h)(2), 26–204(a), 26–401.1(h)(2), ~~27–202,~~ 29–302(b), 29–303(b), *29–404*, 29–410, 29–425, 34–101(d), 37–101(j), 37–203(a), 37–203.1(a), (b)(1) and (3)(i)1., (c)(1), and (d)(1), and 38–104(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 29–302(a) and 29–303(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202(b) *and (c)*, 2–614, 2–1104, 2–1302.1, 2–1303, and 11–105(c)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing
Article – Tax – General
Section 2–1302.2
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 2–106 ~~and 9–103(d)(1) and (4)~~
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

~~BY adding to~~
~~Article – Tax – Property~~
~~Section 9–255~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2010 Supplement)~~

BY repealing
Article – Transportation
Section 1–103(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 3–215(b), 4–321(e) ~~and 8–402(e)(2)~~, 7–208(b), 8–402(c), ~~and 8–403~~ *8–403, 13–812(a), and 15–311.1(b)(1)*
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 3–217~~, 5–415,~~ and 7–208(b–1)

Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 12–120(a), 13–406(9) and (10), and 16–103.1(11) and (12)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
~~Section 12–120, 13–613(b), 13–802, and 23–205~~
Section 12–118(e)(1), 12–120(a), 13–613(b), 13–802, and 13–955(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
~~Section 13–406(11), 16–115(j); and 16–1001 through 16–1003 to be under the new subtitle "Subtitle 10. Assessment of Fees"~~
Section 13–406.2 and 16–115(j)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 288 of the Acts of the General Assembly of 2002
Section 7

BY repealing and reenacting, with amendments,
Chapter 503 of the Acts of the General Assembly of 2007
Section 6

BY repealing and reenacting, with amendments,
Chapter 487 of the Acts of the General Assembly of 2009, as amended by Chapter 484 of the Acts of the General Assembly of 2010
Section 38(j)

BY repealing
Article – Education
Section 18–1101 through 18–1107 and the subtitle "Subtitle 11. Distinguished Scholar Programs"
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing
Article – Transportation
Section 7–402

Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

~~BY repealing~~
~~Article – Education~~
~~Section 18–1201 through 18–1207 and the subtitle "Subtitle 12. Private Career School Student Grant Program"~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

~~BY repealing~~
~~Article – Tax – General~~
~~Section 8–406(b) and 10–704.1~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume)~~

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1101.

(b) (2) ***(I)*** *[If]* ***SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, 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.*

(II) FOR FISCAL YEAR 2012 ONLY, IF THE PER CAPITA YIELD OF THE COUNTY INCOME TAX FOR A COUNTY DETERMINED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IS LESS THAN 77% 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 77% OF THE STATEWIDE PER CAPITA YIELD, AS ROUNDED TO THE NEAREST DOLLAR.

Article – Commercial Law

15–607.

(A) Wages, due from or payable by the State, or a county, municipal corporation, or other political subdivision, and the public officers of the State or a county, municipal corporation, or other political subdivision to an individual, are subject to attachment process brought for the enforcement of the private legal

obligations of the individual in the same manner and to the same extent as if the State, county, municipal corporation, or other political subdivision, and their respective public officers, were a private person.

(B) THE STATE, OR A COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION, AND THEIR RESPECTIVE PUBLIC OFFICERS, MAY DEDUCT AND RETAIN FROM THE INDIVIDUAL'S WAGES AN ADDITIONAL $2 FOR EACH DEDUCTION MADE UNDER THE ATTACHMENT PROCESS OF THIS SUBTITLE OR UNDER TITLE 31, U.S.C. § 3720D.

~~17–311.~~

~~[(a) (1) Within 365 days from the filing of the report required by § 17–310 of this subtitle, the Administrator shall cause notice to be published in a newspaper of general circulation in the county in the State within which is located the last known address of any person to be named in the notice.~~

~~(2) If an address is not listed or if the address is outside the State, the notice shall be published in the county within which the person who held the abandoned property has the principal place of business in this State.~~

~~(b) The published notice shall be entitled "Notice of Names of Persons Appearing to Be Owners of Abandoned Property" and shall contain:~~

~~(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice in the county specified in this section;~~

~~(2) A statement that information concerning the amount or description of the property and the name and address of the person who held the property may be obtained by any person who possesses an interest in the property, by addressing an inquiry to the Administrator; and~~

~~(3) A statement that a proof of claim may be presented by the owner to the Administrator.~~

~~(c) The Administrator is not required to publish in the notice any item valued at less than $100 unless the Administrator considers the publication to be in the public interest.]~~

~~**(A) IN THIS SECTION, "ABANDONED PROPERTY DATABASE" MEANS AN ELECTRONIC DATABASE CONTAINING THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED PROPERTY.**~~

~~(B) (1) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE MAINTAINED, AN ABANDONED PROPERTY DATABASE.~~

~~(2) WITHIN 365 DAYS AFTER THE FILING OF THE REPORT REQUIRED BY § 17–310 OF THIS SUBTITLE, THE ADMINISTRATOR SHALL ADD TO THE ABANDONED PROPERTY DATABASE THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS LISTED IN THE REPORT.~~

~~(3) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE MAINTAINED, AN INTERNET WEBSITE THAT:~~

~~(I) PROVIDES REASONABLE MEANS BY WHICH A PERSON MAY SEARCH THE ABANDONED PROPERTY DATABASE REQUIRED BY THIS SUBSECTION;~~

~~(II) CONTAINS A STATEMENT THAT INFORMATION CONCERNING THE AMOUNT OR DESCRIPTION OF THE PROPERTY AND THE NAME AND ADDRESS OF THE PERSON WHO HELD THE PROPERTY MAY BE OBTAINED BY ANY PERSON WHO POSSESSES AN INTEREST IN THE PROPERTY, BY ADDRESSING AN INQUIRY TO THE ADMINISTRATOR;~~

~~(III) CONTAINS A STATEMENT THAT A PROOF OF CLAIM MAY BE PRESENTED BY THE OWNER TO THE ADMINISTRATOR; AND~~

~~(IV) INCLUDES A LINK TO AN ABANDONED PROPERTY CLAIM FORM.~~

~~(C) (1) THE ADMINISTRATOR SHALL PUBLISH NOTICE OF THE INTERNET WEBSITE REQUIRED BY SUBSECTION (B)(3) OF THIS SECTION.~~

~~(2) THE NOTICE SHALL:~~

~~(I) BE PUBLISHED AT LEAST ONCE EACH CALENDAR QUARTER IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN EACH COUNTY OF THE STATE; AND~~

~~(II) CONTAIN:~~

~~1. A STATEMENT THAT THE ADMINISTRATOR MAINTAINS RECORDS OF THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED PROPERTY;~~

~~**2. A STATEMENT THAT ANY PERSON MAY SEARCH THE ADMINISTRATOR'S ABANDONED PROPERTY RECORDS THROUGH THE ADMINISTRATOR'S INTERNET WEBSITE; AND**~~

~~**3. THE ADDRESS OF THE INTERNET WEBSITE.**~~

~~**[**(a)**] (D)** (1) Within 365 days from the filing of the report required by § 17–310 of this subtitle, the Administrator shall cause notice to be published in a newspaper of general circulation in **[**the county**] THE COUNTIES** in the State **IDENTIFIED AS FEDERALLY DESIGNATED RURAL COUNTIES BY THE RURAL MARYLAND COUNCIL** within which is located the last known address of any person to be named in the notice.~~

~~(2) If an address is not listed or if the address is outside the State, the notice shall be published in the county within which the person who held the abandoned property has the principal place of business in this State**, IF THE COUNTY IS IDENTIFIED AS A FEDERALLY DESIGNATED RURAL COUNTY BY THE RURAL MARYLAND COUNCIL.**~~

~~**[**(b)**] (E)** The published notice **REQUIRED UNDER SUBSECTION (D) OF THIS SECTION** shall be entitled "Notice of Names of Persons Appearing to Be Owners of Abandoned Property" and shall contain:~~

~~(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice in the county specified in **SUBSECTION (D) OF** this section:~~

~~(2) A statement that information concerning the amount or description of the property and the name and address of the person who held the property may be obtained by any person who possesses an interest in the property, by addressing an inquiry to the Administrator; and~~

~~(3) A statement that a proof of claim may be presented by the owner to the Administrator.~~

~~**[**(c)**] (F)** The Administrator is not required to publish in the notice **REQUIRED UNDER SUBSECTION (D) OF THIS SECTION** any item valued at less than $100 unless the Administrator considers the publication to be in the public interest.~~

~~(d) **(G)** Within 120 days from the receipt of the report required by § 17–310 of this subtitle, the Administrator shall mail a notice to each person who has an address listed in the report who appears entitled to property valued at $100 or more and presumed abandoned under this subtitle.~~

~~(e) **(H)** The mailed notice shall contain:~~

~~(1) A statement that, according to a report filed with the Administrator, property is being held to which the addressee appears entitled;~~

~~(2) The name and address of the person who held the property and any necessary information regarding any change of the name or address of the holder; and~~

~~(3) A statement that a proof of claim may be presented by the owner to the Administrator.~~

~~17–317.~~

~~(a) (1) All funds received under this title, including the proceeds of the sale of abandoned property under § 17–316 of this subtitle, shall be credited by the Administrator to a special fund. The Administrator shall retain in the special fund at the end of each fiscal year, from the proceeds received, an amount not to exceed $50,000, from which sum the Administrator shall pay any claim allowed under this title.~~

~~[(2) After deducting all costs incurred in administering this title from the remaining net funds the Administrator shall distribute $500,000 to the Maryland Legal Services Corporation to support the activities of the corporation.]~~

~~[(3)] (2) (i) Subject to subparagraph (ii) of this paragraph, the Administrator shall distribute all unclaimed money from judgments of restitution under Title 11, Subtitle 6 of the Criminal Procedure Article to the State Victims of Crime Fund established under § 11–916 of the Criminal Procedure Article to assist victims of crimes and delinquent acts to protect the victims' rights as provided by law.~~

~~(ii) If a victim entitled to restitution that has been treated as abandoned property under § 11–614 of the Criminal Procedure Article is located after the money has been distributed under this paragraph, the Administrator shall reduce the next distribution to the State Victims of Crime Fund by the amount recovered by the victim.~~

~~[(4)] (3) After making the distributions required under [paragraphs (2) and (3)] PARAGRAPH (2) of this subsection, the Administrator shall distribute the remaining net funds not retained under paragraph (1) of this subsection to the General Fund of the State.~~

Article – Correctional Services

7–702.

(b) Unless a supervisee is exempted by the Commission under subsection (d) of this section, the Commission shall assess a monthly fee of **[**$40**] $50** as a condition of supervision for each supervisee.

Article – Courts and Judicial Proceedings

7–301.

(f) (1) This subsection does not apply to a traffic case under § 21–202.1, § 21–809, or § 21–810 of the Transportation Article or to a parking or impounding case.

(2) In a traffic case under subsection (a)(1) of this section the court shall add a $7.50 surcharge to the court costs imposed by the court.

(3) **(I)** The Comptroller annually shall credit the surcharges collected under this subsection **[**to:

(i) The Volunteer Company Assistance Fund to be used in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article; and

(ii) The General Fund after $20,000,000 is credited to the Volunteer Company Assistance Fund in accordance with item (i) of this paragraph.

(4) Notwithstanding any other provision of this subsection, for fiscal year 2010 only, the surcharges collected under this subsection shall be credited as follows:

(i) 25% to the Volunteer Company Assistance Fund to be used in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article; and

(ii) 75% to the General Fund**] AS PROVIDED IN THIS PARAGRAPH**.

(II) AN AMOUNT ANNUALLY AS SET FORTH IN THE STATE BUDGET SHALL BE DISTRIBUTED FOR THE CHARLES W. RILEY FIRE AND EMERGENCY MEDICAL SERVICES TUITION REIMBURSEMENT PROGRAM AS ESTABLISHED IN § 18–603 OF THE EDUCATION ARTICLE.

(III) AFTER THE DISTRIBUTION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH:

~~1.~~ ~~SUBJECT~~, SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, ~~50%~~ 100% OF THE REMAINDER SHALL BE CREDITED TO THE ~~VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE~~

MARYLAND EMERGENCY MEDICAL SYSTEMS OPERATION FUND ESTABLISHED UNDER § 13–955 OF THE TRANSPORTATION ARTICLE~~; AND~~

~~2. 50% SHALL BE CREDITED TO THE GENERAL FUND~~.

~~(IV) AFTER A TOTAL OF $20,000,000 IS CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE FUND UNDER SUBPARAGRAPH (III)1 (III) OF THIS PARAGRAPH, 100% OF THE REMAINDER AFTER THE DISTRIBUTION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE DISTRIBUTED TO THE GENERAL FUND.~~

(IV) FOR FISCAL YEARS 2012 AND 2013 ONLY, BEFORE THE DISTRIBUTION TO THE MARYLAND EMERGENCY MEDICAL SYSTEMS OPERATION FUND UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, FROM THE SURCHARGES COLLECTED UNDER THIS SUBSECTION, AN AMOUNT EQUAL TO $8,201,311 FOR FISCAL YEAR 2012 AND $2,114,000 FOR FISCAL YEAR 2013 SHALL BE CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

13–604.

(a) **(1)** **[**The**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** Administrator shall establish a surcharge of $20 for each type of recordable instrument to be recorded among the land records and the financing statement records.

(2) **FOR** ~~EACH OF FISCAL YEARS 2012 THROUGH 2016~~ *RECORDABLE INSTRUMENTS EXECUTED ON OR AFTER JULY 1, 2011, BUT BEFORE JULY 1, 2015*, **THE SURCHARGE ESTABLISHED UNDER THIS SUBSECTION SHALL BE $40 FOR EACH TYPE OF RECORDABLE INSTRUMENT TO BE RECORDED AMONG THE LAND RECORDS AND THE FINANCING STATEMENT RECORDS.**

Article – Criminal Procedure

6–226.

(b) **[**(1)**]** Unless the supervisee is exempt under subsection (d) of this section, ~~except as provided in paragraph (2) of this subsection,~~ the court shall impose a monthly fee of **[**$25**]** **$50** on a supervisee.

[(2) For fiscal years 2006 through 2010 only, the monthly fee imposed under this subsection shall be $40.**]**

~~**Article – Economic Development**~~

~~10–523.~~

~~(a) (3) (i) To assist the Corporation in complying with subsection (c) of this section, the Governor shall include each year in the State budget bill an appropriation to the Corporation for rural business development and assistance **[**for each of fiscal years 2010 and 2011 in the amount of $2,750,000 and for each of fiscal years 2012 through 2020, in the amount of $4,000,000**]** **AS FOLLOWS:**~~

~~**1. FOR FISCAL YEAR 2011, $2,750,000;**~~

~~**2. FOR FISCAL YEAR 2012, $1,000,000;**~~

~~**3. FOR FISCAL YEAR 2013, $2,000,000;**~~

~~**4. FOR FISCAL YEAR 2014, $3,000,000; AND**~~

~~**5. FOR EACH OF FISCAL YEARS 2015 THROUGH 2020, $4,000,000**.~~

Article – Economic Development

10–523.

*(a) (3) (i) To assist the Corporation in complying with subsection (c) of this section, the Governor shall include each year in the State budget bill an appropriation to the Corporation for rural business development and assistance **[**for each of fiscal years 2010 and 2011 in the amount of $2,750,000 and for each of fiscal years 2012 through 2020, in the amount of $4,000,000**]** **AS FOLLOWS:***

1. FOR FISCAL YEAR 2011, $2,750,000;

2. FOR FISCAL YEAR 2012, $2,750,000;

3. FOR FISCAL YEAR 2013, $3,000,000; AND

4. FOR EACH OF FISCAL YEARS 2014 THROUGH 2020, $4,000,000.

Article – Education

5–103.

(a) The amount requested in the annual budget of each county board for current expenses for the next school year and that is to be raised by revenue from local sources may not be less than the minimum amount required to be levied under ***[****§ 5–202****] § 5–202(D)(1)(I)*** *of this title.*

*(b) The county commissioners or county council may provide funds that are more than the amount required by § [5–202] **5–202(D)(1)(I)** of this title to support improved and additional programs.*

(c) If a county council or board of county commissioners does not approve the amount requested in the budget that is more than the amount required by ***[****§ 5–202****] § 5–202(D)(1)(I)*** *of this title:*

(1) The county council or board of county commissioners shall indicate in writing, within 15 days after the adoption of the budget, which major categories of the annual budget have been reduced and the reason for the reduction; and

(2) The county board shall submit to the county governing body, within 30 days after the adoption of the budget, a report indicating how the alterations to the budget will be implemented, accompanied by reasonable supporting detail and analysis.

5–202.

(a) (13) "Target per pupil foundation amount" means:

(i) In fiscal years 2008, 2009, and 2010, $6,694;

(ii) Except as provided in **[**item (iii)**]** **ITEMS (III) AND (IV)** of this paragraph, in subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year;

(III) IN FISCAL YEAR 2012, ~~$6,599~~ $6,694; and

[(iii)**] (IV)** In each of fiscal years **[**2012**] 2013** through 2015:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 1%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year.

(I) (1) IN THIS SUBSECTION, "TOTAL DIRECT EDUCATION AID" MEANS THE TOTAL FINANCIAL ASSISTANCE PROVIDED BY THE STATE TO A COUNTY BOARD UNDER THE FOLLOWING PROGRAMS:

(I) FUNDING FOR THE FOUNDATION PROGRAM INCLUDING FUNDS FOR THE GEOGRAPHIC COST OF EDUCATION UNDER THIS SECTION;

(II) TRANSPORTATION AID UNDER § 5–205 OF THIS SUBTITLE;

(III) FUNDING FOR COMPENSATORY EDUCATION UNDER § 5–207 OF THIS SUBTITLE;

(IV) FUNDING FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY UNDER § 5–208 OF THIS SUBTITLE;

(V) FUNDING FOR SPECIAL EDUCATION STUDENTS UNDER § 5–209 OF THIS SUBTITLE;

(VI) FUNDING FOR THE GUARANTEED TAX BASE PROGRAM UNDER § 5–210 OF THIS SUBTITLE; AND

(VII) FUNDING FOR GRANTS PROVIDED UNDER THIS SUBSECTION.

(2) FOR FISCAL YEAR 2012 ONLY, IF A COUNTY BOARD'S TOTAL DIRECT EDUCATION AID IN THE CURRENT FISCAL YEAR IS LESS THAN THE PRIOR FISCAL YEAR BY MORE THAN 6.5%, THEN THE STATE SHALL PROVIDE A GRANT TO THE COUNTY BOARD IN AN AMOUNT NECESSARY TO ENSURE THAT A DECREASE IN TOTAL DIRECT EDUCATION AID IS NOT MORE THAN 6.5%.

5–206.

(f) (1) In fiscal year 2006 and in each fiscal year thereafter, the State shall distribute grants **FROM AN APPROPRIATION IN THE STATE BUDGET OR GENERAL OBLIGATION BONDS** 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.

8–507.

(A) IN THIS SECTION, "BASIC COST" MEANS THE AVERAGE AMOUNT SPENT BY A COUNTY *BOARD* FROM COUNTY AND STATE ~~DOLLARS~~ FUNDS FOR THE PUBLIC EDUCATION OF A NONDISABLED CHILD.

(B) A COUNTY *BOARD* SHALL REIMBURSE THE DEPARTMENT OF JUVENILE SERVICES OR THE DEPARTMENT OF HUMAN RESOURCES THE AMOUNT OF THE BASIC COST CALCULATED UNDER SUBSECTION (A) OF THIS SECTION FOR EACH CHILD WHO WAS DOMICILED IN THE COUNTY PRIOR TO THE PLACEMENT IF:

(1) THE DEPARTMENT OF JUVENILE SERVICES OR THE DEPARTMENT OF HUMAN RESOURCES PLACES A CHILD WHO IS IN STATE–SUPERVISED CARE IN A NONPUBLIC RESIDENTIAL PLACEMENT THAT ALSO PROVIDES THE EDUCATION PROGRAM FOR THE CHILD; ~~AND~~

(2) THE CHILD DOES NOT MEET THE CRITERIA FOR SHARED STATE AND LOCAL PAYMENT OF EDUCATIONAL COSTS AS PROVIDED IN §§ 8–406 AND 8–415 OF THIS TITLE*; AND*

***(3) THE CHILD WAS INCLUDED IN THE FULL–TIME EQUIVALENT ENROLLMENT OF THE COUNTY AS CALCULATED UNDER § 5–202 OF THIS ARTICLE*.**

11–105.

(o) (1) The Commission may require an application fee from an institution of postsecondary education seeking **[**certification**]:**

(I) CERTIFICATION to operate in the State**; OR**

(II) ~~APPROVAL~~ EXCEPT FOR ACTIONS RELATING TO PROGRAMS OFFERED AT A REGIONAL HIGHER EDUCATION CENTER, APPROVAL OF ANY ACADEMIC PROGRAM ACTION TAKEN UNDER SUBTITLE 2 OF THIS TITLE.

(2) **(I) THE REVENUES FROM APPLICATION FEES SHALL BE DISTRIBUTED TO A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE SPECIAL FUND MAY BE USED ONLY TO CARRY OUT THE PROVISIONS OF SUBTITLE 2 OF THIS TITLE.

(III) AT THE END OF EACH FISCAL YEAR, ANY AMOUNT IN EXCESS OF $100,000 SHALL REVERT TO THE GENERAL FUND.

(IV) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND.

(3) Subject to the provisions of § 11–203 of this title, the Commission may require bonds or other financial guaranties from institutions of postsecondary education seeking certification or recertification to operate in the State.

16–305.

(c) (1) (i) The total State operating fund per full–time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:

1. In fiscal year 2009, not less than an amount equal to 26.25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

2. In fiscal year 2010, not less than an amount equal to 23.6% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

3. In fiscal year 2011, not less than an amount equal to 21.8% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

4. In fiscal year 2012, not less than an amount equal to 20% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

5. In fiscal year 2013, not less than an amount equal to **[**21%**]** ~~**18.5%**~~ ***19%*** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

6. In fiscal year 2014, not less than an amount equal to **[**22%**]** ~~**18.5%**~~ ***19%*** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

7. In fiscal year 2015, not less than an amount equal to **[**23%**]** **19.5%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

8. In fiscal year 2016, not less than an amount equal to **[**24%**]** ~~**20.5%**~~ ***21%*** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

9. In fiscal year 2017, not less than an amount equal to **[**25%**]** ~~**21.5%**~~ ***22%*** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated

by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

10. In fiscal year 2018, not less than an amount equal to **[**26%**]** ~~**22.5%**~~ ***23%*** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

11. In fiscal year 2019, not less than an amount equal to **[**27%**]** ~~**23.5%**~~ ***24%*** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

12. In fiscal year 2020, not less than an amount equal to **[**28%**]** **25%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; **[**and**]**

13. IN FISCAL YEAR 2021, NOT LESS THAN AN AMOUNT EQUAL TO ~~**26.5%**~~ ***26%*** **OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;**

14. IN FISCAL YEAR 2022, NOT LESS THAN AN AMOUNT EQUAL TO ~~**28%**~~ ***27.5%*** **OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND**

[13.**]** **15.** In fiscal year **[**2021**]** **2023** and each fiscal year thereafter, not less than an amount equal to 29% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.

~~16.310.~~ 16–310.

(d) (1) ***(I)*** ***1.*** Notwithstanding subsection (b) of this section, ***SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH,*** if any student is a resident of this State and enrolls in an instructional program that the Commission designates as a health manpower shortage program or a statewide or regional program~~, the~~

A. ***THE*** student shall pay only the student tuition and fees payable by a resident of a county that supports the community college ~~and~~***; AND***

B. ***SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,*** the Commission shall pay any applicable out–of–county fee~~.~~ ***TO THE COMMUNITY COLLEGE.***

2. ***FOR A STUDENT WHO ATTENDS A COMMUNITY COLLEGE NOT SUPPORTED BY THE COUNTY IN WHICH THE STUDENT RESIDES, AT THE DISCRETION OF THE BOARD OF COMMUNITY COLLEGE TRUSTEES:***

A. ***THE COMMUNITY COLLEGE MAY CHARGE THE STUDENT ANY APPLICABLE OUT–OF–COUNTY FEE;***

B. ***SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL PAY THE AMOUNT OF ANY APPLICABLE OUT–OF–COUNTY FEE TO THE COMMUNITY COLLEGE; AND***

C. ***THE COMMUNITY COLLEGE SHALL REIMBURSE THE STUDENT THE AMOUNT RECEIVED FROM THE COMMISSION UNDER ITEM B OF THIS SUBSUBPARAGRAPH.***

(II) For any fiscal year **BEGINNING ON OR AFTER JULY 1, 2011**, if State appropriations to the Commission for payment of any applicable out–of–county fee under this paragraph do not provide sufficient funds to fully reimburse applicable out–of–county fees, **[**the Governor shall include in the budget bill for the next fiscal year a deficiency appropriation to provide the additional funds to fully reimburse the out–of–county fees**]** **THE COMMISSION SHALL PRORATE THE REIMBURSEMENT FOR THE OUT–OF–COUNTY FEES**.

16–512.

(a) (1) The total State operating fund per full–time equivalent student appropriated to Baltimore City Community College for each fiscal year as requested by the Governor shall be:

(i) In fiscal year 2009, not less than an amount equal to 67.25% of the State's General Fund appropriation per full–time equivalent student to the 4–year

public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(ii) In fiscal year 2010, not less than an amount equal to 65.1% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iii) In fiscal year 2011, not less than an amount equal to 65.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iv) In fiscal year 2012, not less than an amount equal to 63% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(v) In fiscal year 2013, not less than an amount equal to 63.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(vi) In fiscal year 2014, not less than an amount equal to 64% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(vii) In fiscal year 2015, not less than an amount equal to 64.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(viii) In fiscal year 2016, not less than an amount equal to ***[****65%****]*** ***64.75%*** *of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;*

(ix) In fiscal year 2017, not less than an amount equal to ***[65.5%] 65.25%*** *of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;*

(x) In fiscal year 2018, not less than an amount equal to ***[66%] 65.75%*** *of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;*

(xi) In fiscal year 2019, not less than an amount equal to ***[66.5%] 66.25%*** *of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;*

(xii) In fiscal year 2020, not less than an amount equal to ***[67.5%] 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 same fiscal year;*

(XIII) IN FISCAL YEAR 2021, NOT LESS THAN AN AMOUNT EQUAL TO 67.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(XIV) IN FISCAL YEAR 2022, NOT LESS THAN AN AMOUNT EQUAL TO 68% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; *and*

[(xiii)] (XV) *In fiscal year* ***[2021] 2023*** *and each fiscal year thereafter, not less than an amount equal to 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 same fiscal year.*

17–104.

(a) (1) Except as provided in paragraph (2) of this subsection, the Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying the number of full–time equivalent students enrolled at the institution during the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission by:

(i) In fiscal year 2009, an amount not less than 16% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the preceding fiscal year;

(ii) In fiscal year 2010, an amount not less than 12.85% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in the State for the same fiscal year;

(iii) In fiscal year 2011, an amount not less than 9.8% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(iv) In fiscal year 2012, an amount not less than 9.2% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(v) In fiscal year 2013, an amount not less than **[**10%**]** ~~**9.5%**~~ ***9.7%*** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(vi) In fiscal year 2014, an amount not less than **[**10.5%**]** **10%** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(vii) In fiscal year 2015, an amount not less than **[**11%**]** ~~**10.5%**~~ ***10.6%*** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(viii) In fiscal year 2016, an amount not less than **[**11.5%**]** ~~**11%**~~ ***11.1%*** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(ix) In fiscal year 2017, an amount not less than 12% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(x) In fiscal year 2018, an amount not less than 13% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(xi) In fiscal year 2019, an amount not less than 14% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(xii) In fiscal year 2020, an amount not less than 15% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year; and

(xiii) In fiscal year 2021 and each fiscal year thereafter, an amount not less than 15.5% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year.

(b) ***(1)*** *Full–time equivalent students enrolled in seminarian or theological programs shall be excluded from the computation required by subsection (a) of this section.*

(2) FULL–TIME EQUIVALENT STUDENTS ENROLLED IN PROGRAMS THAT ARE PART OF AN AGREEMENT OR CONTRACT WITH FOR–PROFIT EDUCATIONAL SERVICES ENTITIES SHALL BE EXCLUDED FROM THE COMPUTATION REQUIRED BY SUBSECTION (A) OF THIS SECTION.

18–107.

(a) (1) Each year, money for each student financial assistance program administered by the Office 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.

(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**]** **SHALL BE DEPOSITED IN THE NEED–BASED STUDENT FINANCIAL ASSISTANCE FUND**.

[(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, 18–1501, and 18–2601 of this title and may not be used for administrative expenses.**]**

(C) (1) IN THIS SUBSECTION, "FUND" MEANS THE NEED–BASED STUDENT FINANCIAL ASSISTANCE FUND.

(2) THERE IS A NEED–BASED STUDENT FINANCIAL ASSISTANCE FUND.

(3) THE PURPOSE OF THE FUND IS TO ALLOW MONEY APPROPRIATED FOR STUDENT FINANCIAL ASSISTANCE PROGRAMS THAT IS NOT USED IN A FISCAL YEAR TO BE RETAINED FOR NEED–BASED AWARDS IN FUTURE FISCAL YEARS.

(4) THE COMMISSION SHALL ADMINISTER THE FUND.

(5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(6) THE FUND CONSISTS OF:

(I) MONEY DISTRIBUTED TO THE FUND UNDER SUBSECTION (B) OF THIS SECTION; AND

(II) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(7) (I) THE FUND MAY BE USED ONLY FOR MAKING NEED–BASED FINANCIAL ASSISTANCE AWARDS TO STUDENTS AS PROVIDED IN §§ 18–301, 18–601, 18–604, 18–706(F), 18–1401, 18–14A–01, 18–1501, AND 18–2601 OF THIS TITLE.

(II) THE FUND MAY NOT BE USED FOR ADMINISTRATIVE EXPENSES.

(8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(II) ANY INVESTMENT EARNINGS ON THE FUNDS IN THE ACCOUNT SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

(9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

18–1107.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION MAY NOT AWARD ANY NEW SCHOLARSHIPS UNDER THIS SUBTITLE FOR THE 2011–2012 ACADEMIC YEAR OR FOR ANY SUBSEQUENT ACADEMIC YEAR.

22–306.1.

(A) IN THIS SECTION, "BASIC COST" MEANS THE AVERAGE AMOUNT SPENT BY A COUNTY *BOARD* FROM COUNTY AND STATE FUNDS FOR THE PUBLIC EDUCATION OF A NONDISABLED CHILD.

(B) A COUNTY *BOARD* SHALL REIMBURSE THE DEPARTMENT OF JUVENILE SERVICES THE AMOUNT OF THE BASIC COST CALCULATED UNDER SUBSECTION (A) OF THIS SECTION FOR EACH CHILD WHO WAS DOMICILED IN THE COUNTY PRIOR TO THE PLACEMENT IF THE CHILD:

(1) IS COMMITTED TO THE DEPARTMENT OF JUVENILE SERVICES AND IS IN A PROGRAM AT A FACILITY OR A RESIDENTIAL FACILITY;

(2) IS NOT IN DETENTION OR AWAITING PLACEMENT AFTER DISPOSITION; ~~AND~~

(3) DOES NOT MEET THE CRITERIA FOR SHARED STATE AND LOCAL PAYMENT OF EDUCATIONAL COSTS AS PROVIDED IN §§ 8–406 AND 8–415 OF THIS ARTICLE*; AND*

(4) WAS INCLUDED IN THE FULL–TIME EQUIVALENT ENROLLMENT OF THE COUNTY AS CALCULATED UNDER § 5–202 OF THIS ARTICLE.

23–205.

(c) (1) Each year each participating regional resource center shall receive a minimum amount of funding for each resident of the area served, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) **[**For fiscal year 2009.....$6.50 per each resident of the area served;

(ii) For fiscal year 2010.....$6.75 per each resident of the area served;

(iii)**]** For **EACH OF** fiscal **[**year**]** **YEARS** 2011 **THROUGH 2016**.....$6.75 per each resident of the area served; **[**and**]**

(II) FOR FISCAL YEAR 2017.....**$7.00 PER EACH RESIDENT OF THE AREA SERVED;**

(III) FOR FISCAL YEAR 2018.....**$7.25 PER EACH RESIDENT OF THE AREA SERVED; AND**

(iv) For fiscal year **[**2012**]** **2019** and each fiscal year thereafter.....$7.50 per each resident of the area served.

(d) (1) Each year the State Library Resource Center shall receive a minimum amount of funding for each State resident in the previous fiscal year, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) **[**For fiscal year 2009.....$1.85 per State resident;

(ii)**]** For each of fiscal years 2010 **[**and 2011**]** **THROUGH 2016**.....$1.67 per State resident; **[**and**]**

(II) FOR FISCAL YEAR 2017.....$1.73 PER STATE RESIDENT;

(III) FOR FISCAL YEAR 2018.....$1.79 PER STATE RESIDENT; AND

[(iii)**] (IV)** For fiscal year **[**2012**]** **2019** 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 2009 – $14.00;

(ii) For fiscal year 2010 – $14.00;

(iii)**]** For **EACH OF** fiscal **[**year**]** **YEARS** 2011 **THROUGH 2016** – $14.00; **[**and**]**

(II) FOR FISCAL YEAR 2017 – $14.30;

(III) FOR FISCAL YEAR 2018 – $14.60; AND

(iv) For fiscal year **[**2012**] 2019** and each fiscal year thereafter – $15.00.

Article – Financial Institutions

13–1114.

(g) (3) (i) Up to 10% of Program Open Space funds transferred to the Authority may be used to pay the operating expenses of the Authority.

(ii) Up to 50% of Program Open Space funds transferred to the Authority may be expended for debt service on bonds issued by the Authority.

(III) FOR FISCAL YEAR 2012 ONLY, AN ADDITIONAL ~~$500,000~~ ~~$140,000~~ *$500,000* OF PROGRAM OPEN SPACE FUNDS TRANSFERRED TO THE AUTHORITY MAY BE USED TO PAY OPERATING EXPENSES IN THE DEPARTMENT OF PLANNING.

~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 14–401(b), (d), and (e), 14–402(b), (c), and (d), and 14–403 through 14–410 of Article – Health – General of the Annotated Code of Maryland be repealed.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

Article – Health – General

4–217.

(c) (1) Except as otherwise provided by law**[**, the**]:**

(I) THE Department shall collect a $12 fee:

[(i)**] 1.** For each certified or abridged copy of a **[**birth,**]** death, fetal death, marriage, or divorce verification certificate;

[(ii)**] 2.** For a report that a search of the **DEATH, FETAL DEATH, MARRIAGE, OR DIVORCE VERIFICATION CERTIFICATE** files was made and the requested record is not on file;

[(iii)**]** **3.** For each change to a **DEATH, FETAL DEATH, MARRIAGE, OR DIVORCE VERIFICATION** certificate made later than one year after the certificate has been registered with the Department; or

[(iv)**]** **4.** To process an adoption, foreign adoption, or legitimation**; AND**

(II) THE DEPARTMENT SHALL COLLECT A $24 FEE:

1. FOR EACH CERTIFIED OR ABRIDGED COPY OF A BIRTH CERTIFICATE;

2. FOR A REPORT THAT A SEARCH OF THE BIRTH CERTIFICATE FILES WAS MADE AND THE REQUESTED RECORD IS NOT ON FILE; OR

3. FOR EACH CHANGE TO A BIRTH CERTIFICATE MADE LATER THAN 1 YEAR AFTER THE CERTIFICATE HAS BEEN REGISTERED WITH THE DEPARTMENT.

(3) (i) Any local health department may set and collect a fee for processing and issuing a birth certificate, or for a report that a search of the files was made and the requested record is not on file, that covers:

1. The administrative costs of providing this service; and

2. The requirements of subparagraph (iii) of this paragraph.

(ii) The fee set by the local health department for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph may not exceed the actual costs to the local health department for processing and issuing a birth certificate or a report.

(iii) From the fee the local health department collects under subparagraph (i) of this paragraph, **[**$10**]** **$20** shall be transferred to the General Fund.

(iv) Prior to setting and collecting a fee for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph, the local health department shall enter into a memorandum of understanding with the Department of Health and Mental Hygiene that outlines the local health department's fee structure.

~~7–306.1.~~

~~(d) **(1)** Subject to the provisions of subsections (c), (f), and (g) of this section, the Administration shall provide payment to private providers for the services provided from the funds designated in subsection (c) of this section in accordance with the following payment schedule:~~

~~**[**(1)**]** **(I)** On or before the third business day of the fiscal quarter beginning July 1, **[**33%**] 17%** of the total annual amount to be paid to the provider;~~

~~**[**(2) On or before the third business day of the fiscal quarter beginning October 1, 25% of the total annual amount to be paid to the provider;~~

~~(3) On or before the third business day of the fiscal quarter beginning January 1, 25% of the total annual amount to be paid to the provider; and~~

~~(4) On or before the third business day of the fiscal quarter beginning April 1, 17% of the total annual amount to be paid to the provider**]AND**~~

~~**(II) THEREAFTER, MONTHLY FOR SERVICES THAT HAVE BEEN PROVIDED DURING THE PREVIOUS MONTH, IN AN AMOUNT AS DETERMINED BY THE ADMINISTRATION.**~~

~~**(2) TOTAL PAYMENTS UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION MAY NOT EXCEED THE TOTAL AMOUNT TO BE PAID TO THE PROVIDER.**~~

~~14–401.~~

~~**(B) "ACCREDITATION ORGANIZATION" MEANS A PRIVATE ENTITY THAT CONDUCTS INSPECTIONS AND SURVEYS OF YOUTH CAMPS BASED ON NATIONALLY RECOGNIZED AND DEVELOPED STANDARDS.**~~

~~14–402.~~

~~(a) This subtitle and the regulations issued under this subtitle do not apply to:~~

~~(1) Purely social activities of a family or the guests of a family;~~

~~(2) **[**Subject to subsection (b) of this section, programs**] PROGRAMS** or activities directed or operated by a board of recreation, recreation department, or similar public unit of a county, a municipal corporation, as defined by Article 23A of the Code, or the Maryland–National Capital Park and Planning Commission, that involve use of neighborhood facilities, including:~~

~~(i) Schools;~~

~~(ii) Playgrounds;~~

~~(iii) Parks; or~~

~~(iv) Recreation centers;~~

~~(3) [Subject to subsection (c) of this section, programs] PROGRAMS or activities directed or operated by an agency of the State that involve occasional use of public facilities including:~~

~~(i) Schools;~~

~~(ii) Playgrounds;~~

~~(iii) Parks; or~~

~~(iv) Recreation centers; or~~

~~(4) Youth overnight programs sponsored by religious or community organizations operating or conducted for not more than 5 consecutive days during any 1 calendar year, such as a vacation bible school, youth bike trip, and similar activities.~~

~~(B) EACH LOCAL GOVERNMENT SHALL ADOPT HEALTH AND SAFETY STANDARDS PERTAINING TO THE OPERATION OF YOUTH CAMPS.~~

~~14–403.~~

~~THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SUBTITLE.~~

~~14–404.~~

~~(A) EACH YOUTH CAMP OPERATED IN THIS STATE SHALL BE ACCREDITED BY AN ACCREDITATION ORGANIZATION.~~

~~(B) THE SECRETARY SHALL MAINTAIN A LIST OF ACCREDITED YOUTH CAMPS.~~

~~14–405.~~

~~(A) AN ACCREDITATION ORGANIZATION SHALL APPLY TO THE SECRETARY FOR APPROVAL.~~

~~(B) PRIOR TO APPROVAL OF AN ACCREDITATION ORGANIZATION, THE SECRETARY SHALL:~~

~~(1) DETERMINE THAT THE STANDARDS OF THE ACCREDITATION ORGANIZATION ARE EQUAL TO OR MORE STRINGENT THAN EXISTING STATE REQUIREMENTS;~~

~~(2) EVALUATE THE SURVEY OR INSPECTION PROCESS OF THE ACCREDITATION ORGANIZATION TO ENSURE THE INTEGRITY OF THE SURVEY OR INSPECTION PROCESS; AND~~

~~(3) ENTER INTO A FORMAL WRITTEN AGREEMENT WITH THE ACCREDITATION ORGANIZATION THAT INCLUDES REQUIREMENTS FOR:~~

~~(I) NOTICE OF ALL SURVEYS AND INSPECTIONS;~~

~~(II) SHARING OF COMPLAINTS AND OTHER RELEVANT INFORMATION;~~

~~(III) PARTICIPATION OF THE DEPARTMENT IN ACCREDITATION ORGANIZATION ACTIVITIES; AND~~

~~(IV) ANY OTHER PROVISION NECESSARY TO ENSURE THE INTEGRITY OF THE ACCREDITATION PROCESS.~~

~~(C) (1) WHEN AN APPROVED ACCREDITATION ORGANIZATION HAS ISSUED A FINAL REPORT FINDING A YOUTH CAMP TO BE IN SUBSTANTIAL COMPLIANCE WITH THE ACCREDITATION ORGANIZATION'S STANDARDS, THE SECRETARY SHALL ADD THE YOUTH CAMP TO THE LIST OF ACCREDITED YOUTH CAMPS.~~

~~(2) A YOUTH CAMP THAT FAILS TO ACHIEVE SUBSTANTIAL COMPLIANCE WITH THE STANDARDS OF AN APPROVED ACCREDITATION ORGANIZATION MAY NOT OPERATE IN THIS STATE.~~

~~(D) (1) AN APPROVED ACCREDITATION ORGANIZATION SHALL SEND THE DEPARTMENT ANY PRELIMINARY AND FINAL REPORT OF EACH INSPECTION AND SURVEY AT THE TIME IT IS SENT TO THE YOUTH CAMP.~~

~~(2) A FINAL REPORT OF AN APPROVED ACCREDITATION ORGANIZATION SHALL BE MADE IMMEDIATELY AVAILABLE TO THE PUBLIC ON REQUEST.~~

~~(3) A PRELIMINARY OR FINAL REPORT OF AN APPROVED ACCREDITATION ORGANIZATION IS NOT ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION OR PROCEEDING.~~

~~(E) THE DEPARTMENT MAY PARTICIPATE IN OR OBSERVE A SURVEY OR INSPECTION OF A YOUTH CAMP CONDUCTED BY AN APPROVED ACCREDITATION ORGANIZATION.~~

~~(F) ON A DETERMINATION BY THE SECRETARY THAT AN APPROVED ACCREDITATION ORGANIZATION HAS FAILED TO MEET ITS OBLIGATIONS UNDER THIS SECTION, THE SECRETARY MAY WITHDRAW THE APPROVAL FROM THE ACCREDITATION ORGANIZATION.~~

~~[14–411.] 14–406.~~

~~This subtitle may be cited as the "Maryland Youth Camp Act".~~

15–702.

(A) THE DEPARTMENT SHALL ENSURE THAT PUBLICLY OWNED SPECIALTY HOSPITALS PAY AN ASSESSMENT THAT IS COMPARABLE TO ANY UNIFORM ASSESSMENTS IMPOSED BY THE HEALTH SERVICES COST REVIEW COMMISSION ON SPECIALTY HOSPITALS UNDER § 19–214(D) OF THIS ARTICLE OR UNDER SECTION 16 OF CHAPTER 397 (H.B. 72) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2011.

(B) REVENUES GENERATED FROM ANY ASSESSMENTS AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE USED FOR THE GENERAL OPERATIONS OF THE MEDICAID PROGRAM.

19–214.

~~(b) The Commission may adopt regulations establishing alternative methods for financing the reasonable total costs of hospital uncompensated care **AND HOSPITAL GRADUATE MEDICAL EDUCATION** provided that the alternative methods:~~

~~(1) Are in the public interest;~~

~~(2) Will equitably distribute the reasonable costs of uncompensated care **AND GRADUATE MEDICAL EDUCATION**;~~

~~(3) Will fairly determine the cost of reasonable uncompensated care **AND GRADUATE MEDICAL EDUCATION** included in hospital rates;~~

~~(4) Will continue incentives for hospitals to adopt fair, efficient, and effective credit and collection policies; and~~

~~(5) Will not result in significantly increasing costs to Medicare or the loss of Maryland's Medicare Waiver under § 1814(b) of the Social Security Act.~~

~~(c) Any funds generated through hospital rates under an alternative method adopted by the Commission in accordance with subsection (b) of this section may only be used to finance the delivery of hospital uncompensated care **AND HOSPITAL GRADUATE MEDICAL EDUCATION.**~~

~~(d) (1) Each year, the Commission shall assess a uniform, broad–based, and reasonable amount in hospital rates to:~~

~~(i) Reflect the aggregate reduction in hospital uncompensated care realized from the expansion of health care coverage under Chapter 7 of the Acts of the 2007 Special Session of the General Assembly; **[**and**]**~~

~~**(II) SUPPORT THE GENERAL OPERATIONS OF THE MEDICAID PROGRAM; AND**~~

~~**[**(ii)**] (III)** Operate and administer the Maryland Health Insurance Plan established under Title 14, Subtitle 5 of the Insurance Article.~~

~~(2) (i) For the portion of the assessment under paragraph (1)(i) of this subsection:~~

~~1. The Commission shall ensure that the assessment amount does not exceed the **GREATER OF:**~~

~~**A. THE TOTAL** savings realized in averted hospital uncompensated care from the health care coverage expansion**; OR**~~

~~**B. 1.5% OF HOSPITAL NET PATIENT REVENUE**; **[**and**]**~~

~~2. **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL REQUIRE THAT ASSESSMENTS ARE PAID BY ALL ACUTE CARE AND SPECIALTY HOSPITALS LICENSED BY THE DEPARTMENT, INCLUDING PUBLICLY OPERATED HOSPITALS; AND**~~

~~**3.** Each hospital shall remit its assessment amount to the Health Care Coverage Fund established under § 15–701 of this article.~~

~~**(II) EXCEPT AS PROHIBITED BY FEDERAL LAW OR REGULATION, THE COMMISSION MAY EXEMPT SPECIALTY HOSPITALS NOT SUBJECT TO RATE REGULATION BY THE COMMISSION FROM THE PORTION OF THE ASSESSMENT UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.**~~

~~**[**(ii)**] (III)** Any savings realized in averted uncompensated care as a result of the expansion of health care coverage under Chapter 7 of the Acts of the~~

~~2007 Special Session of the General Assembly that are not subject to the assessment under paragraph (1)(i) of this subsection shall be shared among purchasers of hospital services in a manner that the Commission determines is most equitable.~~

~~(3)~~ ~~**(I)**~~ ~~**FOR THE PORTION OF THE ASSESSMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION:**~~

~~**1.**~~ ~~**THE COMMISSION SHALL ENSURE THAT THE ASSESSMENT AMOUNT EQUALS 2.5% OF NET PATIENT REVENUE AND THAT ASSESSMENT COSTS ARE SHARED AMONG HOSPITALS AND PURCHASERS OF HOSPITAL SERVICES IN A MANNER THAT THE COMMISSION DETERMINES IS MOST EQUITABLE;**~~

~~**2.**~~ ~~**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL ENSURE THAT ASSESSMENTS ARE PAID BY ALL ACUTE CARE AND SPECIALTY HOSPITALS OPERATING IN THE STATE, INCLUDING PUBLICLY OPERATED HOSPITALS; AND**~~

~~**3.**~~ ~~**EACH HOSPITAL SHALL REMIT ITS ASSESSMENT AMOUNT TO THE DEPARTMENT.**~~

~~**(II)**~~ ~~**EXCEPT AS PROHIBITED BY FEDERAL LAW OR REGULATION, THE COMMISSION MAY EXEMPT SPECIALTY HOSPITALS NOT SUBJECT TO RATE REGULATION BY THE COMMISSION FROM THE PORTION OF THE ASSESSMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.**~~

~~**(4)**~~ ~~For the portion of the assessment under paragraph (1)(ii) of this subsection:~~

~~(i)~~ ~~The Commission shall ensure that the assessment:~~

~~1.~~ ~~Shall be included in the reasonable costs of each hospital when establishing the hospital's rates;~~

~~2.~~ ~~May not be considered in determining the reasonableness of rates or hospital financial performance under Commission methodologies; and~~

~~3.~~ ~~May not be less as a percentage of net patient revenue than the assessment of 0.8128% that was in existence on July 1, 2007; and~~

~~(ii)~~ ~~Each hospital shall remit monthly one-twelfth of the amount assessed under paragraph (1)(ii) of this subsection to the Maryland Health Insurance Plan Fund established under Title 14, Subtitle 5 of the Insurance Article, for the purpose of operating and administering the Maryland Health Insurance Plan.~~

~~[(4)] (5) The assessment authorized under paragraph (1) of this subsection may not exceed [3%] 6% in the aggregate of any hospital's total net [regulated] patient revenue.~~

~~[(5)] (6) Funds generated from the assessment under this subsection may be used only as follows:~~

~~(i) To supplement coverage under the Medical Assistance Program beyond the eligibility requirements in existence on January 1, 2008;~~

~~(ii) 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.~~

(d) (2) (i) For the portion of the assessment under paragraph (1)(i) of this subsection:

1. The Commission shall ensure that the assessment amount [does not exceed the savings realized in averted hospital uncompensated care from the health care coverage expansion] **EQUALS 1.25% OF PROJECTED REGULATED NET PATIENT REVENUE**; and

2. Each hospital shall remit its assessment amount to the Health Care Coverage Fund established under § 15–701 of this article.

(e) On or before January 1 each year, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly the following information:

(1) The aggregate reduction in hospital uncompensated care realized from the expansion of health care coverage under Chapter 7 of the Acts of the General Assembly of the 2007 Special Session **AND PUBLIC LAW NO. 111–148 (THE PATIENT PROTECTION AND AFFORDABLE CARE ACT)**; and

(2) The number of individuals who enrolled in Medicaid as a result of the change in eligibility standards under § 15–103(a)(2)(ix) and (x) of this article and the expenses associated with the utilization of hospital inpatient care by these individuals.

19–310.1.

(b) (1) The Department may impose a quality assessment on each freestanding nursing facility subject to this section.

(2) The amount assessed in the aggregate on all nursing facilities may not exceed **[**4%**] 5.5%** of the operating revenue for all nursing facilities subject to this section for the previous fiscal quarter.

(3) The assessment authorized by this section shall be paid by each nursing facility in accordance with this section.

21–308.

(b) (1) For any license issued for which the authority to conduct a program under this subtitle has been delegated to a county health department:

(i) A county governing body or the Mayor and City Council of Baltimore City may and the Anne Arundel County Council shall provide for a license fee schedule based on the anticipated cost of licensing, inspecting, and regulating food establishments and may provide for exemptions from the license fee schedule; and

(ii) All license fees shall be paid to the local health department or chief financial officer of the county governing body or Baltimore City.

(2) Except in Anne Arundel County, Baltimore City, Montgomery County, and Prince George's County, a license fee under this subsection may not exceed**[**:

(i) $300; or

(ii)**]** $70 for a seasonal food processing operation that:

[1.**] (I)** Uses only food that is grown on the property of the licensee; and

[2.**] (II)** Is in operation for not more than a 3–month continuous period in the calendar year.

(3) A seasonal food processing operation may obtain a food establishment license for a fee of $70 under paragraph **[**(2)(ii)**] (2)** of this subsection only twice in a calendar year.

Article – Insurance

6–101.

(a) The following persons are subject to taxation under this subtitle:

(1) a person engaged as principal in the business of writing insurance contracts, surety contracts, guaranty contracts, or annuity contracts;

(2) a managed care organization authorized by Title 15, Subtitle 1 of the Health – General Article;

(3) a for–profit health maintenance organization authorized by Title 19, Subtitle 7 of the Health – General Article;

(4) an attorney in fact for a reciprocal insurer;

(5) the Maryland Automobile Insurance Fund; **[**and**]**

(6) a credit indemnity company**; AND**

(7) THE INJURED WORKERS' INSURANCE FUND.

14–106.

(d) (1) Notwithstanding subsection (c) of this section, a nonprofit health service plan that is subject to this section and issues comprehensive health care benefits in the State shall:

(iv) subsidize the **[**Maryland Pharmacy Discount Program under § 15–124.1**] KIDNEY DISEASE PROGRAM UNDER TITLE 13, SUBTITLE 3** of the Health – General Article; and

(2) (i) **[**The**] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** support provided under **[**paragraph (1)(v)1, 3, and 4 of**] PARAGRAPH (1)(IV) AND (V) OF** this subsection to the ~~**DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE**~~ Community Health Resources Commission **AND THE KIDNEY DISEASE PROGRAM** shall be **[**limited to:

1. $2,000,000 in fiscal year 2006; and

2. in fiscal year 2007 and annually thereafter,**]** the value of the premium tax exemption less**[**:

A.**]** the subsidy required under this subsection for the Senior Prescription Drug Assistance Program**[**;

B. the subsidy required under this subsection for the Maryland Pharmacy Discount Program; and

C. the funding required under this subsection for the unified data information system.

(ii) The subsidy provided under paragraph (1)(iv) of this subsection for the Maryland Pharmacy Discount Program shall be limited to:

1. $500,000 in fiscal year 2006; and

2. $300,000 in fiscal year 2007 and annually thereafter.

(iii) The amount provided under paragraph (1)(v)2 of this subsection to fund a unified data information system shall be limited to:

1. $500,000 in fiscal year 2006; and

2. $1,700,000 in fiscal year 2007 and annually thereafter**]**.

(II) ~~FOR EACH OF FISCAL YEARS 2012 AND 2013, THE~~ THE SUBSIDY PROVIDED UNDER THIS SUBSECTION TO ~~THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR~~ THE COMMUNITY HEALTH RESOURCES COMMISSION MAY NOT BE LESS THAN:

1. $3,000,000 FOR EACH OF FISCAL YEARS 2012 AND 2013; AND

2. $8,000,000 FOR FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER.

14–106.1.

Beginning in fiscal year 2006, a nonprofit health service plan shall transfer funds in the amounts provided under § 14–106(d)(2) of this subtitle to ~~THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR~~:

(1) the Community Health Resources Commission Fund established under § 19–2201 of the Health – General Article to support the costs of the Community Health Resources Commission as provided in § 14–106(d)(1)(v) of this subtitle; and

(2) **[**the Department of Health and Mental Hygiene to subsidize the Maryland Pharmacy Discount Program under § 15–124.1 of the Health – General Article**]** **THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE KIDNEY DISEASE PROGRAM UNDER TITLE 13, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE**.

Article – Labor and Employment

10–105.

(a) Except for Title 3, Subtitle 1, **[**Title 6, Subtitle 1,**]** Title 8, Subtitle 3, and Title 11 of the Insurance Article and as otherwise provided by law, the Fund is subject to the Insurance Article to the same extent as an authorized domestic workers' compensation insurer.

Article – Natural Resources

3–103.

(h) (1) The Service **[**may**]:**

(I) MAY create **[**and establish 1 or more project reserve funds in such amounts as the Board considers appropriate**], *INCLUDING* THE FOLLOWING PROJECT RESERVE FUNDS:**

1. AN EASTERN CORRECTIONAL INSTITUTION STEAM TURBINE CONTINGENCY FUND;

2. A DEPARTMENT OF NATURAL RESOURCES PROJECT CONTINGENCY FUND; AND

3. A REIMBURSABLE PROJECT CONTINGENCY FUND; and

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, may pay into such funds:

[(i)**] 1.** Any moneys appropriated and made available by the State for the purposes of such funds;

[(ii)**] 2.** Any proceeds from the sale of bonds or notes, to the extent provided in the resolution authorizing the issuance of the bonds or notes;

[(iii)**] 3.** Revenues derived from a project of the Service; and

[(iv)**] 4.** Any other moneys which may be received by or otherwise made available to the Service from any other source or sources which the Service has designated for deposit into such funds.

(2) Moneys held in or credited to a project reserve fund established under this subsection shall be used solely to accomplish the purposes of this subtitle,

as determined by the Board and**, SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,** may be retained by the Service in **[**any such fund from year to year as determined by the Service**]** **THE APPROPRIATE PROJECT RESERVE FUND BASED ON THE PROJECT FOR WHICH THE MONEY WAS** ~~**APPROPRIATED**~~ ***RECEIVED BY THE SERVICE***.

(3) (I) ***THE SERVICE MAY CREDIT TO A PROJECT RESERVE FUND ESTABLISHED UNDER PARAGRAPH (1)(I)1 THROUGH 3 OF THIS SUBSECTION ONLY MONEYS THAT ARE REIMBURSABLE TO THE STATE.***

(II) **THE SERVICE MAY NOT RETAIN MORE THAN:**

1. $1,500,000 IN THE EASTERN CORRECTIONAL INSTITUTION TURBINE PROJECT CONTINGENCY FUND;

2. $500,000 IN THE DEPARTMENT OF NATURAL RESOURCES PROJECT CONTINGENCY FUND; OR

3. $1,000,000 IN THE REIMBURSABLE PROJECT CONTINGENCY FUND.

~~**(II)**~~ ***(III)*** **IF** ***AT THE END OF A FISCAL YEAR*** **THE BALANCE IN A PROJECT RESERVE FUND EXCEEDS THE LIMITS STATED IN SUBPARAGRAPH** ~~**(I)**~~ ***(II)*** **OF THIS PARAGRAPH, THE SERVICE SHALL REVERT THE EXCESS TO THE** ***STATE*** **FUND FROM WHICH THE** ~~**APPROPRIATION TO THE SERVICE WAS MADE**~~ ***MONEYS IN THE PROJECT RESERVE FUND WERE ORIGINALLY APPROPRIATED.***

[(3)**]** **(4)** Moneys appropriated or made available to the Service by the State shall be expended in accordance with the provisions of this subtitle.

5–212.

~~(g) The Fund may be used only for:~~

~~(1) **[**(i)**]** Purchasing and managing in the name of the State lands suitable for forest culture, reserves, watershed protection, State parks, scenic preserves, historic monuments, parkways, and State recreational reserves; **[**and**]**~~

~~**[**(ii)**]** **(2)** Helping to offset the costs to the Forest and Park Service for developing and implementing a forest health emergency contingency program under § 5–307 of this title; AND~~

~~**[**(2) Annual payments to counties in the amount of:~~

~~(i) If the State forest or park reserve comprises less than 10% of the total land area of the county, a sum equal to 15% of the revenue derived from the State forest or park reserve located in that county; and~~

~~(ii) If the State forest or park reserve comprises 10% or more of the total land area of the county, a sum equal to 25% of the revenue derived from the State forest or park reserve located in that county; and~~**]**

~~(3) Administrative costs calculated in accordance with § 1–103(b)(2) of this article.~~

(g) **(1)** The Fund may be used only for:

[(1)**]** (i) **1.** Purchasing and managing in the name of the State lands suitable for forest culture, reserves, watershed protection, State parks, scenic preserves, historic monuments, parkways, and State recreational reserves; and

[(ii)**]** **2.** Helping to offset the costs to the Forest and Park Service for developing and implementing a forest health emergency contingency program under § 5–307 of this title;

[(2)**]** **(II)** **[**Annual**]** **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** payments to counties in the amount of:

[(i)**]** **1.** If the State forest or park reserve comprises less than 10% of the total land area of the county, a sum equal to 15% of the revenue derived from the State forest or park reserve located in that county; and

[(ii)**]** **2.** If the State forest or park reserve comprises 10% or more of the total land area of the county, a sum equal to 25% of the revenue derived from the State forest or park reserve located in that county; and

[(3)**]** **(III)** Administrative costs calculated in accordance with § 1–103(b)(2) of this article.

(2) FOR FISCAL YEARS 2012 AND 2013 ONLY, THE PAYMENTS UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE BASED ONLY ON THE REVENUE DERIVED FROM SALES OF TIMBER.

5–212.1.

~~(g)~~ ~~**[**(1)**]**~~ ~~**[**Except as provided in paragraph (2) of this subsection, the**]** **THE** Account shall be used only for:~~

~~**[**(i)**]** **(1)** The maintenance and operation of concession operations;~~

~~[(ii)] (2) The function of State forests and parks to the extent of the projected balance of the Account from the prior fiscal year; and~~

~~[(iii)] (3) Administrative costs calculated in accordance with § 1–103(b)(2) of this article.~~

(g) ~~[~~(2) **(I)** ~~Each~~ **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH** county in which any State forest or park is located shall be paid annually out of the Account:

~~(i)~~ **1.** If the State forest or park reserve comprises less than 10% of the total land area of the county, a sum equal to 15% of the net revenue derived from concession operations within a State forest or park located in that county; or

~~(ii)~~ **2.** If the State forest or park reserve comprises 10% or more of the total land area of the county, a sum equal to 25% of the net revenue derived from concession operations within a State forest or park located in that county.~~]~~

(II) FOR FISCAL YEARS 2012 AND 2013 ONLY, THE PAYMENTS UNDER SUBPARAGRAPH (I) OF THIS SUBSECTION MAY NOT BE MADE.

~~5–215.~~

~~(b) (1) There is a Deep Creek Lake Recreation Maintenance and Management Fund in the Department [for the maintenance and management of the land, recreational facilities, and services that are related to Deep Creek Lake in Garrett County].~~

~~(2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(c) (1) [Except as provided in paragraphs (2) and (4) of this subsection, the] THE Department shall pay INTO THE FUND:~~

~~(I) [all] ALL fees collected for boat launching at Deep Creek Lake State Park[, all]~~

~~(II) ALL funds collected from lake and buffer use permits[,]; AND~~

~~(III) ALL contracts, grants, and gifts as a result of the Deep Creek Lake management program[, and any investment earnings of the Fund, into the Fund].~~

~~(2) [At the end of each quarter of the fiscal year, the Department shall pay 25% of the total revenue collected during the quarter under paragraph (1) of this subsection to the Board of County Commissioners of Garrett County.~~

~~(3) (i) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.~~

~~(ii) Any investment earnings of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund.~~

~~(4)]~~ ~~Moneys in the Fund may be used for:~~

~~(I) THE MAINTENANCE AND MANAGEMENT OF THE LAND AND RECREATIONAL FACILITIES;~~

~~(II) SERVICES THAT ARE RELATED TO DEEP CREEK LAKE IN GARRETT COUNTY; AND~~

~~(III) [administrative] ADMINISTRATIVE costs calculated in accordance with § 1–103(b)(2) of this article.~~

5–903.

(a) (2) (v) For each of fiscal years 2010 [and 2011] **THROUGH 2013**, $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.

Article – State Finance and Procurement

3A–308.

(g) (1) The Secretary shall approve funding for major information technology development projects only when those projects are supported by an approved systems development life cycle plan.

(2) AN APPROVED SYSTEMS DEVELOPMENT LIFE CYCLE PLAN SHALL INCLUDE SUBMISSION OF:

(I) A PROJECT PLANNING REQUEST THAT DETAILS INITIAL PLANNING FOR THE PROJECT, INCLUDING:

1. THE PROJECT TITLE, APPROPRIATION CODE, AND SUMMARY;

2. A DESCRIPTION OF:

A. THE NEEDS ADDRESSED BY THE PROJECT;

B. THE POTENTIAL RISKS ASSOCIATED WITH THE PROJECT;

C. POSSIBLE ALTERNATIVES; AND

D. THE SCOPE AND COMPLEXITY OF THE PROJECT; AND

3. AN ESTIMATE OF:

A. THE TOTAL COSTS REQUIRED TO COMPLETE THROUGH PLANNING; AND

B. THE FUND SOURCES AVAILABLE TO SUPPORT PLANNING COSTS; AND

(II) A PROJECT IMPLEMENTATION REQUEST TO BEGIN FULL DESIGN, DEVELOPMENT, AND IMPLEMENTATION OF THE PROJECT AFTER THE COMPLETION OF PLANNING, INCLUDING:

1. THE PROJECT TITLE, APPROPRIATION CODE, AND SUMMARY;

2. A DESCRIPTION OF:

A. THE NEEDS ADDRESSED BY THE PROJECT;

B. THE POTENTIAL RISKS ASSOCIATED WITH THE PROJECT;

C. POSSIBLE ALTERNATIVES;

D. THE SCOPE AND COMPLEXITY OF THE PROJECT; AND

E. HOW THE PROJECT MEETS THE GOALS OF THE STATEWIDE MASTER PLAN; AND

3. AN ESTIMATE OF:

A. **THE TOTAL PROJECT COST; AND**

B. **THE FUND SOURCES AVAILABLE.**

[(2)**]** **(3)** The Secretary may approve funding incrementally, consistent with the systems development life cycle plan.

3A–309.

(e) Except as provided in subsection (f) of this section, the Fund consists of:

(1) money appropriated in the State budget to the Fund;

(2) money received from the sale, lease, or exchange of communication sites or communication frequencies for information technology purposes as approved by the Secretary;

(3) **[**money received as commissions, rebates, refunds, rate reductions, or telecommunication bypass agreements resulting from information technology services or purchases;

(4)**]** that portion of moneys earned from pay phone commissions to the extent that the commission rates exceed those in effect in December 1993;

[(5)**]** **(4)** money received and accepted as contributions, grants, or gifts as authorized under subsection (c) of this section;

[(6)**]** **(5)** general funds appropriated for major information technology development projects of any unit of State government other than a public institution of higher education that:

(i) are unencumbered and unexpended at the end of a fiscal year;

(ii) have been abandoned; or

(iii) have been withheld by the General Assembly or the Secretary;

[(7)**]** **(6)** any investment earnings; and

[(8)**]** **(7)** any other money from any source accepted for the benefit of the Fund.

6–226.

(a) **(1)** Except as otherwise specifically provided by law or by regulation of the Treasurer, the Treasurer shall credit to the General Fund any interest on or other income from State money that the Treasurer invests.

(2) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND UNLESS INCONSISTENT WITH A FEDERAL LAW, GRANT AGREEMENT, OR OTHER FEDERAL REQUIREMENT OR WITH THE TERMS OF A GIFT OR SETTLEMENT AGREEMENT, NET INTEREST ON ALL STATE MONEY ALLOCATED BY THE STATE TREASURER UNDER THIS SECTION TO SPECIAL FUNDS OR ACCOUNTS, AND OTHERWISE ENTITLED TO RECEIVE INTEREST EARNINGS, AS ACCOUNTED FOR BY THE COMPTROLLER, SHALL ACCRUE TO THE GENERAL FUND OF THE STATE.

(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH DO NOT APPLY TO THE FOLLOWING FUNDS:

1. MARYLAND HOUSING LOAN FUNDS OF 1976, 1978, 1979, AND 1984;

2. MICROSOFT COST SHARE FUND;

3. SUBSEQUENT INJURY FUND;

4. UNINSURED EMPLOYERS' FUND;

5. STATE AGENCY LOAN PROGRAM FUND;

6. JANE E. LAWTON CONSERVATION LOAN PROGRAM;

7. ENERGY OVERCHARGE RESTITUTION FUND;

8. PEPCO/CONNECTIV SETTLEMENT FUND;

9. BASEBALL CAPITAL IMPROVEMENTS FUND;

10. STATE VICTIMS OF CRIME FUND;

11. JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT FUND;

12. VICTIM AND WITNESS PROTECTION AND RELOCATION FUND;

13. UNCLAIMED RESTITUTION – VICTIMS OF CRIME;

14. JUSTICE ASSISTANCE GRANT;

15. BYRNE JUSTICE ASSISTANCE GRANT;

16. MARYLAND ELECTION MODERNIZATION FUND;

17. SCRIVEN ESTATE FUND;

18. VOLUNTEER COMPANY ASSISTANCE FUND;

19. RADOFF MEMORIAL FUND;

20. ARCHIVES ENDOWMENT ACCOUNT WITHIN THE ARCHIVES FUND;

21. ELLEFSON ENDOWMENT FUND;

22. ALBERT C. RITCHIE MEMORIAL FUND;

23. RATE STABILIZATION FUND;

24. MARYLAND HEALTH INSURANCE PLAN FUND;

25. FAIR CAMPAIGN FINANCING FUND;

26. STATE EMPLOYEES AND RETIREES HEALTH AND WELFARE BENEFITS FUND;

27. MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND;

28. STATE RETIREMENT AGENCY FUNDS;

29. POSTRETIREMENT HEALTH BENEFITS TRUST FUND;

30. MARYLAND EMERGENCY MEDICAL SYSTEM OPERATIONS FUND;

31. STATE WILDLIFE MANAGEMENT AND PROTECTION FUND;

32. FISHERIES MANAGEMENT AND PROTECTION FUND;

33. OCEAN BEACH REPLENISHMENT FUND;

34. COMMUNITY SERVICES TRUST FUND;

35. WAITING LIST EQUITY FUND;

36. HEALTH CARE COVERAGE FUND;

37. HEALTH SERVICES COST REVIEW COMMISSION FUND;

38. HOSPITAL UNCOMPENSATED CARE FUND;

39. FUNDS IN THE ACCOUNTS OF MORGAN STATE UNIVERSITY;

40. FUNDS IN THE ACCOUNTS OF ST. MARY'S COLLEGE OF MARYLAND;

41. FUNDS IN THE ACCOUNTS OF THE UNIVERSITY SYSTEM OF MARYLAND;

42. MARYLAND PREPAID COLLEGE TRUST FUND;

43. NURSE SUPPORT PROGRAM ASSISTANCE FUND;

44. FUNDS IN THE ACCOUNTS OF THE BALTIMORE CITY COMMUNITY COLLEGE;

45. EDUCATION TRUST FUND;

46. SECTION 8 CONSTRUCTION AND ADMINISTRATION FUNDS ADMINISTERED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;

47. MACARTHUR GRANT FUND;

48. ALL SPECIAL FUNDS WITHIN THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;

49. MARYLAND WATER QUALITY REVOLVING LOAN FUND;

50. MARYLAND DRINKING WATER REVOLVING LOAN FUND;

51. BAY RESTORATION FUND;

52. MIGRATORY GAME BIRD FUND;

53. DEER STAMP FUND;

54. WILDLIFE HABITAT INCENTIVE FUND;

55. FISHERIES RESEARCH AND DEVELOPMENT FUND;

56. STRATEGIC ENERGY INVESTMENT FUND;

57. CRIMINAL INJURIES COMPENSATION FUND;

58. 50% OF THE INTEREST FROM THE 9–1–1 TRUST FUND;

59. ALL ACCOUNTS WITHIN THE STATE RESERVE FUND;

60. LOCAL REVENUE ACCOUNTS COLLECTED BY THE JUDICIARY;

61. ASSISTIVE TECHNOLOGY LOAN FUND; ~~AND~~

62. VETERANS TRUST FUND; AND

63. TRANSPORTATION TRUST FUND.

10–306.

(c) (1) Except as provided in paragraph (2) of this subsection, if cash is received as consideration for the disposition of a capital asset of the State or any unit of the State government, the cash shall be applied to the State Annuity Bond Fund Account for the payment of the principal of and interest on the bonded indebtedness of the State.

(2) **(I)** If cash is received as consideration for the disposition of a capital asset, and if the capital asset was originally purchased with special funds, the cash shall be applied to the special fund.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, CASH RECEIVED AS CONSIDERATION FOR THE DISPOSITION OF HELICOPTERS, AUXILIARY HELICOPTER EQUIPMENT, GROUND SUPPORT EQUIPMENT, OR OTHER CAPITAL EQUIPMENT RELATED TO HELICOPTERS SHALL BE APPLIED TO THE STATE ANNUITY BOND FUND ACCOUNT FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDED INDEBTEDNESS OF THE STATE.

(3) If cash is received as consideration for the disposition of any real or personal property of the State or any unit of the State government, other than a capital asset, the cash shall be accounted for and paid into the State Treasury.

Article – State Personnel and Pensions

2–508.

(b) **(1) THIS SUBSECTION APPLIES TO A RETIREE WHO:**

(I) BEGAN STATE SERVICE ON OR BEFORE JUNE 30, 2011; OR

(II) 1. BEGAN STATE SERVICE ON OR AFTER JULY 1, 2011; AND

2. IS A RETIREE OF THE JUDGES' RETIREMENT SYSTEM.

[(1)**] (2)** A retiree may enroll and participate in the health insurance benefit options established under the Program if the retiree:

(i) ended State service with at least 10 years of creditable service and within 5 years before the age at which a vested retirement allowance normally would begin;

(ii) ended State service with at least 16 years of creditable service;

(iii) ended State service on or before June 30, 1984;

(iv) retired directly from State service with a State retirement allowance on or after July 1, 1984, and had at least 5 years of creditable service; or

(v) retired directly from State service with a State disability retirement allowance on or after July 1, 1984.

[(2)] **(3)** (i) The surviving spouse or dependent child of a deceased retiree who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic allowance under Division II of this article or the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

(ii) Subparagraph (i) of this paragraph does not apply to a deceased retiree's spouse or dependent child who receives an Option 1, Option 4, or Option 7 benefit under Division II of this article or a lump–sum payment of benefits under the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

[(c)] **(4)** [(1)] **(I)** If a retiree receives a State disability retirement allowance or has 16 or more years of creditable service, the retiree or the retiree's surviving spouse or dependent child is entitled to the same State subsidy allowed a State employee.

[(2)] **(II)** In all other cases, if a retiree has at least 5 years of creditable service, the retiree or the retiree's surviving spouse or dependent child is entitled to 1/16 of the State subsidy allowed a State employee for each year of the retiree's creditable service up to 16 years.

[(3)] **(III)** Notwithstanding [paragraph (2)] **SUBPARAGRAPH (II)** of this [subsection] **PARAGRAPH** and subsection (a)(4)(i) of this section, if a retiree is an additional employee or agent of the State Racing Commission, for the purposes of determining a retiree's State subsidy, creditable service shall be determined with respect to service as an additional employee or agent beginning from the initial date of employment or January 1, 1986, whichever is later.

(C) (1) (I) ~~THIS~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THIS SUBSECTION APPLIES TO A RETIREE WHO BEGINS STATE SERVICE ON OR AFTER JULY 1, 2011.

(II) THIS SUBSECTION DOES NOT APPLY TO A RETIREE OF THE JUDGES' RETIREMENT SYSTEM.

(2) A RETIREE MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM IF THE RETIREE ~~ENDED~~*:*

(I) ***ENDS*** **STATE SERVICE WITH AT LEAST 25 YEARS OF CREDITABLE SERVICE*;***

(II) ENDS STATE SERVICE WITH A LEAST 10 YEARS OF CREDITABLE SERVICE WITHIN 5 YEARS BEFORE THE AGE AT WHICH A VESTED RETIREMENT ALLOWANCE NORMALLY WOULD BEGIN;

(III) RETIRES DIRECTLY FROM STATE SERVICE WITH A STATE RETIREMENT ALLOWANCE AND HAS 10 YEARS OF CREDITABLE SERVICE; OR

(IV) RETIRES DIRECTLY FROM STATE SERVICE WITH A STATE DISABILITY RETIREMENT ALLOWANCE.

(3) (I) THE SURVIVING SPOUSE OR DEPENDENT CHILD OF A DECEASED RETIREE WHO WAS ELIGIBLE TO ENROLL MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM AS LONG AS THE SPOUSE OR CHILD IS RECEIVING A PERIODIC ALLOWANCE UNDER DIVISION II OF THIS ARTICLE OR THE MARYLAND TRANSIT ADMINISTRATION RETIREMENT PLAN UNDER § 7–206 OF THE TRANSPORTATION ARTICLE.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A DECEASED RETIREE'S SPOUSE OR DEPENDENT CHILD WHO RECEIVES AN OPTION 1, OPTION 4, OR OPTION 7 BENEFIT UNDER DIVISION II OF THIS ARTICLE OR A LUMP–SUM PAYMENT OF BENEFITS UNDER THE MARYLAND TRANSIT ADMINISTRATION RETIREMENT PLAN UNDER § 7–206 OF THE TRANSPORTATION ARTICLE.

(4) (I) IF A RETIREE RECEIVES A STATE DISABILITY RETIREMENT ALLOWANCE OR HAS 25 OR MORE YEARS OF CREDITABLE SERVICE, THE RETIREE OR THE RETIREE'S SURVIVING SPOUSE OR DEPENDENT CHILD IS ENTITLED TO THE SAME STATE SUBSIDY ALLOWED A STATE EMPLOYEE.

(II) IN ALL OTHER CASES, IF A RETIREE HAS AT LEAST 10 YEARS OF CREDITABLE SERVICE, THE RETIREE OR THE RETIREE'S SURVIVING SPOUSE OR DEPENDENT CHILD IS ENTITLED TO 1/25 OF THE STATE SUBSIDY ALLOWED A STATE EMPLOYEE FOR EACH YEAR OF THE RETIREE'S CREDITABLE SERVICE UP TO 25 YEARS.

(III) NOTWITHSTANDING SUBPARAGRAPH (II) OF THIS PARAGRAPH AND SUBSECTION (A)(4)(I) OF THIS SECTION, IF A RETIREE IS AN ADDITIONAL EMPLOYEE OR AGENT OF THE STATE RACING COMMISSION, FOR THE PURPOSES OF DETERMINING A RETIREE'S STATE SUBSIDY, CREDITABLE SERVICE SHALL BE DETERMINED WITH RESPECT TO SERVICE AS AN ADDITIONAL EMPLOYEE OR AGENT BEGINNING FROM THE INITIAL DATE OF EMPLOYMENT.

~~(b)~~ (D) ~~(3)~~ (1) NOTWITHSTANDING ~~PARAGRAPH (1) OF THIS SUBSECTION~~ SUBSECTIONS (B) AND (C) OF THIS SECTION AND §§ 2–509 AND 2–509.1 OF THIS SUBTITLE, THE STATE MAY ESTABLISH SEPARATE HEALTH INSURANCE BENEFIT OPTIONS FOR RETIREES THAT DIFFER FROM THOSE FOR ACTIVE STATE EMPLOYEES.

(2) ~~THE~~ *SUBJECT TO § 2–509.1 OF THIS SUBTITLE, ON OR AFTER JULY 1, 2011, THE* HEALTH INSURANCE BENEFIT OPTION FOR RETIREES SHALL INCLUDE A PRESCRIPTION DRUG BENEFIT THAT:

(I) HAS THE SAME CO–PAYMENTS, COINSURANCE, *AND* DEDUCTIBLE~~, AND OUT–OF–POCKET LIMITS~~ THAT APPLY TO THE PRESCRIPTION DRUG BENEFIT FOR ACTIVE STATE EMPLOYEES; ~~AND~~

(II) REQUIRES ~~RETIREES~~*:*

1. RETIREES WHO QUALIFY FOR THE MAXIMUM STATE SUBSIDY TO PAY 25% OF THE PREMIUM FOR THE PRESCRIPTION DRUG BENEFIT*; AND*

2. RETIREES WHO QUALIFY FOR A PARTIAL STATE SUBSIDY TO PAY 25% OF THE PREMIUM FOR THE PRESCRIPTION DRUG BENEFIT PLUS THE PROPORTIONAL ADDITIONAL AMOUNT REQUIRED UNDER SUBSECTIONS (B)(4)(II) AND (C)(4)(II) OF THIS SECTION; AND

(III) REQUIRES RETIREES TO PAY OUT–OF–POCKET LIMITS EQUAL TO:

1. $1,500 FOR THE RETIREE ONLY; AND

2. $2,000 FOR THE RETIREE AND THE RETIREE'S FAMILY.

2–509.

(a) (1) THIS SUBSECTION APPLIES TO A RETIREE *OF AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE* WHO BEGAN SERVICE ~~WITH A STATE INSTITUTION OF HIGHER EDUCATION~~ *AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT* ON OR BEFORE JUNE 30, 2011.

[(1)] (2) (I) Subject to [paragraph (2)] SUBPARAGRAPH (II) of this [subsection] PARAGRAPH, an individual may enroll and participate in the health

insurance benefit options established under the Program if the individual retired under an optional program under Title 30 of this article and:

[(i)**]** **1.** ended service with a State institution of higher education with at least 10 years of service and was at least age 57;

[(ii)**]** **2.** ended service with a State institution of higher education with at least 16 years of service; or

[(iii)**]** **3.** retired directly from and had at least 5 years of service with a State institution of higher education with a periodic distribution of benefits on or after July 1, 1984.

[(2) (i)**]** **(II)** **1.** For purposes of this subsection only, years of service shall be calculated as follows:

[1.**]** **A.** except as provided in **[**subparagraph (ii) of this paragraph**]** **SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH**, a year of service means a period of 12 months during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program; or

[2.**]** **B.** if an employee's work year is an academic year of at least 9 but less than 12 months, a year of service means a period equal to the academic year during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program.

[(ii)**]** **2.** To determine eligibility for health insurance benefits under this section, each year of service shall be multiplied by the participant's percentage of full–time employment for that year of service.

[(3)**]** **(III)** The surviving spouse or dependent child of a deceased individual who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic distribution of benefits under an optional retirement program under Title 30 of this article.

[(b) (1)**]** **(3)** **(I)** An enrollee under this section who was in service with a State institution of higher education at the time of the retirement is entitled to the same State subsidy allowed a retiree under ~~§ 2–508~~ ***§ 2–508(B)(4)*** of this subtitle. However, except as provided in **[**paragraph (2) of this subsection**]** **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the subsidy shall apply only to the costs of coverage for the enrollee and may not apply to any additional costs of coverage for the enrollee's spouse or children.

[(2)] (II) If the enrollee has 25 or more years of service as an employee of the State in the Executive, Legislative, or Judicial Branch of government, the enrollee or the enrollee's surviving spouse or dependent child is entitled to the same State subsidy allowed a retiree with 16 or more years of creditable service under ~~§ 2–508(e)(1)~~ ***§ 2–508(B)(4)(I)*** of this subtitle.

(B) (1) THIS SUBSECTION APPLIES TO A RETIREE ~~WHO~~ *OF AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE WHO* BEGINS SERVICE ~~WITH A STATE INSTITUTION OF HIGHER EDUCATION~~ *AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT* ON OR AFTER JULY 1, 2011.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN INDIVIDUAL MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM IF THE INDIVIDUAL RETIRED UNDER AN OPTIONAL PROGRAM UNDER TITLE 30 OF THIS ARTICLE AND:

1. ENDED SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION WITH AT LEAST 10 YEARS OF SERVICE AND WAS AT LEAST AGE 57;

2. ENDED SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION WITH AT LEAST 25 YEARS OF SERVICE; OR

3. RETIRED DIRECTLY FROM AND HAD AT LEAST 10 YEARS OF SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION WITH A PERIODIC DISTRIBUTION OF BENEFITS ON OR AFTER JULY 1, 2011.

(II) 1. FOR PURPOSES OF THIS PARAGRAPH ONLY, YEARS OF SERVICE SHALL BE CALCULATED AS FOLLOWS:

A. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A YEAR OF SERVICE MEANS A PERIOD OF 12 MONTHS DURING WHICH AN EMPLOYEE WAS A PARTICIPANT IN AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE AND THE PARTICIPANT'S EMPLOYER MADE CONTRIBUTIONS TO THE PARTICIPANT'S ACCOUNT IN THE PROGRAM; OR

B. IF AN EMPLOYEE'S WORK YEAR IS AN ACADEMIC YEAR OF AT LEAST 9 BUT LESS THAN 12 MONTHS, A YEAR OF SERVICE MEANS A PERIOD EQUAL TO THE ACADEMIC YEAR DURING WHICH AN EMPLOYEE WAS A PARTICIPANT IN AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF

THIS ARTICLE AND THE PARTICIPANT'S EMPLOYER MADE CONTRIBUTIONS TO THE PARTICIPANT'S ACCOUNT IN THE PROGRAM.

2. TO DETERMINE ELIGIBILITY FOR HEALTH INSURANCE BENEFITS UNDER THIS SECTION, EACH YEAR OF SERVICE SHALL BE MULTIPLIED BY THE PARTICIPANT'S PERCENTAGE OF FULL–TIME EMPLOYMENT FOR THAT YEAR OF SERVICE.

(III) THE SURVIVING SPOUSE OR DEPENDENT CHILD OF A DECEASED INDIVIDUAL WHO WAS ELIGIBLE TO ENROLL MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM AS LONG AS THE SPOUSE OR CHILD IS RECEIVING A PERIODIC DISTRIBUTION OF BENEFITS UNDER AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE.

(3) (I) AN ENROLLEE UNDER THIS SUBSECTION WHO WAS IN SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION AT THE TIME OF THE RETIREMENT IS ENTITLED TO THE SAME STATE SUBSIDY ALLOWED A RETIREE UNDER ~~§ 2–508(C)~~ *§ 2–508(C)(4)* OF THIS SUBTITLE. HOWEVER, EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE SUBSIDY SHALL APPLY ONLY TO THE COSTS OF COVERAGE FOR THE ENROLLEE AND MAY NOT APPLY TO ANY ADDITIONAL COSTS OF COVERAGE FOR THE ENROLLEE'S SPOUSE OR CHILDREN.

(II) IF THE ENROLLEE HAS 25 OR MORE YEARS OF SERVICE AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT, THE ENROLLEE OR THE ENROLLEE'S SURVIVING SPOUSE OR DEPENDENT CHILD IS ENTITLED TO THE SAME STATE SUBSIDY ALLOWED A RETIREE WITH 25 OR MORE YEARS OF CREDITABLE SERVICE UNDER ~~§ 2–508(B)(4)(I)~~ *§ 2–508(C)(4)(I)* OF THIS SUBTITLE.

2–509.1.

(A) [The**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** State shall continue to include a prescription drug benefit plan in the health insurance benefit options established under the Program and available to retirees under §§ 2–508 and 2–509 of this subtitle notwithstanding the enactment of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 or any other federal law permitting states to discontinue prescription drug benefit plans to retirees of a state.

(B) THE STATE ~~MAY~~ SHALL DISCONTINUE PRESCRIPTION DRUG BENEFITS FOR MEDICARE–ELIGIBLE RETIREES IN FISCAL YEAR 2020.

2–516.

(a) In this section, "Fund" means the State Employees and Retirees Health and Welfare Benefits Fund established under this section.

(b) (1) A special reserve fund is established to retain certain State revenues and State general and special funds for the purpose of funding the State Employee and Retiree Health and Welfare Benefits Program established under this subtitle.

(2) The Fund is a continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(3) **[**The Fund consists of the moneys distributed to the Fund under subsection (c) of this section.

(4)**]** The Treasurer shall separately hold and the Comptroller shall account for the Fund.

[(5)**] (4)** (i) The Fund shall be invested and reinvested in the same manner as other State funds.

(ii) Any investment earnings shall be credited to the Fund.

(c) **[**(1) Notwithstanding any other provision of law, for fiscal years 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.

(d) (1) Except as otherwise provided in this section, the Fund shall be retained in reserve and may not be spent for any purpose.

(2) Subject to the budget amendment procedure provided for in § 7–209 of the State Finance and Procurement Article, moneys credited to the Fund may be used only for the purpose of funding the State costs of the State Employee and Retiree Health and Welfare Benefits Program.

20–101.

(g) "Average final compensation" means the average annual earnable compensation that is computed as provided in § 20–204 **[**or**],** § 20–205**, OR § 20–205.1** of this title.

(bb) "Normal retirement age" means:

(1) 50 years old, for a member of:

(i) the State Police Retirement System; or

(ii) the Law Enforcement Officers' Pension System;

(2) 60 years old, for a member of:

(i) the Correctional Officers' Retirement System, for the purpose of disability retirement only;

(ii) the Employees' Retirement System;

(iii) the Judges' Retirement System;

(iv) the Local Fire and Police System, who transferred from the Employees' Retirement System; or

(v) the Teachers' Retirement System; **[**or**]**

(3) 62 years old, for a member of:

(i) the Employees' Pension System **WHO IS** ~~**NOT SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE**~~ ***A MEMBER ON OR BEFORE JUNE 30, 2011***;

(ii) the Local Fire and Police System, who has not transferred from the Employees' Retirement System; or

(iii) the Teachers' Pension System **WHO IS** ~~**NOT SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE**~~ ***A MEMBER ON OR BEFORE JUNE 30, 2011*****; OR**

(4) 65 YEARS OLD, FOR A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM WHO ~~**IS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE**~~ ***BEGINS MEMBERSHIP ON OR AFTER JULY 1, 2011***.

(HH–1) "REFORMED CONTRIBUTORY PENSION BENEFIT" MEANS THE PART OF THE EMPLOYEES' PENSION SYSTEM AND THE TEACHERS' PENSION

SYSTEM THAT PROVIDES THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE.

20–204.

(a) **(1)** This **[**section**]SUBSECTION** applies only to **AN INDIVIDUAL WHO IS A MEMBER OF**:

[(1) the Correctional Officers' Retirement System;

(2)**]** **(I)** the Employees' Retirement System; **OR**

[(3) the State Police Retirement System; or

(4)**]** **(II)** the Teachers' Retirement System.

[(b)**]** **(2)** Except as provided in **[**subsection (c) of this section**]PARAGRAPH (3) OF THIS SUBSECTION**, the average final compensation of a member equals the average annual earnable compensation of the member for:

[(1)**]** **(I)** the 3 years of employment as a member during which the member's earnable compensation was highest, if the member was employed at least 3 years as a member; or

[(2)**]** **(II)** the member's total period of employment, if the member was employed less than 3 years as a member.

[(c) (1)**]** **(3)** Except for a salary increase because of a member's promotion, the member's average final compensation does not include a salary increase in the last 3 years of employment if it is an extraordinary salary increase according to regulations that the Board of Trustees adopts.

[(2) (i) This paragraph applies only to a member of the State Police Retirement System.

(ii) If a member of the State Police Retirement System who transferred from another actuarial retirement system in the State retires after less than 3 years of employment as a member of the State Police Retirement System, the earnable compensation as a member in the other system shall be used in the determination of average final compensation.**]**

(B) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO ON OR BEFORE JUNE 30, 2011, IS A MEMBER OF:

(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; OR

(II) THE STATE POLICE RETIREMENT SYSTEM.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE AVERAGE FINAL COMPENSATION OF A MEMBER EQUALS THE AVERAGE ANNUAL EARNABLE COMPENSATION OF THE MEMBER FOR:

(I) THE 3 YEARS OF EMPLOYMENT AS A MEMBER DURING WHICH THE MEMBER'S EARNABLE COMPENSATION WAS HIGHEST, IF THE MEMBER WAS EMPLOYED AT LEAST 3 YEARS AS A MEMBER; OR

(II) THE MEMBER'S TOTAL PERIOD OF EMPLOYMENT, IF THE MEMBER WAS EMPLOYED LESS THAN 3 YEARS AS A MEMBER.

(3) (I) EXCEPT FOR A SALARY INCREASE BECAUSE OF A MEMBER'S PROMOTION, THE MEMBER'S AVERAGE FINAL COMPENSATION DOES NOT INCLUDE A SALARY INCREASE IN THE LAST 3 YEARS OF EMPLOYMENT IF IT IS AN EXTRAORDINARY SALARY INCREASE ACCORDING TO REGULATIONS THAT THE BOARD OF TRUSTEES ADOPTS.

(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM.

2. IF A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM WHO TRANSFERRED FROM ANOTHER ACTUARIAL RETIREMENT SYSTEM IN THE STATE RETIRES AFTER LESS THAN 3 YEARS OF EMPLOYMENT AS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, THE EARNABLE COMPENSATION AS A MEMBER IN THE OTHER SYSTEM SHALL BE USED IN THE DETERMINATION OF AVERAGE FINAL COMPENSATION.

(C) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO ON OR AFTER JULY 1, 2011, BECOMES A MEMBER OF:

(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; OR

(II) THE STATE POLICE RETIREMENT SYSTEM.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE AVERAGE FINAL COMPENSATION OF A MEMBER EQUALS THE AVERAGE ANNUAL EARNABLE COMPENSATION OF THE MEMBER FOR:

(I) THE 5 YEARS OF EMPLOYMENT AS A MEMBER DURING WHICH THE MEMBER'S EARNABLE COMPENSATION WAS HIGHEST, IF THE MEMBER WAS EMPLOYED AT LEAST ~~3~~ *5* YEARS AS A MEMBER; OR

(II) THE MEMBER'S TOTAL PERIOD OF EMPLOYMENT, IF THE MEMBER WAS EMPLOYED LESS THAN 5 YEARS AS A MEMBER.

(3) (I) EXCEPT FOR A SALARY INCREASE BECAUSE OF A MEMBER'S PROMOTION, THE MEMBER'S AVERAGE FINAL COMPENSATION DOES NOT INCLUDE A SALARY INCREASE IN THE LAST 5 YEARS OF EMPLOYMENT IF IT IS AN EXTRAORDINARY SALARY INCREASE ACCORDING TO REGULATIONS THAT THE BOARD OF TRUSTEES ADOPTS.

(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM.

2. IF A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM WHO TRANSFERRED FROM ANOTHER ACTUARIAL RETIREMENT SYSTEM IN THE STATE RETIRES AFTER LESS THAN 5 YEARS OF EMPLOYMENT AS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, THE EARNABLE COMPENSATION AS A MEMBER IN THE OTHER SYSTEM SHALL BE USED IN THE DETERMINATION OF AVERAGE FINAL COMPENSATION.

20–205.

(a) ~~(1)~~ ~~[~~This~~] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS~~ **THIS** section applies only to **AN INDIVIDUAL WHO ON OR BEFORE JUNE 30, 2011, IS A MEMBER OF**:

~~[~~(1)~~]~~ ~~(I)~~ the Employees' Pension System;

~~[~~(2)~~]~~ ~~(II)~~ the Local Fire and Police System;

~~[~~(3)~~]~~ ~~(III)~~ the Law Enforcement Officers' Pension System; ~~and~~ **OR**

~~[~~(4)~~]~~ ~~(IV)~~ the Teachers' Pension System.

~~(2) THIS SECTION DOES NOT APPLY TO:~~

~~(I) A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM WHO IS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE; OR~~

~~(II) A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM WHO HAS FEWER THAN 5 YEARS OF ELIGIBILITY SERVICE IN THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM AS OF JULY 1, 2011.~~

20–205.1.

(A) THIS SECTION APPLIES ~~TO~~ ONLY TO AN INDIVIDUAL WHO ON OR AFTER JULY 1, 2011, BECOMES A MEMBER OF:

(1) THE EMPLOYEES' PENSION SYSTEM;

(2) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM; OR

(3) THE TEACHERS' PENSION SYSTEM.

~~(1) A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM WHO IS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE; AND~~

~~(2) A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM WHO HAS FEWER THAN 5 YEARS OF ELIGIBILITY SERVICE IN THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM AS OF JULY 1, 2011.~~

(B) (1) IN THIS SUBSECTION, "BREAK IN SERVICE" MEANS A PERIOD OF EMPLOYMENT IN WHICH THE MEMBER'S EMPLOYER DID NOT:

(I) DEDUCT THE MEMBER CONTRIBUTIONS FROM THE COMPENSATION OF THE MEMBER; OR

(II) REPORT THE HOURS WORKED BY THE MEMBER.

(2) (I) FOR THE PURPOSE OF COMPUTING BENEFITS UNDER THIS DIVISION II, THE AVERAGE FINAL COMPENSATION OF A MEMBER EQUALS THE AVERAGE ANNUAL EARNABLE COMPENSATION OF THE MEMBER, ADJUSTED AS PROVIDED IN THIS SECTION, DURING THE 5 CONSECUTIVE YEARS THAT PROVIDE THE HIGHEST AVERAGE EARNABLE COMPENSATION.

(II) IF THE MEMBER EXPERIENCED ANY BREAK IN SERVICE DURING THE 5 CONSECUTIVE YEARS THAT PROVIDE THE MEMBER'S HIGHEST AVERAGE EARNABLE COMPENSATION, THE BOARD OF TRUSTEES:

1. MAY NOT INCLUDE IN THE COMPUTATION OF AVERAGE FINAL COMPENSATION THE PERIOD OF MONTHS OF THE BREAKS IN SERVICE THAT OTHERWISE WOULD BE INCLUDED IN THE COMPUTATION; AND

2. IN ORDER TO GENERATE THE HIGHEST AVERAGE EARNABLE COMPENSATION FOR THE MEMBER, SHALL EXTEND THE 5–YEAR PERIOD BY AN EQUAL NUMBER OF MONTHS IMMEDIATELY PRECEDING OR FOLLOWING THAT PERIOD.

(C) (1) THIS SUBSECTION APPLIES TO A MEMBER WHOSE ELIGIBILITY SERVICE HAS BEEN ADJUSTED UNDER THIS DIVISION II TO COMPUTE CREDITABLE SERVICE, ON THE BASIS OF THE MEMBER HAVING COMPLETED LESS THAN THE NORMAL HOURS OF SERVICE FOR THE MEMBER'S POSITION.

(2) A MEMBER'S EARNABLE COMPENSATION SHALL BE ADJUSTED TO A FULL–TIME BASIS FOR ANY PERIOD INCLUDED IN THE COMPUTATION OF AVERAGE FINAL COMPENSATION.

(D) EXCEPT FOR A SALARY INCREASE BECAUSE OF A MEMBER'S PROMOTION, THE MEMBER'S AVERAGE FINAL COMPENSATION DOES NOT INCLUDE A SALARY INCREASE IN THE LAST 5 YEARS OF EMPLOYMENT IF IT IS AN EXTRAORDINARY SALARY INCREASE ACCORDING TO REGULATIONS THAT THE BOARD OF TRUSTEES ADOPTS.

21–302.

(a) The following are obligations of the State:

(1) the payment of all allowances and other benefits payable under this Division II;

(2) the creation and maintenance of reserves in the accumulation funds of the several systems;

(3) the crediting of regular interest to the annuity savings funds of the several systems; and

(4) ***EXCEPT AS PROVIDED IN § 21–316 OF THIS SUBTITLE,*** *the payment of the expenses for administration and operation of the several systems.*

(b) **[**The**] SUBJECT TO § 21–316 OF THIS SUBTITLE, THE** assets of the several systems shall be used to pay the obligations of the State specified in this section.

21–303.

(d) **(1)** **[**Each**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH** year, the Board of Trustees shall transfer from the accumulation fund of each State system to the expense fund of that system the amounts required by § 21–315 of this subtitle.

(2) ~~**WITH RESPECT TO MEMBERS OTHER THAN MEMBERS WHO ARE EMPLOYEES OF A PARTICIPATING GOVERNMENTAL UNIT OR ON WHOSE BEHALF AN EMPLOYER IS REQUIRED TO MAKE CONTRIBUTIONS UNDER § 21–307 OF THIS SUBTITLE, THE**~~ ***THE*** **ADMINISTRATIVE AND OPERATIONAL EXPENSES OF THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY, NOT INCLUDING AMOUNTS AS AUTHORIZED BY THE BOARD OF TRUSTEES NECESSARY FOR INVESTMENT MANAGEMENT SERVICES, SHALL BE PAID BY PARTICIPATING EMPLOYERS AS PROVIDED IN § 21–316 OF THIS SUBTITLE AND MAY NOT BE TRANSFERRED FROM THE ACCUMULATION FUND OF EACH SYSTEM.**

(3) (I) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF A BUDGET AMENDMENT IS APPROVED IN ANY FISCAL YEAR FOR ADMINISTRATIVE AND OPERATIONAL EXPENSES FOR THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY, THE BOARD OF TRUSTEES MAY TRANSFER THE AMOUNT APPROVED BY BUDGET AMENDMENT FROM THE ACCUMULATION FUNDS OF THE STATE RETIREMENT AND PENSION SYSTEM TO THE EXPENSE FUNDS OF THE STATE RETIREMENT AND PENSION SYSTEM.

(II) ANY FUNDS TRANSFERRED FROM THE ACCUMULATION FUNDS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REIMBURSED TO THE ACCUMULATION FUNDS ON OR BEFORE JUNE 30 OF THE FOLLOWING FISCAL YEAR FROM PAYMENTS FOR ADMINISTRATIVE AND OPERATIONAL EXPENSES RECEIVED BY THE BOARD OF TRUSTEES UNDER § 21–316 OF THIS SUBTITLE.

21–304.

(a) (2) "**[**Full**]** **PRELIMINARY** funding rate" means the sum of:

(i) the aggregate normal rate that is based on the normal contribution rate calculated under subsection (c) of this section **[**and adjusted to incorporate legislative changes in benefits to reflect changes to the normal cost**]**; and

(ii) the aggregate unfunded accrued liability contribution rate that is based on the unfunded accrued liability contribution rate under subsection **[**(d)(1) and (2)**]** **(D)(1)(I) AND (II)1 AND 2 AND (2)** of this section.

~~(b) (1) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, EACH fiscal year, on behalf of the State members of each State system, the State shall pay to the appropriate accumulation fund an amount equal to or greater than the sum of the amount, if any, required to be included in the budget bill under § 3–501(c)(2)(ii) of this article and the product of multiplying:~~

~~(i) the aggregate annual earnable compensation of the State members of that State system; and~~

~~(ii) 1. for State members of the Law Enforcement Officers' Retirement System, State Police Retirement System, and the Judges' Retirement System, the sum of the normal contribution rate and the accrued liability contribution rate, as determined under this section;~~

~~2. for State members of the Employees' Pension System, Employees' Retirement System, Correctional Officers' Retirement System, and Legislative Pension Plan, the employees' systems contribution rate determined under subsection (e) of this section; or~~

~~3. for State members of the Teachers' Pension System and Teachers' Retirement System, the teachers' systems contribution rate determined under subsection (f) of this section.~~

~~(2) The amount determined under paragraph (1) of this subsection for each State system shall be based on an actuarial determination of the amounts that are required to preserve the integrity of the funds of the several systems using:~~

~~(i) the entry–age actuarial cost method; and~~

~~(ii) actuarial assumptions adopted by the Board of Trustees.~~

~~(3) For the purpose of making the determinations required under this section:~~

~~(i) the Employees' Retirement System, the Employees' Pension System, the Correctional Officers' Retirement System, and the Legislative Pension Plan shall be considered together as one State system; and~~

~~(ii) the Teachers' Retirement System and the Teachers' Pension System shall be considered together as one State system.~~

~~(4) (I) THE TOTAL AMOUNT PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE GREATER THAN 20% OF THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF ALL STATE MEMBERS.~~

~~(II) IF THE AMOUNT REQUIRED TO BE PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION IS GREATER THAN 20% OF THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF ALL STATE MEMBERS, THE AMOUNT PAID TO THE APPROPRIATE ACCUMULATION FUND OF EACH STATE SYSTEM SHALL BE REDUCED ON A PRORATED BASIS BASED ON THE TOTAL AGGREGATE ANNUAL EARNABLE COMPENSATION FOR EACH STATE SYSTEM.~~

(e) (1) When the funding ratio for the employees' systems is between 90% and 110%, inclusive, the employees' system contribution rate is the rate for the previous fiscal year, adjusted to reflect legislative changes that result in changes in normal cost and to amortize over 25 years any actuarial liabilities of the employees' systems.

(2) **[**When**]** ~~EXCEPT AS PROVIDED IN~~ SUBJECT TO **PARAGRAPH (4) OF THIS SUBSECTION, WHEN** the funding ratio for the employees' systems is below 90%, the employees' system contribution rate shall be the sum of:

(i) the employees' system contribution rate for the previous fiscal year; and

(ii) 20% of the difference between the ~~full~~ **PRELIMINARY** funding rate for the current fiscal year and the employees' system contribution rate for the previous fiscal year.

(3) **[**When**]** ~~EXCEPT AS PROVIDED IN~~ SUBJECT TO **PARAGRAPH (4) OF THIS SUBSECTION, WHEN** the funding ratio for the employees' systems is above 110%, the employees' system contribution rate shall be the difference between:

(i) the employees' system contribution rate for the previous fiscal year; and

(ii) 20% of the difference between the employees' system contribution rate for the previous fiscal year and the ~~full~~ **PRELIMINARY** funding rate for the current fiscal year.

(4) THE CONTRIBUTION RATE FOR THE EMPLOYEES' SYSTEMS UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION SHALL BE ADJUSTED TO REFLECT THE COST ~~OF LEGISLATIVE CHANGES~~ **OR SAVINGS OF LEGISLATIVE CHANGES THAT RESULT IN CHANGES IN NORMAL CONTRIBUTIONS OR ACCRUED LIABILITIES AND TO AMORTIZE OVER 25 YEARS ANY CHANGES IN ACCRUED LIABILITIES OF THE EMPLOYEES' SYSTEMS.**

(f) (1) When the funding ratio for the teachers' systems is between 90% and 110%, the teachers' system contribution rate is the rate for the previous fiscal

year, adjusted to reflect legislative changes that result in changes in normal cost and to amortize over 25 years any actuarial liabilities of the teachers' systems.

(2) **[**When**]** ~~EXCEPT AS PROVIDED IN~~ **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, WHEN** the funding ratio for the teachers' systems is below 90%, the teachers' system contribution rate shall be the sum of:

(i) the teachers' system contribution rate for the previous fiscal year; and

(ii) 20% of the difference between the ~~full~~ **PRELIMINARY** funding rate for the current fiscal year and the teachers' system contribution rate for the previous fiscal year.

(3) **[**When**]** ~~EXCEPT AS PROVIDED IN~~ **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, WHEN** the funding ratio for the teachers' systems is above 110%, the teachers' system contribution rate shall be the difference between:

(i) the teachers' system contribution rate for the previous fiscal year; and

(ii) 20% of the difference between the teachers' system contribution rate for the previous fiscal year and the ~~full~~ **PRELIMINARY** funding rate for the current fiscal year.

(4) THE CONTRIBUTION RATE FOR THE TEACHERS' SYSTEMS UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION SHALL BE ADJUSTED TO REFLECT THE COST ~~OF LEGISLATIVE CHANGES~~ **OR SAVINGS OF LEGISLATIVE CHANGES THAT RESULT IN CHANGES IN NORMAL CONTRIBUTIONS OR ACCRUED LIABILITIES AND TO AMORTIZE OVER 25 YEARS ANY CHANGES IN ACCRUED LIABILITIES OF THE TEACHERS' SYSTEMS.**

21–308.

(a) (1) On or before December 1 of each year, the Board of Trustees shall:

(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year; and

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.

(2) The Governor shall include in the budget bill:

(i) the total amount of the State's contribution to each State system as ascertained based on the rates certified by the Board of Trustees under paragraph (1) of this subsection;

(ii) the additional amounts as ascertained under subsection (d) of this section for the State's payment to the professional and clerical employees of the Department of Public Libraries of Montgomery County who are members of the Employees' Retirement System of Montgomery County and are excluded from membership in the Teachers' Retirement System or the Teachers' Pension System; and

(iii) any additional amount required to be in the budget bill under § 3–501(c)(2)(ii) of this article.

(3) THE AMOUNTS THAT THE GOVERNOR IS REQUIRED TO INCLUDE IN THE BUDGET BILL UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE REDUCED BY THE AMOUNT OF ADMINISTRATIVE AND OPERATIONAL EXPENSES FOR THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY THAT ARE TO BE PAID BY LOCAL EMPLOYERS UNDER § 21–316 OF THIS SUBTITLE OTHER THAN PARTICIPATING GOVERNMENTAL UNITS OR EMPLOYERS WHO ARE REQUIRED TO MAKE CONTRIBUTIONS UNDER § 21–307 OF THIS SUBTITLE.

~~(3)~~ *(4)* **(I) ON OR BEFORE DECEMBER 1, 2012, AND EACH DECEMBER 1 THEREAFTER, THE BOARD OF TRUSTEES SHALL CERTIFY TO THE GOVERNOR AND THE SECRETARY OF BUDGET AND MANAGEMENT THE AMOUNT OF THE DIFFERENCE BETWEEN THE TOTAL AMOUNT OF THE STATE'S CONTRIBUTION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND THE AMOUNT THAT THE BOARD DETERMINES WOULD HAVE BEEN REQUIRED HAD LEGISLATION INCREASING EMPLOYEE CONTRIBUTIONS TO, AND REDUCING THE LIABILITIES OF, THE STATE RETIREMENT AND PENSION SYSTEM NOT BEEN ENACTED IN 2011.**

(II) FOR FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER, IN ADDITION TO THE AMOUNTS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL THE LESSER OF:

1. $300,000,000; AND

2. THE AMOUNT CERTIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

21–316.

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

(2) "LOCAL EMPLOYER" MEANS A PARTICIPATING EMPLOYER OTHER THAN~~:~~

~~(1) THE STATE;~~

~~(2) A PARTICIPATING GOVERNMENTAL UNIT; OR~~

~~(3) AN EMPLOYER REQUIRED TO MAKE CONTRIBUTIONS UNDER § 21–307 OF THIS SUBTITLE.~~ *THE STATE.*

(3) "LIBRARY" MEANS A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE.

(B) (1) ~~FOR~~ *SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR* EACH FISCAL YEAR, THE STATE AND EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES THEIR PRO RATA SHARES OF THE AMOUNT ~~ESTIMATED BY THE BOARD OF TRUSTEES UNDER § 21–315(C) OF THIS SUBTITLE TO BE~~ NECESSARY FOR THE ADMINISTRATIVE AND OPERATIONAL EXPENSES OF THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY.

(2) THE PRO RATA SHARE OF THE STATE AND OF EACH LOCAL EMPLOYER *FOR EACH FISCAL YEAR* SHALL BE BASED ON THE NUMBER OF MEMBERS OF THE SEVERAL SYSTEMS EMPLOYED BY THE STATE OR LOCAL EMPLOYER *AS OF JUNE 30 OF THE SECOND PRIOR FISCAL YEAR* COMPARED TO THE TOTAL MEMBERSHIP OF THE SEVERAL SYSTEMS ~~WHO ARE EMPLOYED BY THE STATE OR A LOCAL EMPLOYER~~ *AS OF THAT DATE.*

(3) THE STATE SHALL PAY THE PRO RATA SHARE UNDER THIS SECTION OF EACH LIBRARY.

~~(C) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL:~~

~~(1) DETERMINE THE PER MEMBER CONTRIBUTION AMOUNT AND THE AMOUNTS PAYABLE BY THE STATE AND EACH LOCAL EMPLOYER UNDER THIS SECTION FOR THE NEXT FISCAL YEAR; AND~~

~~(2) CERTIFY THE PER MEMBER CONTRIBUTION AND THE AMOUNTS PAYABLE:~~

~~(I) TO THE SECRETARY OF BUDGET AND MANAGEMENT, FOR MEMBERS WHOSE COMPENSATION IS PAID BY THE STATE; AND~~

~~(II) TO EACH LOCAL EMPLOYER.~~

(C) AS PART OF ITS ANNUAL BUDGET SUBMISSION FOR A FISCAL YEAR, THE BOARD OF TRUSTEES SHALL CERTIFY TO THE SECRETARY OF BUDGET AND MANAGEMENT THE PERCENTAGE OF THE TOTAL MEMBERSHIP OF THE SEVERAL SYSTEMS THAT IS EMPLOYED BY THE STATE, THE LIBRARIES, AND EACH LOCAL EMPLOYER AS OF JUNE 30 OF THE SECOND PRIOR FISCAL YEAR.

(D) (1) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL ~~THE AMOUNT CERTIFIED UNDER SUBSECTION (C)(2)(I) OF THIS SECTION~~ *AN APPROPRIATION TO THE EXPENSE FUNDS OF THE STATE RETIREMENT AND PENSION SYSTEM THAT EQUALS THE AUTHORIZED ADMINISTRATIVE AND OPERATIONAL EXPENSES OF THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY FOR THE FISCAL YEAR.*

(2) THE AMOUNTS PAYABLE BY THE STATE UNDER THIS SECTION WITH RESPECT TO MEMBERS EMPLOYED BY EACH STATE UNIT SHALL BE CHARGED AGAINST THE BUDGET OF THAT UNIT.

(3) THE STATE SHALL PAY ITS PRO RATA SHARE OF THE AMOUNT OF ADMINISTRATIVE AND OPERATIONAL EXPENSES AUTHORIZED IN THE STATE BUDGET TO THE BOARD OF TRUSTEES ON JULY 1 OF THE APPLICABLE FISCAL YEAR.

(E) (1) *ON OR BEFORE MAY 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL:*

(I) CERTIFY TO EACH LOCAL EMPLOYER OTHER THAN A LIBRARY THE AMOUNT PAYABLE BY THE LOCAL EMPLOYER THAT IS EQUAL TO THE PERCENTAGE CERTIFIED UNDER SUBSECTION (C) OF THIS SECTION MULTIPLIED BY THE AMOUNT OF ADMINISTRATIVE AND OPERATIONAL EXPENSES AUTHORIZED IN THE STATE BUDGET FOR THE NEXT FISCAL YEAR; AND

(II) NOTIFY THE SECRETARY OF BUDGET AND MANAGEMENT AND THE DEPARTMENT OF LEGISLATIVE SERVICES OF THE CERTIFICATIONS SENT UNDER ITEM (I) OF THIS PARAGRAPH.

(2) ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 16, AND JUNE 1 OF EACH FISCAL YEAR, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES 25% OF THE AMOUNT CERTIFIED TO THE LOCAL EMPLOYER BY THE

BOARD OF TRUSTEES UNDER ~~SUBSECTION (C)(2)(II) OF THIS SECTION~~ ***PARAGRAPH (1) OF THIS SUBSECTION.***

~~(2) A LOCAL EMPLOYER MAY ELECT TO HAVE THE AMOUNTS REQUIRED UNDER THIS SECTION DEDUCTED FROM STATE AID DISTRIBUTIONS UNDER THE EDUCATION ARTICLE.~~

(3) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, THE LOCAL EMPLOYER IS LIABLE FOR INTEREST ON DELINQUENT AMOUNTS AT A RATE OF 4% A YEAR UNTIL PAYMENT.

(4) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION.

(5) ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT LOCAL EMPLOYER FROM THE STATE.

(6) A PARTICIPATING GOVERNMENTAL UNIT OR EMPLOYER REQUIRED TO MAKE EMPLOYER CONTRIBUTIONS UNDER § 21–307 OF THIS SUBTITLE MAY DEDUCT THE PAYMENTS REQUIRED UNDER THIS SECTION FROM PAYMENTS FOR EMPLOYER CONTRIBUTIONS REQUIRED UNDER §§ 21–305 THROUGH 21–307 OF THIS SUBTITLE.

(F) ON RECEIPT OF PAYMENTS UNDER THIS SECTION, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE EXPENSE FUND OF THE APPROPRIATE STATE SYSTEM.

23–212.

(c) **[**The**]** ~~EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE~~ contribution rate of a member who is subject to the Alternate Contributory Pension Selection under Part III of this subtitle is:

(1) 3% of the member's earnable compensation received from July 1, 2006 to June 30, 2007, both inclusive;

(2) 4% of the member's earnable compensation received from July 1, 2007 to June 30, 2008, both inclusive; ~~and~~

(3) 5% of the member's earnable compensation received ~~on or after~~ **FROM** July 1, 2008~~.~~ **TO JUNE 30, 2011, BOTH INCLUSIVE; AND**

(4) 7% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED ON OR AFTER JULY 1, 2011.

~~(D) THE CONTRIBUTION RATE OF A MEMBER WHO IS SUBJECT TO SELECTION TWO (SEVEN PERCENT MEMBER CONTRIBUTIONS) UNDER § 23–221 OF THIS SUBTITLE IS:~~

~~(1) 3% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED FROM JULY 1, 2006, TO JUNE 30, 2007, BOTH INCLUSIVE;~~

~~(2) 4% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED FROM JULY 1, 2007, TO JUNE 30, 2008, BOTH INCLUSIVE;~~

~~(3) 5% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED FROM JULY 1, 2008, TO JUNE 30, 2011, BOTH INCLUSIVE; AND~~

~~(4) 7% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED ON OR AFTER JULY 1, 2011.~~

~~(E)~~ **(D) THE CONTRIBUTION RATE OF A MEMBER WHO IS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER PART IV OF THIS SUBTITLE IS 7% OF THE MEMBER'S EARNABLE COMPENSATION.**

23–215.

(a) [Membership] ***EXCEPT AS PROVIDED IN § 23–215.1 OF THIS SUBTITLE, MEMBERSHIP*** *ends if the member:*

(1) is separated from employment for more than 4 years;

(2) is separated from employment, and rehired into a position that requires enrollment in a part of the Employees' Pension System or the Teachers' Pension System that is subject to a different rate of member contributions and benefit accrual;

(3) withdraws the member's accumulated contributions;

(4) becomes a retiree; or

(5) dies.

(b) Subsection (a)(2) of this section does not apply for purposes of determining eligibility for a disability retirement benefit under § 29–104(a) of this article.

23–215.1.

(A) THIS SECTION APPLIES TO A MEMBER WHO:

(1) ON OR BEFORE JUNE 30, 2011, IS SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION SELECTION;

(2) (I) IS SEPARATED FROM EMPLOYMENT FOR 4 YEARS OR LESS; OR

(II) 1. IS SEPARATED FROM EMPLOYMENT FOR MORE THAN 4 YEARS FOR MILITARY SERVICE THAT MEETS THE REQUIREMENTS OF THE FEDERAL UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT; AND

2. RESUMES EMPLOYMENT WITHIN 1 YEAR OF LEAVING MILITARY SERVICE IN A POSITION THAT IS INCLUDED IN THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM;

(3) DOES NOT WITHDRAW THE MEMBER'S ACCUMULATED CONTRIBUTIONS; AND

(4) DOES NOT BECOME A RETIREE.

(B) A MEMBER DESCRIBED IN SUBSECTION (A) OF THIS SECTION WHO ON OR BEFORE JUNE 30, 2016, RESUMES EMPLOYMENT AND IS REHIRED INTO A POSITION THAT IS INCLUDED IN THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM, SHALL RESUME PARTICIPATION IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION.

(C) ON OR BEFORE OCTOBER 1, 2012, AND EACH OCTOBER 1 THROUGH OCTOBER 1, 2016, THE BOARD OF TRUSTEES SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT PROVIDES THE NUMBER OF MEMBERS DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION WHO WERE:

(1) REHIRED IN THE PRECEDING FISCAL YEAR INTO A POSITION INCLUDED IN THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM; AND

(2) PARTICIPATING IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION.

~~23–221.~~

~~(a) (1) In this section[, "active] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "ACTIVE member" means a member who is not separated from employment with the State or a participating employer of the State.~~

~~(3) "SELECTION ONE (FIVE PERCENT MEMBER CONTRIBUTIONS)" MEANS THE SELECTION AVAILABLE UNDER SUBSECTION (D)(1)(I) OF THIS SECTION.~~

~~(4) "SELECTION TWO (SEVEN PERCENT MEMBER CONTRIBUTIONS)" MEANS THE SELECTION AVAILABLE UNDER SUBSECTION (D)(1)(II) OF THIS SECTION.~~

~~(D) (1) AN INDIVIDUAL WHO IS AN ACTIVE MEMBER SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER THIS PART III SHALL SELECT ONE OF THE FOLLOWING:~~

~~(I) SELECTION ONE (FIVE PERCENT MEMBER CONTRIBUTIONS) THAT PROVIDES FOR MEMBER CONTRIBUTIONS OF 5% OF SALARY AND A BENEFIT ACCRUAL RATE OF 1.5% OF A MEMBER'S AVERAGE FINAL COMPENSATION FOR CREDITABLE SERVICE ON OR AFTER JULY 1, 2011; OR~~

~~(II) SELECTION TWO (SEVEN PERCENT MEMBER CONTRIBUTIONS) THAT PROVIDES FOR MEMBER CONTRIBUTIONS OF 7% OF SALARY ON OR AFTER JULY 1, 2011, AND A BENEFIT ACCRUAL RATE OF 1.8% OF A MEMBER'S AVERAGE FINAL COMPENSATION.~~

~~(2) (I) AN INDIVIDUAL WHO, ON JUNE 1, 2011, IS AN ACTIVE MEMBER SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER THIS PART III SHALL MAKE A SELECTION IN THE MANNER PRESCRIBED BY THE STATE RETIREMENT AGENCY ON OR BEFORE JUNE 15, 2011.~~

~~(II) AN INDIVIDUAL WHO BECOMES A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM BETWEEN JUNE 2, 2011, AND JUNE 30, 2011, SHALL MAKE A SELECTION IN THE MANNER PRESCRIBED BY THE STATE RETIREMENT AGENCY WITHIN 15 DAYS AFTER THE INDIVIDUAL'S FIRST DAY OF EMPLOYMENT.~~

~~(3) AN INDIVIDUAL WHO FAILS TO MAKE A SELECTION AS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE DEEMED TO HAVE MADE SELECTION TWO (SEVEN PERCENT MEMBER CONTRIBUTIONS).~~

~~(4) THE SELECTION OF AN INDIVIDUAL UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION IS IRREVOCABLE AND NOT SUBJECT TO CHANGE.~~

~~23–222.~~

~~(A) A member who is subject to this part shall:~~

~~(1) receive an allowance for all creditable service as follows:~~

~~(i) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, for normal service retirement as provided in § 23–401(d) of this title;~~

~~(ii) for early service retirement as provided in § 23–402 of this title;~~

~~(iii) for ordinary disability retirement as provided in § 29–108 of this article; and~~

~~(iv) for accidental disability retirement as provided in § 29–110 of this article;~~

~~(2) have the allowance adjusted as provided in Title 29, Subtitle 4 of this article; and~~

~~(3) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, make the member contributions at the rate specified in § 23–212(c) of this subtitle.~~

~~(B) A MEMBER WHO IS SUBJECT TO SELECTION ONE (FIVE PERCENT MEMBER CONTRIBUTIONS), AS DEFINED IN § 23–221(A) OF THIS SUBTITLE, SHALL RECEIVE AN ALLOWANCE FOR NORMAL SERVICE RETIREMENT AS PROVIDED IN § 23–401(F) OF THIS TITLE.~~

~~(C) A MEMBER WHO IS SUBJECT TO SELECTION TWO (SEVEN PERCENT MEMBER CONTRIBUTIONS), AS DEFINED IN § 23–221(A) OF THIS SUBTITLE, SHALL MAKE MEMBER CONTRIBUTIONS AT THE RATE SPECIFIED IN § 23–212(D) OF THIS SUBTITLE.~~

23–223. RESERVED.

23–224. RESERVED.

PART IV. REFORMED CONTRIBUTORY PENSION BENEFIT.

23–225.

(A) THIS PART IV OF THIS SUBTITLE (REFORMED CONTRIBUTORY PENSION BENEFIT) APPLIES TO:

(1) AN INDIVIDUAL WHO BECOMES A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR THE TEACHERS' PENSION SYSTEM ON OR AFTER JULY 1, 2011; AND

(2) *EXCEPT AS PROVIDED IN § 23–215.1 OF THIS SUBTITLE,* A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM WHO SEPARATED FROM EMPLOYMENT ON OR BEFORE JUNE 30, 2011, AND SUBSEQUENTLY BECOMES EMPLOYED IN A POSITION ELIGIBLE FOR MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM OR THE TEACHERS' PENSION SYSTEM ON OR AFTER JULY 1, 2011.

(B) THIS PART IV DOES NOT APPLY TO AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT PARTICIPATING IN THE EMPLOYEES' PENSION SYSTEM THAT HAS NOT ELECTED TO PARTICIPATE IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER § 31–116.1 OF THIS ARTICLE OR A FORMER PARTICIPATING GOVERNMENTAL UNIT, OTHER THAN FREDERICK COUNTY, THAT HAS WITHDRAWN FROM THE EMPLOYEES' PENSION SYSTEM.

23–226.

(A) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A MEMBER WHO IS SUBJECT TO THIS PART IV OF THIS SUBTITLE SHALL:

(1) RECEIVE AN ALLOWANCE FOR ALL CREDITABLE SERVICE AS FOLLOWS:

(I) FOR NORMAL SERVICE RETIREMENT AS PROVIDED IN § 23–401~~(G)~~*(F)* OF THIS TITLE;

(II) FOR EARLY SERVICE RETIREMENT AS PROVIDED IN § 23–402(C) OF THIS TITLE;

(III) FOR A VESTED ALLOWANCE AS PROVIDED IN § 29–303~~(II)~~*(B–1)* OF THIS ARTICLE;

(IV) FOR ORDINARY DISABILITY RETIREMENT AS PROVIDED IN § 29–108 OF THIS ARTICLE; AND

(V) FOR ACCIDENTAL DISABILITY RETIREMENT AS PROVIDED IN § 29–110 OF THIS ARTICLE;

(2) HAVE THE ALLOWANCE ADJUSTED AS PROVIDED IN TITLE 29, SUBTITLE 4, PART VII OF THIS ARTICLE; AND

(3) MAKE THE MEMBER CONTRIBUTIONS AT THE RATE SPECIFIED IN § 23–212~~(E)~~(D) OF THIS SUBTITLE.

(B) A MEMBER DESCRIBED IN § 23–225(A)(2) OF THIS SUBTITLE IS NOT SUBJECT TO THIS PART IV OF THIS SUBTITLE WITH RESPECT TO THE SERVICE CREDIT EARNED IN THE MEMBER'S PREVIOUS MEMBERSHIP.

23–401.

(a) **[**A**] EXCEPT AS PROVIDED IN SUBSECTION ~~(G)~~ (F) OF THIS SECTION, A** member may retire with a normal service retirement allowance if:

(1) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire; and

(2) on or before the date of retirement, the member:

(i) has at least 30 years of eligibility service;

(ii) has a combined total of at least 30 years of eligibility service from the Employees' Pension System, the Teachers' Pension System, the Employees' Retirement System, or the Teachers' Retirement System; or

(iii) has attained the age and the years of eligibility service as follows:

Age		Years of Eligibility Service
62	with	5
63	with	4
64	with	3
65	or more with	2

(b) Except as provided in subsections (c), (d), **[**and**]** (e)**, AND (F)~~, AND (G)~~** of this section, on retirement under this section, a member is entitled to receive a normal service retirement allowance that equals the number of years of the member's creditable service multiplied by:

(1) 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

(2) 1.5% of the member's average final compensation that exceeds the Social Security integration level.

~~(d) Except as provided in [subsection] SUBSECTIONS (e) AND (F) of this section, a member who is subject to the Alternate Contributory Pension Selection under Subtitle 2, Part III of this title is entitled to receive a normal service retirement allowance that equals the sum of:~~

~~(1) the greater of:~~

~~(i) the number of years of the member's creditable service on or before June 30, 1998 multiplied by 1.2% of the member's average final compensation; or~~

~~(ii) the number of years of the member's creditable service on or before June 30, 1998 multiplied by:~~

~~1. 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and~~

~~2. 1.5% of the member's average final compensation that exceeds the Social Security integration level; and~~

~~(2) the number of years of the member's creditable service on or after July 1, 1998 multiplied by 1.8% of the member's average final compensation.~~

~~**(F) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A MEMBER WHO IS SUBJECT TO SELECTION ONE (FIVE PERCENT MEMBER CONTRIBUTIONS) UNDER § 23–221 OF THIS SUBTITLE IS ENTITLED TO RECEIVE A NORMAL SERVICE RETIREMENT ALLOWANCE THAT EQUALS THE SUM OF:**~~

~~**(1) THE GREATER OF:**~~

~~**(I) THE NUMBER OF YEARS OF THE MEMBER'S CREDITABLE SERVICE ON OR BEFORE JUNE 30, 1998, MULTIPLIED BY 1.2% OF THE MEMBER'S AVERAGE FINAL COMPENSATION; OR**~~

~~**(II) THE NUMBER OF YEARS OF THE MEMBER'S CREDITABLE SERVICE ON OR BEFORE JUNE 30, 1998, MULTIPLIED BY:**~~

~~**1. 0.8% OF THE MEMBER'S AVERAGE FINAL COMPENSATION THAT IS NOT IN EXCESS OF THE SOCIAL SECURITY INTEGRATION LEVEL; AND**~~

~~**2. 1.5% OF THE MEMBER'S AVERAGE FINAL COMPENSATION THAT EXCEEDS THE SOCIAL SECURITY INTEGRATION LEVEL;**~~

~~(2) THE NUMBER OF YEARS OF THE MEMBER'S CREDITABLE SERVICE FROM JULY 1, 1998, TO JUNE 30, 2011, MULTIPLIED BY 1.8% OF THE MEMBER'S AVERAGE FINAL COMPENSATION; AND~~

~~(3) THE NUMBER OF YEARS OF THE MEMBER'S CREDITABLE SERVICE ON OR AFTER JULY 1, 2011, MULTIPLIED BY 1.5% OF THE MEMBER'S AVERAGE FINAL COMPENSATION.~~

~~(G)~~ (F) **(1) A MEMBER WHO ~~IS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER SUBTITLE 2, PART IV OF THIS TITLE~~ *BEGINS MEMBERSHIP ON OR AFTER JULY 1, 2011,* MAY RETIRE WITH A NORMAL SERVICE RETIREMENT ALLOWANCE IF:**

(I) THE MEMBER COMPLETES AND SUBMITS A WRITTEN APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER DESIRES TO RETIRE; AND

(II) ON OR BEFORE THE DATE OF RETIREMENT, THE MEMBER:

1. HAS AT LEAST ~~30~~ *90 YEARS OF COMBINED AGE AND* YEARS OF ELIGIBILITY SERVICE; OR

2. IS AT LEAST 65 YEARS OLD AND HAS *AT LEAST* 10 YEARS OF ELIGIBILITY SERVICE.

(2) ~~ON RETIREMENT UNDER THIS SUBSECTION, A~~ *A* MEMBER WHO IS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER SUBTITLE 2, PART IV OF THIS TITLE IS ENTITLED TO RECEIVE A NORMAL SERVICE RETIREMENT THAT EQUALS THE NUMBER OF YEARS OF THE MEMBER'S CREDITABLE SERVICE MULTIPLIED BY 1.5% OF THE MEMBER'S AVERAGE FINAL COMPENSATION.

23–402.

(a) **[**A**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A** member may retire with an early service retirement allowance if:

(1) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire; and

(2) on or before the date of retirement, the member:

(i) has at least 15 years but less than 30 years of eligibility service; and

(ii) is at least 55 but less than 62 years old.

(b) **A MEMBER WHO ~~IS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER SUBTITLE 2, PART IV OF THIS TITLE~~ *BEGINS MEMBERSHIP ON OR AFTER JULY 1, 2011,* MAY RETIRE WITH AN EARLY SERVICE RETIREMENT ALLOWANCE IF:**

(1) THE MEMBER COMPLETES AND SUBMITS A WRITTEN APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER DESIRES TO RETIRE; AND

(2) ON OR BEFORE THE DATE OF RETIREMENT, THE MEMBER:

(I) HAS AT LEAST 15 YEARS OF ELIGIBILITY SERVICE; AND

(II) IS AT LEAST 60 *BUT LESS THAN 65* YEARS OLD.

(C) (1) [On**] EXCEPT ~~A~~ *AS* PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, *ON*** retirement under this section, a member is entitled to receive an early service retirement allowance that equals the normal service retirement allowance under § 23–401 of this subtitle, reduced by 0.5% for each month that the member's early retirement date precedes the date the member will be 62 years old.

(2) ON RETIREMENT UNDER THIS SECTION, A MEMBER WHO ~~IS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER SUBTITLE 2, PART IV OF THIS TITLE~~ *BEGINS MEMBERSHIP ON OR AFTER JULY 1, 2011,* IS ENTITLED TO RECEIVE AN EARLY SERVICE RETIREMENT ALLOWANCE THAT EQUALS THE NORMAL SERVICE RETIREMENT ALLOWANCE *TO WHICH THE MEMBER WOULD OTHERWISE BE ENTITLED TO* UNDER § 23–401~~(C)~~ OF THIS SUBTITLE, REDUCED BY 0.5% FOR EACH MONTH THAT THE MEMBER'S EARLY RETIREMENT DATE PRECEDES THE DATE THE MEMBER WILL BE 65 YEARS OLD.

24–401.

(a) **(1) (I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO IS A MEMBER ON OR BEFORE JUNE 30, 2011.**

(II) A member may retire with a normal service retirement allowance if:

[(1)**]** **1.** on or before the date of retirement, the member:

[(i)] **A.** has at least 22 years of eligibility service; or

[(ii)] **B.** is at least 50 years old; and

[(2)] **2.** the member completes and submits a written application to the Board of Trustees, on the form that the Board of Trustees provides, stating the date when the member desires to retire.

(2) (I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011.

(II) A MEMBER MAY RETIRE WITH A NORMAL SERVICE RETIREMENT ALLOWANCE IF:

1. ON OR BEFORE THE DATE OF RETIREMENT, THE MEMBER:

A. HAS AT LEAST 25 YEARS OF ELIGIBILITY SERVICE; OR

B. IS AT LEAST 50 YEARS OLD; AND

2. THE MEMBER COMPLETES AND SUBMITS A WRITTEN APPLICATION TO THE BOARD OF TRUSTEES, ON THE FORM THAT THE BOARD OF TRUSTEES PROVIDES, STATING THE DATE WHEN THE MEMBER DESIRES TO RETIRE.

24–401.1.

(c) (1) **(I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO IS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR BEFORE JUNE 30, 2011.**

(II) Except for the Secretary of State Police, a member of the State Police Retirement System is eligible to participate in the DROP if the member:

~~(i)~~ **1.** has at least 22 and less than 28 years of eligibility service; [and]

~~(ii)~~ **2.** is less than 60 years old~~; AND~~

~~(III) HAS AT LEAST 5 YEARS OF ELIGIBILITY SERVICE AS OF JULY 1, 2011~~.

~~(2)~~ **(III)** The Secretary of State Police is eligible to participate in the DROP if the Secretary has at least 22 years of eligibility service ~~AND HAS AT LEAST 5 YEARS OF ELIGIBILITY SERVICE AS OF JULY 1, 2011~~.

(2) (I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR AFTER JULY 1, 2011.

(II) EXCEPT FOR THE SECRETARY OF STATE POLICE, A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM IS ELIGIBLE TO PARTICIPATE IN THE DROP IF THE MEMBER:

1. HAS AT LEAST 25 YEARS AND NOT LESS THAN 29 YEARS OF ELIGIBILITY SERVICE; AND

2. IS LESS THAN 60 YEARS OLD.

(III) THE SECRETARY OF STATE POLICE IS ELIGIBLE TO PARTICIPATE IN THE DROP IF THE SECRETARY HAS AT LEAST 25 YEARS OF ELIGIBILITY SERVICE.

(d) An eligible member may elect to participate in the DROP for a period not to exceed the lesser of:

(1) 4 years;

(2) **(I)** the difference between 28 years and the member's eligibility service as of the date of the member's election to participate in the DROP and retire from the State Police Retirement System**, IF THE MEMBER IS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR BEFORE JUNE 30, 2011; OR**

(II) THE DIFFERENCE BETWEEN 29 YEARS AND THE MEMBER'S ELIGIBILITY SERVICE AS OF THE DATE OF THE MEMBER'S ELECTION TO PARTICIPATE IN THE DROP AND RETIRE FROM THE STATE POLICE RETIREMENT SYSTEM, IF THE MEMBER BECOMES A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR AFTER JULY 1, 2011;

(3) the difference between age 60 and the member's age as of the date of the member's election to participate in the DROP and retire from the State Police Retirement System; or

(4) a term selected by the member.

(h) (2) During the period that a DROP member participates in the DROP, the Board of Trustees shall:

(i) deposit the DROP member's normal service retirement allowance in the DROP for the DROP member's benefit;

(ii) adjust the DROP member's normal service retirement allowance each fiscal year as provided in Title 29, Subtitle 4, Part III of this article; and

(iii) accrue interest on the amounts calculated under items (i) and (ii) of this paragraph for the DROP member into the DROP at the rate of**:**

1. 6% a year, compounded monthly **IF THE INDIVIDUAL IS A DROP MEMBER ON OR BEFORE JUNE 30, 2011; OR**

2. 4% A YEAR, COMPOUNDED ANNUALLY, IF THE INDIVIDUAL BECOMES A DROP MEMBER ON OR AFTER JULY 1, 2011.

26–204.

(a) Except as provided in subsection (b) of this section, a member's contribution rate is**:**

(1) 4% of the member's earnable compensation **RECEIVED BEFORE JULY 1, 2011;**

(2) 6% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED FROM JULY 1, 2011 TO JUNE 30, 2012, BOTH INCLUSIVE; AND

(3) 7% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED ON OR AFTER JULY 1, 2012.

26–401.1.

~~(c) (1) In this subsection, "creditable service" does not include credit for unused sick leave as provided in § 20–206 of this article.~~

~~(2) A member of the Law Enforcement Officers' Pension System is eligible to participate in the DROP if the member has at least 25 and less than 30 years of creditable service **AND HAS AT LEAST 5 YEARS OF CREDITABLE SERVICE ON OR BEFORE JULY 1, 2011**.~~

(h) (2) During the period that a DROP member participates in the DROP, the Board of Trustees shall:

(i) deposit the DROP member's normal service retirement allowance in the DROP for the DROP member's benefit;

(ii) adjust the DROP member's normal service retirement allowance each fiscal year as provided in Title 29, Subtitle 4, Part VI of this article; and

(iii) accrue interest on the amounts calculated under subparagraphs (i) and (ii) of this paragraph for the DROP member into the DROP at the rate of**:**

1. 6% a year, compounded monthly **IF THE INDIVIDUAL IS A DROP MEMBER ON OR BEFORE JUNE 30, 2011; OR**

2. 4% A YEAR, COMPOUNDED ANNUALLY, IF THE INDIVIDUAL BECOMES A DROP MEMBER ON OR AFTER JULY 1, 2011.

~~27–202.~~

~~(a) Except as provided in [subsection] SUBSECTIONS (b) AND (C) of this section, a member's contribution rate is:~~

~~(1) 6% of the member's earnable compensation RECEIVED BEFORE JULY 1, 2011; AND~~

~~(2) 8% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED ON OR AFTER JULY 1, 2011.~~

~~(b) THE CONTRIBUTION RATE FOR AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011, IS 8% OF THE MEMBER'S EARNABLE COMPENSATION.~~

~~(C) After 16 years of service as a member, a member does not make any further contributions.~~

29–302.

(a) This section applies only to members of:

(1) the Correctional Officers' Retirement System;

(2) the Employees' Retirement System;

(3) the State Police Retirement System; and

(4) the Teachers' Retirement System.

(b) (1) **THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO IS A MEMBER ON OR BEFORE JUNE 30, 2011.**

(2) A member may elect to receive a vested allowance if:

(i) the member is separated from employment other than by death or retirement; and

(ii) subject to paragraph **[**(2)**] (3)** of this subsection, the member has at least 5 years of eligibility service.

[(2)**] (3)** A former member of the State Police Retirement System who separated from employment on or before June 30, 1989, must have at least 15 years of eligibility service to elect a vested allowance.

[(3)**] (4)** A member is deemed to have elected a vested allowance, unless the member requests the return of the accumulated contributions before membership ends.

(B–1) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011.

(2) A MEMBER IS ELIGIBLE TO RECEIVE A VESTED ALLOWANCE IF:

(I) THE MEMBER SEPARATED FROM EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT; AND

(II) THE MEMBER HAS AT LEAST 10 YEARS OF ELIGIBILITY SERVICE.

29–303.

(a) This section applies only to members of:

(1) the Employees' Pension System;

(2) the Local Fire and Police System;

(3) the Law Enforcement Officers' Pension System; or

(4) the Teachers' Pension System.

(b) **(1)** [A] ~~**EXCEPT AS PROVIDED IN SUBSECTION (II) OF THIS SECTION, A**~~ **THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO IS A MEMBER ON OR BEFORE JUNE 30, 2011.**

(2) **A** member is eligible to receive a vested allowance if:

~~(1)~~ **(I)** the member separated from employment other than by death or retirement; and

~~(2)~~ **(II)** the member has at least 5 years of eligibility service.

(B–1) (1) **THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011.**

(2) **A MEMBER IS ELIGIBLE TO RECEIVE A VESTED ALLOWANCE IF:**

(I) **THE MEMBER SEPARATED FROM EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT; AND**

(II) **THE MEMBER HAS AT LEAST 10 YEARS OF ELIGIBILITY SERVICE.**

~~(c) Except as provided in subsections (e), (f), [and] (g), AND (H) of this section, a vested allowance:~~

~~(1) is a deferred allowance that begins at normal retirement age;~~

~~(2) is computed as a normal service retirement allowance on the basis of the member's average final compensation and eligibility service at separation from employment; and~~

~~(3) may be paid in one of the optional forms of allowances under § 21–403 of this article.~~

~~(e) Except as provided in [subsection] SUBSECTIONS (f) AND (H) of this section, a former member of the Employees' Pension System or the Teachers' Pension System who has separated from employment before the age of 55 with at least 15 years of eligibility service is eligible to receive a vested allowance that:~~

~~(1) begins on the first day of the month following the member's 55th birthday; and~~

~~(2) equals the reduced allowance computed under § 23–402 of this article.~~

~~(II) (1) A MEMBER WHO IS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE IS ELIGIBLE TO RECEIVE A VESTED ALLOWANCE IF:~~

~~(I) THE MEMBER SEPARATED FROM EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT; AND~~

~~(II) THE MEMBER HAS AT LEAST 10 YEARS OF ELIGIBILITY SERVICE.~~

~~(2) A VESTED ALLOWANCE UNDER THIS SUBSECTION:~~

~~(I) IS A DEFERRED ALLOWANCE THAT MAY BEGIN NO EARLIER THAN NORMAL RETIREMENT AGE;~~

~~(II) IS COMPUTED AS A NORMAL SERVICE RETIREMENT ALLOWANCE ON THE BASIS OF THE MEMBER'S AVERAGE FINAL COMPENSATION AND ELIGIBILITY SERVICE AT SEPARATION FROM EMPLOYMENT; AND~~

~~(III) MAY BE PAID IN ONE OF THE OPTIONAL FORMS OF ALLOWANCES UNDER § 21–403 OF THIS ARTICLE.~~

~~(3) TO COMMENCE RECEIVING A VESTED ALLOWANCE UNDER THIS SUBSECTION, AN INDIVIDUAL SHALL COMPLETE AND SUBMIT A WRITTEN APPLICATION TO THE BOARD OF TRUSTEES.~~

~~(4) AN INDIVIDUAL MAY NOT RECEIVE A VESTED ALLOWANCE FOR THE PERIOD BEFORE THE INDIVIDUAL SUBMITTED A COMPLETED APPLICATION TO THE BOARD OF TRUSTEES.~~

29–404.

(a) Except as provided in subsection (b) of this section, this Part II of this subtitle applies only to an allowance received by a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree of:

(1) the Employees' Pension System if the deceased member, former member, or retiree was an employee of a participating governmental unit or a former participating governmental unit, other than Frederick County, that has withdrawn while a member; or

(2) the Local Fire and Police System.

(b) This Part II of this subtitle does not apply to an allowance ***OR PORTION OF AN ALLOWANCE*** *that is:*

(1) *subject to adjustment under Part II, Part IV, Part V,* ***[****or****]*** *Part VI,* ***OR PART VII*** *of this subtitle****; OR***

(2) BASED ON CREDITABLE SERVICE EARNED ON OR AFTER JULY 1, 2011.

29–410.

(a) **(1)** **[**This**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS** Part III applies only to an allowance received by:

[(1)**]** **(I)** a former member, retiree, or surviving spouse of a member:

[(i)**]** **1.** of the Correctional Officers' Retirement System;

[(ii)**]** **2.** of the Employees' Retirement System or the Teachers' Retirement System who elected Selection A (Additional member contributions);

[(iii)**]** **3.** of the State Police Retirement System;

[(iv)**]** **4.** who transferred to the Local Fire and Police System from the Employees' Retirement System; or

[(v)**]** **5.** who transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System and had elected Selection A (Additional member contributions); or

[(2)**]** **(II)** a surviving beneficiary of a deceased former member or retiree described in item **[**(1)**]** **(I)** of this **[**subsection**]** **PARAGRAPH**.

(2) THIS PART III APPLIES ONLY TO AN ALLOWANCE BASED ON CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, FOR A FORMER MEMBER, RETIREE, SURVIVING SPOUSE OF A MEMBER, OR A SURVIVING BENEFICIARY OF A DECEASED FORMER MEMBER OR RETIREE:

(I) OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; OR

(II) OF THE STATE POLICE RETIREMENT SYSTEM.

(b) This Part III does not apply to:

(1) benefits paid in a single payment;

(2) the return of accumulated contributions; or

(3) benefits attributable to additional contributions.

29–425.

(a) This Part VI of this subtitle applies:

(1) on or after July 1, 1998 only to an allowance **BASED ON CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, AND** received by a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree of the Employees' Pension System or the Teachers' Pension System; and

(2) on or after December 31, 2000, to an allowance **BASED ON CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, AND** received by a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree of the Law Enforcement Officers' Pension System.

(b) This Part VI of this subtitle does not apply if:

(1) the member, former member, or retiree was an employee of:

(i) a participating governmental unit that has not elected the contributory pension benefit or the Alternate Contributory Pension Selection of its employees under § 31–116 of this article; or

(ii) a former participating governmental unit, other than Frederick County, that has withdrawn before July 1, 1998, while a member; or

(2) the member, former member, or retiree:

(i) transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System; and

(ii) did not elect to participate in the Law Enforcement Officers' Modified Pension Benefit on or before December 31, 2000 as provided in § 26–211 of this article.

29–428. RESERVED.

29–429. RESERVED.

PART VII. ~~THREE/ONE~~ *TWO AND ONE–HALF/ONE* PERCENT COMPOUND ADJUSTMENT.

29–430.

THIS PART VII OF THIS SUBTITLE ~~(THREE/ONE~~ *(TWO AND ONE–HALF/ONE* PERCENT COMPOUND ADJUSTMENT) APPLIES TO AN ALLOWANCE ~~RECEIVED BY A FORMER MEMBER, RETIREE, OR SURVIVING BENEFICIARY OF A DECEASED MEMBER, FORMER MEMBER, OR RETIREE OF THE EMPLOYEES' PENSION SYSTEM OR THE TEACHERS' PENSION SYSTEM WHO IS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE~~ *BASED ON CREDITABLE SERVICE EARNED ON OR AFTER JULY 1, 2011, FOR:*

(1) A FORMER MEMBER, RETIREE, OR SURVIVING SPOUSE OF A MEMBER OF:

(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;

(II) THE EMPLOYEES' PENSION SYSTEM;

(III) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM;

(IV) THE STATE POLICE RETIREMENT SYSTEM; OR

(V) THE TEACHERS' PENSION SYSTEM; OR

(2) A BENEFICIARY OF THE RETIREE OR FORMER MEMBER DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

29–431.

EACH FISCAL YEAR, THE BOARD OF TRUSTEES SHALL ADJUST EACH ALLOWANCE AS PROVIDED IN THIS PART VII OF THIS SUBTITLE.

29–432.

(A) EACH FISCAL YEAR, THE BOARD OF TRUSTEES SHALL ADJUST AN ALLOWANCE BY MULTIPLYING THE ALLOWANCE FOR THE PRECEDING FISCAL YEAR, EXCLUSIVE OF ANY ADDITIONAL VOLUNTARY ANNUITY, BY A RATE THAT:

(1) IS OBTAINED BY DIVIDING THE CONSUMER PRICE INDEX FOR THE CALENDAR YEAR ENDING DECEMBER 31 IN THE PRECEDING FISCAL YEAR BY THE CONSUMER PRICE INDEX FOR THE CALENDAR YEAR ENDING DECEMBER 31 IN THE SECOND PRECEDING FISCAL YEAR; AND

(2) DOES NOT EXCEED:

(I) ~~3%~~ *2.5%*, IF FOR THE CALENDAR YEAR ENDING DECEMBER 31 IN THE PRECEDING FISCAL YEAR, THE TOTAL INVESTMENT PERFORMANCE OF THE SEVERAL SYSTEMS EQUALS OR EXCEEDS THE ASSUMED RATE OF INVESTMENT RETURN ESTABLISHED BY THE BOARD OF TRUSTEES IN ACCORDANCE WITH § 21–125(C) OF THIS ARTICLE; OR

(II) 1%, IF FOR THE CALENDAR YEAR ENDING DECEMBER 31 IN THE PRECEDING FISCAL YEAR, THE TOTAL INVESTMENT PERFORMANCE OF THE SEVERAL SYSTEMS DOES NOT EQUAL OR EXCEED THE ASSUMED RATE OF INVESTMENT RETURN ESTABLISHED BY THE BOARD OF TRUSTEES IN ACCORDANCE WITH § 21–125(C) OF THIS ARTICLE.

(B) THE ADJUSTMENT UNDER SUBSECTION (A) OF THIS SECTION SHALL BEGIN THE SECOND JULY 1 AFTER THE DAY PRECEDING THE RETIREE'S DATE OF RETIREMENT OR THE FORMER MEMBER'S EFFECTIVE DATE FOR RECEIPT OF A VESTED ALLOWANCE.

(C) (1) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE TOTAL ALLOWANCE PAYABLE IN EACH FISCAL YEAR SHALL BE THE SUM OF:

~~(1)~~ (I) THE ANNUAL RATE OF ALLOWANCE PAID DURING THE PRECEDING FISCAL YEAR;

~~(2)~~ (II) THE ADJUSTMENT IN ALLOWANCE PROVIDED FOR UNDER THIS SECTION; AND

~~(3)~~ (III) ANY ADDITIONAL ANNUITY.

(2) (I) IN THIS PARAGRAPH, "ZERO–ADJUSTMENT FISCAL YEAR" MEANS ANY FISCAL YEAR WHEN THE ALLOWANCE ADJUSTED AS PROVIDED IN SUBSECTION (A) OF THIS SECTION IS LESS THAN THE ALLOWANCE PAID FOR THE PRECEDING FISCAL YEAR.

(II) FOR ANY FISCAL YEAR, THE ALLOWANCE PAYABLE MAY NOT BE LESS THAN THE ALLOWANCE PAID FOR THE PRECEDING FISCAL YEAR.

(III) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A FISCAL YEAR THAT IS NOT A ZERO–ADJUSTMENT FISCAL YEAR.

2. SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:

A. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER A ZERO–ADJUSTMENT FISCAL YEAR, THE ALLOWANCE PAYABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR AND THE ALLOWANCE THAT WOULD HAVE BEEN PAYABLE FOR THE PRECEDING FISCAL YEAR IF THE ALLOWANCE FOR THAT FISCAL YEAR HAD BEEN CALCULATED WITHOUT REGARD TO SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

B. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER 2 OR MORE CONSECUTIVE ZERO–ADJUSTMENT FISCAL YEARS, THE ALLOWANCE PAYABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE TOTAL OF THE ALLOWANCES PAID IN EACH CONSECUTIVE ZERO–ADJUSTMENT FISCAL YEAR PRECEDING THE FISCAL YEAR AND THE TOTAL ALLOWANCES THAT WOULD HAVE BEEN PAYABLE FOR EACH OF THOSE FISCAL YEARS IF THE ALLOWANCE FOR EACH OF THOSE FISCAL YEARS HAD BEEN CALCULATED WITHOUT REGARD TO SUBPARAGRAPH (II) OF THIS PARAGRAPH.

3. IF THE AMOUNT OF THE REDUCTION REQUIRED FOR ANY FISCAL YEAR UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH EXCEEDS THE DIFFERENCE BETWEEN THE ALLOWANCE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE FISCAL YEAR AND THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR, THE EXCESS SHALL BE DEDUCTED IN FUTURE YEARS, SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNTIL THE DIFFERENCE IS FULLY RECOVERED.

~~29–433. RESERVED.~~

~~29–434. RESERVED.~~

~~PART VIII. THREE/ONE PERCENT COMPOUND COMBINATION ADJUSTMENT.~~

~~29–435.~~

~~(A) THIS PART VIII APPLIES ONLY TO AN ALLOWANCE BASED ON CREDITABLE SERVICE EARNED ON OR AFTER JULY 1, 2011, FOR:~~

~~(1) A FORMER MEMBER, RETIREE, OR SURVIVING SPOUSE OF A MEMBER OF:~~

~~(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;~~

~~(II) THE EMPLOYEES' PENSION SYSTEM;~~

~~(III) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM;~~

~~(IV) THE STATE POLICE RETIREMENT SYSTEM; OR~~

~~(V) THE TEACHERS' PENSION SYSTEM; OR~~

~~(2) A BENEFICIARY OF THE RETIREE OR FORMER MEMBER DESCRIBED IN ITEM (1) OF THIS SUBSECTION.~~

~~(B) THIS PART VIII OF THIS SUBTITLE DOES NOT APPLY IF:~~

~~(1) THE MEMBER, FORMER MEMBER, OR RETIREE WAS:~~

~~(I) SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT;~~

~~(II) AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT THAT HAS NOT ELECTED THE CONTRIBUTORY PENSION BENEFIT OR THE ALTERNATE CONTRIBUTORY PENSION SELECTION OF ITS EMPLOYEES UNDER § 31–116 OF THIS ARTICLE; OR~~

~~(III) AN EMPLOYEE OF A FORMER PARTICIPATING GOVERNMENTAL UNIT, OTHER THAN FREDERICK COUNTY, THAT HAS WITHDRAWN BEFORE JULY 1, 1998, WHILE A MEMBER; OR~~

~~(2) THE MEMBER, FORMER MEMBER, OR RETIREE:~~

~~(I) TRANSFERRED TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM FROM THE EMPLOYEES' RETIREMENT SYSTEM; AND~~

~~(II) DID NOT ELECT TO PARTICIPATE IN THE LAW ENFORCEMENT OFFICERS' MODIFIED PENSION BENEFIT ON OR BEFORE DECEMBER 31, 2000, AS PROVIDED IN § 26–211 OF THIS ARTICLE.~~

~~29–436.~~

~~EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL ADJUST AN ALLOWANCE DESCRIBED IN § 29–435 OF THIS SUBTITLE:~~

~~(1) FOR CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, AS PROVIDED BY PART VI OF THIS SUBTITLE; AND~~

~~(2) FOR CREDITABLE SERVICE ON OR AFTER JULY 1, 2011, AS PROVIDED BY PART VII OF THIS SUBTITLE.~~

31–116.2.

(A) (1) ~~THIS~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES TO AN INDIVIDUAL WHO BECOMES AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT ON OR AFTER JULY 1, 2011.

(2) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO BECOMES AN EMPLOYEE OF:

(I) A PARTICIPATING GOVERNMENTAL UNIT THAT ON JULY 1, 2011, IS PARTICIPATING IN THE EMPLOYEES' PENSION SYSTEM AND HAS NOT ELECTED TO PARTICIPATE IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER § 31–116.1 OF THIS ARTICLE; OR

(II) A FORMER PARTICIPATING GOVERNMENTAL UNIT, OTHER THAN FREDERICK COUNTY, THAT HAS WITHDRAWN FROM THE EMPLOYEES' PENSION SYSTEM ON OR BEFORE JUNE 30, 2011.

(B) AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE.

34–101.

(d) **[**For fiscal year 2013 and each fiscal year thereafter, the following funds shall be deposited into the Postretirement Health Benefits Trust Fund:

(1) 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; and

(2)**] THE POSTRETIREMENT HEALTH BENEFITS TRUST FUND SHALL CONSIST OF** any funds appropriated to the Postretirement Health Benefits Trust Fund, whether directly or through the budgets of any State agency.

37–101.

(j) (1) "Noncontributory system" means a State or local retirement or pension system under which member contributions are not deducted from all compensation.

(2) "Noncontributory system" includes the part of the Employees' Pension System of the State of Maryland and the part of the Teachers' Pension System of the State of Maryland that does not provide a contributory pension benefit under Title 23, Subtitle 2, Part II of this article or the Alternate Contributory Pension Selection under Title 23, Subtitle 2, Part III of this article **OR THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE**.

(R–1) "STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM" MEANS THE PART OF THE EMPLOYEES' PENSION SYSTEM OF THE STATE OF MARYLAND THAT PROVIDES THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE.

(R–2) "STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM" MEANS THE PART OF THE TEACHERS' PENSION SYSTEM OF THE STATE OF MARYLAND THAT PROVIDES THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE.

37–203.

(a) This section does not apply to a transfer of service credit to or from the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, **[**or**]** the State Contributory Teachers' Pension System**, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM**.

37–203.1.

(a) (1) An individual may transfer service credit from a contributory system to the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, **[**or**]** the State Contributory Teachers' Pension System**, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM** if, within 1 year after becoming a member of the pension system, the individual:

(i) completes a claim for the service credit and files it with the Board of Trustees of the State Retirement and Pension System on a form that the Board of Trustees provides; and

(ii) deposits in the annuity savings fund of:

1. the Employees' Pension System or Teachers' Pension System member contributions at the rate applicable for the period of service if the member had earned the transferred service credit in the new system, including regular interest on the contributions at the rate of 5% per year compounded annually; or

2. the Law Enforcement Officers' Pension System member contributions at the rate of 4% of the individual's earnable compensation while a member of the contributory system after June 30, 2000, including regular interest on the contributions at the rate of 5% per year compounded annually.

(2) Subject to § 414(h) of the Internal Revenue Code, the contributory system shall refund the individual's accumulated contributions in excess of the amount determined under paragraph (1) of this subsection on request.

(b) (1) Subject to paragraph (2) of this subsection, an individual may transfer service credit from a noncontributory system to the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, **[**or**]** the State Contributory Teachers' Pension System**, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM** if, within 1 year after becoming a member of the pension system, the individual completes a claim for the service credit and files it with the Board of Trustees for the State Retirement and Pension System on a form that the Board of Trustees provides.

(3) (i) 1. This subparagraph applies only to an individual who transferred service credit from a noncontributory system to the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, **[**or**]** the State Contributory Teachers' Pension System**, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM** and earned any portion of the transferred service credit in a noncontributory system after June 30, 1998.

(c) (1) An individual may transfer service credit from the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, **[**or**]** the State Contributory Teachers' Pension System**, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM** to a noncontributory system if, within 1 year after becoming a member of the noncontributory system, the individual completes a claim for the

service credit and files it with the administrator of the noncontributory system on a form that the administrator provides.

(d) (1) An individual may transfer service credit from the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, **[**or**]** the State Contributory Teachers' Pension System**, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM** to a contributory system if, within 1 year after becoming a member of the contributory system, the individual:

(i) completes a claim for the service credit and files it with the administrator of the contributory system on a form that the administrator provides; and

(ii) deposits in the annuity savings fund or other corresponding fund of the contributory system the sum of:

1. the total accumulated contributions to the individual's credit in the annuity savings fund of the previous system;

2. the difference, if any, between the member contributions at the rate provided for in the contributory system, including interest on those contributions, and the total accumulated contributions to the individual's credit in the annuity savings fund of the previous system; and

3. the accumulated contributions that would have been deducted during the period the individual was a member of the State system while it was a noncontributory system if the individual had earned the transferred service credit under the contributory system, including interest on those contributions.

38–104.

(d) **(1) [**The**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** service credit for military service that an individual receives under this section shall be applied to the individual's retirement allowance using the accrual rate in effect at the time the individual retires from a State system.

(2) IF AN INDIVIDUAL APPLIES FOR MILITARY SERVICE CREDIT ON OR AFTER JULY 1, 2011, THE SERVICE CREDIT FOR MILITARY SERVICE THAT THE INDIVIDUAL RECEIVES UNDER THIS SECTION SHALL BE APPLIED TO THE INDIVIDUAL'S RETIREMENT ALLOWANCE USING THE ACCRUAL RATE IN EFFECT AT THE TIME THE INDIVIDUAL SUBMITS AN APPLICATION FOR MILITARY SERVICE CREDIT TO THE STATE RETIREMENT AGENCY.

Article – Tax – General

2–202.

(b) The revenue to be distributed in accordance with subsection (a)(1) of this section:

(1) for fiscal year 2010 only, shall be distributed to the General Fund of the State; **[**and**]**

(2) for fiscal year 2011 only, shall be distributed as follows:

(i) $500,000 to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article;

(ii) $500,000 to a special fund, to be used only as provided in subsection (c) of this section; and

(iii) the balance to the General Fund of the State**; AND**

(3) FOR FISCAL YEAR 2012 ONLY, SHALL BE DISTRIBUTED *AS FOLLOWS:*

(I) $500,000 TO A SPECIAL FUND, TO BE USED ONLY AS PROVIDED IN SUBSECTION (C) OF THIS SECTION; AND

(II) THE BALANCE ~~**AS FOLLOWS:**~~

~~**(I) $1,000,000 TO THE SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND, AS PROVIDED IN § 4–801 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND**~~

~~**(II) THE BALANCE**~~ **TO THE GENERAL FUND OF THE STATE**.

(c) (1) ***(I)*** *For fiscal year 2011, the Comptroller shall pay from the special fund established under subsection (b)(2)(ii) of this section a grant to the local jurisdictions where the electronic bingo machines or electronic tip jar machines that are the source of the revenue are located, to be used by the local jurisdictions only for one–time capital expenditures.*

[(2)] ***(II)*** *A grant under this* ***[****subsection****]*** ***PARAGRAPH*** *shall be paid to a municipal corporation if the machines are located in a municipal corporation or to a county if the machines are not located in a municipal corporation.*

[(3)] ***(III)*** *The grants under this [subsection]* ***PARAGRAPH*** *shall be paid to each local jurisdiction in proportion to the amount of tax revenue derived from machines in each jurisdiction.*

(2) FOR FISCAL YEAR 2012, THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B)(3)(I) OF THIS SECTION MAY BE USED ONLY AS FOLLOWS:

(I) $150,000 AS AN APPROPRIATION TO THE STATE ARCHIVES, TO BE USED ONLY FOR THE OPERATING COSTS ASSOCIATED WITH THE DEVELOPMENT AND IMPLEMENTATION OF THE STATE HOUSE MASTER PLAN AS APPROVED BY THE STATE HOUSE TRUST;

(II) $50,000 AS A GRANT TO BE PAID BY THE COMPTROLLER TO THE MARYLAND HUMANITIES COUNCIL; AND

(III) IMPACT GRANTS TO BE PAID BY THE COMPTROLLER IN THE LOCAL JURISDICTIONS WHERE THE ELECTRONIC BINGO MACHINES OR ELECTRONIC TIP JAR MACHINES ARE LOCATED, AS FOLLOWS:

1. $150,000 IN ANNE ARUNDEL COUNTY TO THE ANNE ARUNDEL COUNTY VOLUNTEER FIREFIGHTERS ASSOCIATION FOR CAPITAL EXPENDITURES AND REPLACEMENT OF EQUIPMENT; AND

2. $150,000 IN CALVERT COUNTY AS FOLLOWS:

A. $125,000 TO BE DIVIDED EQUALLY BETWEEN THE TOWN OF CHESAPEAKE BEACH AND THE TOWN OF NORTH BEACH, TO BE USED ONLY FOR ONE–TIME CAPITAL EXPENDITURES; AND

B. $25,000 TO THE BEACH TROLLEY ASSOCIATION OF CHESAPEAKE BEACH AND NORTH BEACH.

2–614.

(a) **(1)** **[**After**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AFTER** making the distributions required under §§ 2–613 and 2–613.1 of this subtitle, the Comptroller shall distribute monthly **[**24%**]** ~~**19.5%**~~ ***17.2%*** of the remaining income tax revenue from corporations to a special fund to be distributed as provided in subsection (b) of this section.

(2) THE PERCENT OF THE REMAINING INCOME TAX REVENUE FROM CORPORATIONS DISTRIBUTED TO A SPECIAL FUND TO BE DISTRIBUTED AS PROVIDED IN SUBSECTION (B) OF THIS SECTION SHALL BE:

(I) 24% FOR THE FISCAL YEAR BEGINNING JULY 1, 2011; ~~AND~~

(II) 9.5% FOR THE FISCAL YEAR BEGINNING JULY 1, 2012*;* ***AND***

(III) 19.5% FOR EACH FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2013, BUT BEFORE JULY 1, 2016.

(b) (1) **(I)** **[**From**] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, FROM** the special fund, the Comptroller shall distribute an amount equal to **[**24%**]** ~~**19.5%**~~ ***17.2%*** of the cost to administer the income tax on corporations to an administrative cost account.

(II) THE PERCENT OF THE COST TO ADMINISTER THE INCOME TAX ON CORPORATIONS THAT IS DISTRIBUTED TO AN ADMINISTRATIVE COST ACCOUNT SHALL BE:

1. 24% FOR THE FISCAL YEAR BEGINNING JULY 1, 2011; ~~AND~~

2. 9.5% FOR THE FISCAL YEAR BEGINNING JULY 1, 2012*;* ***AND***

(III) 19.5% FOR EACH FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2013, BUT BEFORE JULY 1, 2016.

(2) After making the distribution required under paragraph (1) of this subsection, the Comptroller shall distribute the balance in the special fund to the Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.

2–1104.

(a) Except as **OTHERWISE** provided in **[**subsections (b), (c), and (d) of**]** this section, after making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

(1) 2.3% to the Chesapeake Bay 2010 Trust Fund; and

(2) any remaining balance to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

(b) For **[**the**]** **EACH** fiscal year beginning **ON OR BEFORE** July 1, **[**2008**]** **2015**, 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**:**

(I) $5,000,000 FOR EACH FISCAL YEAR BEGINNING ON OR BEFORE JULY 1, 2014; AND

(II) $4,624,687 FOR THE FISCAL YEAR BEGINNING JULY 1, 2015; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.

[(c) For the fiscal year beginning July 1, 2009, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) $8,385,845 to the General Fund of the State; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.

(d) For the fiscal year beginning July 1, 2010, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) $5,000,000 to the General Fund of the State; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.**]**

2–1302.1.

(a) Except as **OTHERWISE** provided in **[**subsections (b), (c), and (d) of**]** this section, after making the distributions required under §§ 2–1301 and 2–1302 of this subtitle, of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article the Comptroller shall distribute:

(1) 45% to the Transportation Trust Fund established under § 3–216 of the Transportation Article; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.

(b) For **[**the**]** **EACH** fiscal year beginning **ON OR BEFORE** July 1, **[**2008**]** **2014**, 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**:**

(I) ~~$13,669,444~~ ~~$16,669,444~~ *~~$15,169,444~~* FOR THE FISCAL YEAR BEGINNING JULY 1, 2011;

(II) $10,076,582 FOR THE FISCAL YEAR BEGINNING JULY 1, 2012;

(III) $6,535,845 FOR THE FISCAL YEAR BEGINNING JULY 1, 2013; AND

(IV) $3,049,199 FOR THE FISCAL YEAR BEGINNING JULY 1, 2014; 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) $21,100,711 to the General Fund of the State; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.

(d) For the fiscal year beginning July 1, 2010, after the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute the remainder of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article as follows:

(1) $17,101,428 to the General Fund of the State; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.**]**

[2–1302.2.

After making the distributions required under §§ 2–1301 through 2–1302.1 of this subtitle, the Comptroller shall pay into the Transportation Trust Fund established under § 3–216 of the Transportation Article:

(1) for each fiscal year beginning before July 1, 2013, 5.3% of the remaining sales and use tax revenue; and

(2) for each fiscal year beginning on or after July 1, 2013, 6.5% of the remaining sales and use tax revenue.**]**

2–1303.

After making the distributions required under §§ 2–1301 through **[**2–1302.2**]** **2–1302.1** of this subtitle, the Comptroller shall pay:

(1) revenues from the hotel surcharge into the Dorchester County Economic Development Fund established under § 10–130 of the Economic Development Article; and

(2) the remaining sales and use tax revenue into the General Fund of the State.

11–105.

(c) **[**From January 3, 2008 through June 30, 2011:**]**

(1) **[**the**]** **THE** credit allowed under subsection (a) of this section may not exceed $500 for each return**[**; and**]**.

(2) **[**for**]** **FOR** a vendor who files or is eligible to file a consolidated return under § 11–502 of this title, the total maximum credit that the vendor is allowed under this section for all returns filed for any period is $500.

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) ***(1)*** ~~**EACH**~~ ***EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH*** **COUNTY AND BALTIMORE CITY SHALL BE RESPONSIBLE FOR REIMBURSING THE STATE FOR THE COSTS OF ADMINISTERING THE DEPARTMENT AS FOLLOWS:**

~~**(1)**~~ ***(I)*** ~~**90%**~~ **50%** **OF THE COSTS OF REAL PROPERTY VALUATION;**

~~**(2)**~~ ***(II)*** ~~**90%**~~ **50%** **OF THE COSTS OF BUSINESS PERSONAL PROPERTY VALUATION; AND**

~~(3)~~ *(III)* ~~90%~~ 50% 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.

(2) FOR EACH OF FISCAL YEARS 2012 AND 2013, EACH COUNTY AND BALTIMORE CITY SHALL BE RESPONSIBLE FOR REIMBURSING THE STATE 90% INSTEAD OF 50% OF THE COSTS OF ADMINISTERING THE DEPARTMENT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(C) COSTS UNDER SUBSECTION (B) OF THIS SECTION SHALL BE ALLOCATED AMONG THE COUNTIES AND BALTIMORE CITY AS FOLLOWS:

(1) COSTS UNDER SUBSECTIONS (B)(1) AND (B)(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 BASES 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 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.

~~9–103.~~

~~(d) (1) The appropriate governing body shall calculate the amount of the tax credit under this section equal to a percentage of the amount of property tax imposed on the eligible assessment of the qualified property, as follows:~~

~~(i) [80%] **50%** in each of the 1st [5] **6** taxable years following the calendar year in which the property initially becomes a qualified property;~~

~~(ii) [70% in the 6th taxable year;~~

~~(iii) 60%] **40%** in the 7th taxable year;~~

~~[(iv)] **(III)** [50%] **30%** in the 8th taxable year;~~

~~[(v)] **(IV)** [40%] **20%** in the 9th taxable year; and~~

~~[(vi)] **(V)** [30%] **10%** in the 10th taxable year.~~

~~(4) For qualified property located in a focus area, the appropriate governing body shall calculate the amount of the tax credit under this section equal to [80%] **50%** of the amount of property tax imposed on the eligible assessment of the qualified property for each of the 10 taxable years following the calendar year in which the property initially becomes a qualified property.~~

~~**9–255.**~~

~~**(A) IN THIS SECTION, "ELIGIBLE ASSESSMENT" AND "QUALIFIED PROPERTY" HAVE THE MEANINGS STATED IN § 9–103 OF THIS TITLE.**~~

~~**(B) (1) 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 LOCAL SUPPLEMENT TO THE PROPERTY TAX CREDIT REQUIRED UNDER § 9–103 OF THIS TITLE AGAINST THE PROPERTY TAX IMPOSED ON THE ELIGIBLE ASSESSMENT OF QUALIFIED PROPERTY.**~~

~~**(2) A COUNTY OR MUNICIPAL CORPORATION MAY NOT OBTAIN REIMBURSEMENT UNDER § 9–103(H) OF THIS TITLE FOR THE REVENUES THAT THE COUNTY OR MUNICIPAL CORPORATION WOULD HAVE COLLECTED IF IT HAD NOT GRANTED A LOCAL SUPPLEMENT AS AUTHORIZED UNDER THIS SECTION.**~~

~~**(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE LOCAL SUPPLEMENT AUTHORIZED UNDER THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF THE PROPERTY TAX CREDIT REQUIRED UNDER § 9–103 OF THIS TITLE.**~~

~~(D) (1) SUBJECT TO THE LIMITATION UNDER PARAGRAPH (2) OF THIS PARAGRAPH, A LOCAL SUPPLEMENT AUTHORIZED UNDER THIS SECTION SHALL EQUAL A PERCENTAGE, AS SET BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION, OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ELIGIBLE ASSESSMENT OF THE QUALIFIED PROPERTY FOR EACH OF NOT MORE THAN 10 TAXABLE YEARS FOLLOWING THE CALENDAR YEAR IN WHICH THE PROPERTY INITIALLY BECOMES A QUALIFIED PROPERTY.~~

~~(2) FOR ANY TAXABLE YEAR, THE PERCENTAGE SET BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED THE PERCENTAGE THAT WHEN ADDED TO THE PERCENTAGE SPECIFIED IN § 9–103(D)(1) OF THIS TITLE FOR THAT TAXABLE YEAR EQUALS 80%.~~

Article – Transportation

1–103.

[(c) Subsection (b) of this section does not apply to licenses issued under:

(1) Title 13 of this article (motor vehicle registrations); or

(2) Title 16 of this article (drivers' licenses).**]**

3–215.

(b) The tax levied and imposed by this section consists of that part of the following taxes that are retained to the credit of the Department after distributions to the political subdivisions:

(1) The motor fuel tax revenue distributed under §§ 2–1103(2) and 2–1104(a)(2) of the Tax – General Article;

(2) The income tax revenue distributed under § 2–614 of the Tax – General Article;

(3) The excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 of this article; and

(4) The sales and use tax revenues distributed under **[**§§ 2–1302.1 and 2–1302.2**] § 2–1302.1** of the Tax – General Article.

3–217.

(A) BEGINNING JULY 1, 2012, FUNDS IN THE TRANSPORTATION TRUST FUND MAY NOT BE TRANSFERRED OR DIVERTED FROM THAT FUND TO THE GENERAL FUND UNLESS LEGISLATION IS ENACTED PRIOR TO THE TRANSFER OR DIVERSION THAT PROVIDES FOR REPAYMENT OF THE FUNDS TO THE TRANSPORTATION TRUST FUND WITHIN 5 YEARS AFTER THE TRANSFER OR DIVERSION.

(B) THIS SECTION DOES NOT APPLY TO A TRANSFER OR DIVERSION OF FUNDS UNDER § 8–403 OF THIS ARTICLE.

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 **[**2012**] 2013** equal to $264,913,000, as follows:

(i) $53,000,000 for fiscal year 2007;

(ii) $55,000,000 for fiscal year 2010;

(iii) At least $80,000,000 for fiscal year 2011; and

(iv) The remaining balance for fiscal year 2012 **OR FISCAL YEAR 2013**; and

(3) At least $10,000,000 federal aid from any source in amounts as deemed prudent.

~~**5–415.**~~

~~**(A) IN THIS SECTION, "FIRE RESCUE SERVICE" MEANS THE MARYLAND AVIATION ADMINISTRATION FIRE RESCUE SERVICE.**~~

~~**(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE FIRE RESCUE SERVICE SHALL CHARGE AN AMBULANCE TRANSPORT FEE AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO AN INDIVIDUAL IF THE FIRE RESCUE SERVICE TRANSPORTS THE INDIVIDUAL TO A HOSPITAL FROM PROPERTY OWNED BY THE ADMINISTRATION OR PROPERTY SUBJECT TO A MUTUAL AID AGREEMENT TO WHICH THE ADMINISTRATION IS A PARTY.**~~

~~(C) (1) THE FIRE RESCUE SERVICE MAY NOT:~~

~~(I) QUESTION AN INDIVIDUAL ABOUT ABILITY TO PAY THE AMBULANCE TRANSPORT FEE AT THE TIME THAT AMBULANCE TRANSPORTATION IS REQUESTED OR PROVIDED; OR~~

~~(II) FAIL TO PROVIDE AMBULANCE TRANSPORTATION AND EMERGENCY MEDICAL SERVICES BECAUSE OF AN INDIVIDUAL'S ACTUAL OR PERCEIVED INABILITY TO PAY THE AMBULANCE TRANSPORT FEE.~~

~~(2) THE ADMINISTRATION MAY PROCURE THE SERVICES OF A THIRD PARTY BILLING COMPANY TO ADMINISTER ITS AMBULANCE TRANSPORT FEE PROGRAM.~~

~~(3) THE ADMINISTRATION MAY ADOPT REGULATIONS TO ADMINISTER THE COLLECTION OF THE AMBULANCE TRANSPORT FEE, INCLUDING REGULATIONS GOVERNING:~~

~~(I) A WAIVER OF THE AMBULANCE TRANSPORT FEE IN THE EVENT OF FINANCIAL HARDSHIP;~~

~~(II) THE ACCEPTANCE OF REDUCED PAYMENTS BY COMMERCIAL INSURERS AND OTHER THIRD PARTY PAYORS, INCLUDING MEDICARE AND MEDICAID; AND~~

~~(III) A REQUIREMENT THAT EACH INDIVIDUAL RECEIVING AN AMBULANCE TRANSPORT PROVIDE FINANCIAL INFORMATION, INCLUDING THE INDIVIDUAL'S INSURANCE COVERAGE, AND ASSIGN INSURANCE BENEFITS TO THE ADMINISTRATION.~~

~~(D) THE AMBULANCE TRANSPORT FEE SHALL BE THE SUM OF:~~

~~(1) AN AMOUNT EQUAL TO:~~

~~(I) $550 FOR SERVICES THAT QUALIFY AS ADVANCED LIFE SUPPORT, LEVEL 1, UNDER 42 C.F.R. 414.605;~~

~~(II) $600 FOR SERVICES THAT QUALIFY AS ADVANCED LIFE SUPPORT, LEVEL 2, UNDER 42 C.F.R. 414.605; OR~~

~~(III) $375 FOR SERVICES THAT QUALIFY AS BASIC LIFE SUPPORT UNDER 42 C.F.R. 414.605; AND~~

~~(2) AN AMOUNT EQUAL TO $13 FOR EACH MILE THE INDIVIDUAL IS TRANSPORTED BY THE FIRE RESCUE SERVICE.~~

~~(E) THE ADMINISTRATION SHALL DEPOSIT THE FEES COLLECTED UNDER THIS SECTION IN THE TRANSPORTATION TRUST FUND.~~

7–208.

(b) (1) For fiscal year 2009 and each fiscal year thereafter, the Administration shall separately recover from fares and other operating revenues at least 35 percent of the total operating costs for:

(i) The Administration's bus, light rail, and Metro subway services in the Baltimore region; and

(ii) All passenger railroad services under the Administration's control.

(2) The Administration shall submit, in accordance with § 2–1246 of the State Government Article, an annual report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year that includes:

(i) Separate farebox recovery ratios for the prior fiscal year for:

1. Bus, light rail, and Metro subway services provided by the Administration in the Baltimore region;

2. Commuter bus service provided under contract to the Administration in the Baltimore region; and

3. Maryland Area Rail Commuter (MARC) service provided under contract to the Administration;

(ii) A discussion of the success or failure to achieve the farebox recovery requirement established in paragraph (1) of this subsection; **[**and**]**

(iii) Comparisons of farebox recovery ratios for the Administration's mass transit services and other similar transit systems nationwide**; AND**

(IV) THE ESTIMATED FARE PRICES NECESSARY TO ACHIEVE THE FAREBOX RECOVERY REQUIREMENT ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE NEXT FISCAL YEAR.

(B–1) SUBJECT TO § 7–506 OF THIS TITLE, THE ADMINISTRATION ~~SHALL~~:

(1) ***SHALL*** **SET THE FARE PRICES** ~~**FOR BUS, LIGHT RAIL, AND METRO SUBWAY SERVICES IN THE BALTIMORE REGION AND FOR PASSENGER RAILROAD SERVICES UNDER THE ADMINISTRATION'S CONTROL AT**~~ ***AND COLLECT OTHER OPERATING REVENUES IN*** **AN AMOUNT SUFFICIENT TO ACHIEVE THE FAREBOX RECOVERY REQUIREMENT ESTABLISHED IN SUBSECTION (B) OF THIS SECTION*****; AND***

(2) ***MAY NOT REDUCE THE LEVEL OF SERVICES PROVIDED BY THE ADMINISTRATION FOR THE PURPOSE OF ACHIEVING THE FAREBOX RECOVERY REQUIREMENT.***

8–402.

~~(c) (2) For fiscal years 2010 through 2012, the Account shall be distributed as follows:~~

~~(i) A portion to the General Fund of the State as follows:~~

~~1. 19.5% for fiscal year 2010;~~

~~2. 23% for fiscal year 2011; and~~

~~3. [20.4%] **24.01931%** for fiscal year 2012;~~

~~(ii) A portion to be used as provided in § 3–216 of this article, as follows:~~

~~1. 70% for fiscal year 2010;~~

~~2. 68.5% for fiscal year 2011; and~~

~~3. [71.5%] **65.5%** for fiscal year 2012; [and]~~

~~**(IV) FOR FISCAL YEAR 2012 ONLY, 2.38069% TO THE REVENUE STABILIZATION ACCOUNT ESTABLISHED UNDER § 7–311 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND**~~

~~[(iii)] **(IV)** The balance to be used to pay the allocations of highway user revenues provided under this subtitle to the counties, municipalities, and Baltimore City.~~

(c) (1) Except as provided in paragraph (2) of this subsection, for each fiscal year:

(i) [19.3% of the revenue credited to the Account shall be distributed to the General Fund of the State;

(ii)] [71.5%] **90.4%** of the revenue credited to the Account may be used as provided in § 3–216 of this article; and

[(iii)] **(II)** The balance of the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City.

(2) For fiscal years 2010 through [2012] **2013**, the Account shall be distributed as follows:

(i) A portion to the General Fund of the State **FOR FISCAL YEARS 2010 THROUGH 2012** as follows:

1. 19.5% for fiscal year 2010;

2. 23% for fiscal year 2011; and

3. [20.4%] **11.3%** for fiscal year 2012;

(ii) A portion to be used as provided in § 3–216 of this article, as follows:

1. 70% for fiscal year 2010;

2. 68.5% for fiscal year 2011; [and]

3. [71.5%] **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, 79.8%** for fiscal year 2012**; AND**

4. 90% FOR FISCAL YEAR 2013; and

(iii) The balance to be used to pay the allocations of highway user revenues provided under this subtitle to the counties, municipalities, and Baltimore City.

(3) FOR FISCAL YEAR 2012, FROM THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (2)(II)3 OF THIS SUBSECTION, $40,000,000 SHALL BE TRANSFERRED FROM THE TRANSPORTATION TRUST FUND TO THE REVENUE STABILIZATION ACCOUNT ESTABLISHED UNDER § 7–311 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

8–403.

(a) Subject to §§ 3–307 and 3–308 of this article, and except as provided in subsection (b) of this section, for each fiscal year, from the total highway user revenues:

(1) An amount equal to **[**7.5%**] 7.7%** of total highway user revenues shall be distributed to Baltimore City in monthly installments;

(2) An amount shall be distributed to the counties at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–404 of this subtitle, equal to **[**1.4%**] 1.5%** of total highway user revenues; and

(3) An amount shall be distributed to the municipalities at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–405 of this subtitle, equal to **[**0.3%**] 0.4%** of total highway user revenues.

(b) (1) For fiscal year 2010:

(i) The amount distributed to Baltimore City under this subtitle shall equal 8.6% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.4% of total highway user revenues.

(2) For fiscal year 2011:

(i) The amount distributed to Baltimore City under this subtitle shall equal 7.9% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 0.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.1% of total highway user revenues.

(3) For fiscal year 2012:

(i) The amount distributed to Baltimore City under this subtitle shall equal 7.5% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal **[**0.5%**] 0.8%** of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal [0.1%] **0.6%** of total highway user revenues.

(4) FOR FISCAL YEAR 2013:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 8.1% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 1.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.4% OF TOTAL HIGHWAY USER REVENUES.

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****]:***

(I) SHALL BE DISTRIBUTED FIRST TO *the Department of State Police and the State Highway Administration to cover the costs of implementing and administering work zone speed control systems****; AND***

(II) AFTER THE DISTRIBUTION UNDER ITEM (I) OF THIS PARAGRAPH, FOR EACH OF FISCAL YEARS 2013 THROUGH 2015 ONLY, $3,000,000 SHALL BE DISTRIBUTED TO THE DEPARTMENT OF STATE POLICE TO BE USED ONLY FOR THE PURCHASE OF REPLACEMENT VEHICLES AND RELATED MOTOR VEHICLE EQUIPMENT USED TO OUTFIT POLICE VEHICLES.

~~12–120.~~

~~(a) In this section[, "miscellaneous]:~~

~~(1) "MISCELLANEOUS fees" means all fees collected by the Administration under this article other than:~~

~~[(1)] (I) The vehicle titling tax;~~

~~(II) THE CERTIFICATE OF TITLE FEE UNDER § 13–802 OF THIS ARTICLE; and~~

~~[(2)] (III) Vehicle registration fees under Part II of Title 13, Subtitle 9 of this article; AND~~

~~(2) "MISCELLANEOUS FEES" INCLUDES THE FEE CHARGED UNDER § 23–205 OF THIS ARTICLE FOR VEHICLE EMISSIONS INSPECTION.~~

~~(b) Except as provided in this section, the Administration may not alter the miscellaneous fees that the Administration is authorized under this article to establish.~~

~~(c) (1) Subject to the limitations under subsection (d) of this section, before the start of any fiscal year the Administration by regulation may alter, effective beginning in the upcoming fiscal year, the levels of the miscellaneous fees that the Administration is authorized under this article to establish.~~

~~(2) The Administration shall alter the levels of miscellaneous fees for the upcoming fiscal year if the projected cost recovery under subsection (d) of this section exceeds [100%] 75%.~~

~~(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] 70 percent but does not exceed [100] 75 percent of the sum of:~~

~~(1) The operating budget of the Administration for that fiscal year, INCLUDING THE COSTS OF ADMINISTERING THE VEHICLE EMISSIONS INSPECTION PROGRAM, 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.~~

~~(e) (1) The Administration may not alter miscellaneous fees more than once in any fiscal year.~~

~~(2) The Administration need not reduce fees for the upcoming fiscal year if legislative budget modifications cause the projected cost recovery percentage to exceed [100] 75 percent.~~

~~(3) The level of a miscellaneous fee set by the Administration remains in effect until again altered by the Administration as provided under this section.~~

12–120.

(a) In this section, "miscellaneous fees" means all fees collected by the Administration under this article other than:

(1) The vehicle titling tax;

(2) ONE–HALF OF THE CERTIFICATE OF TITLE FEE UNDER § 13–802 OF THIS ARTICLE; *and*

[(2)***] (3)*** *Vehicle registration fees under Part II of Title 13, Subtitle 9 of this article.*

~~12–120.~~

~~(a) In this section, "miscellaneous fees" means all fees collected by the Administration under this article other than:~~

~~(1) The vehicle titling tax;~~ **[**~~and~~**]**

~~(2) Vehicle registration fees under Part II of Title 13, Subtitle 9 of this article~~**; AND**

~~(3) FEES COLLECTED UNDER TITLE 16, SUBTITLE 10 OF THIS ARTICLE.~~

~~13–406.~~

~~The Administration shall refuse to register~~**, RENEW,** ~~or transfer the registration of any vehicle if:~~

~~(9) The Administration has reasonable grounds to believe:~~

~~(i) That the vehicle is stolen;~~

~~(ii) That the grant or transfer of registration would be a fraud against another person; or~~

~~(iii) That the vehicle does not comply with Title 2, Subtitle 11 of the Environment Article or any regulations adopted under that subtitle;~~ **[**~~or~~**]**

~~(10) The gross vehicle weight is 55,000 pounds or over and the applicant has failed to furnish proof of payment of the Federal Heavy Vehicle Use Tax~~**[**~~.~~**]; OR**

~~(11) THE APPLICANT HAS NOT PAID ALL UNDISPUTED TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR HAS~~

~~PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT RESPONSIBLE FOR COLLECTION.~~

~~16–103.1.~~

~~The Administration may not issue a driver's license to an individual:~~

~~(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; [or]~~

~~(12) WHO HAS NOT PAID ALL UNDISPUTED TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT RESPONSIBLE FOR COLLECTION; OR~~

~~(13) Who otherwise does not qualify for a license under this title.~~

13–406.2.

(A) THE ADMINISTRATION MAY NOT RENEW OR TRANSFER THE REGISTRATION OF ANY VEHICLE IF THE APPLICANT HAS NOT PAID ALL UNDISPUTED TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT RESPONSIBLE FOR COLLECTION.

(B) THE ADMINISTRATION SHALL COOPERATE WITH THE COMPTROLLER AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO DEVELOP PROCEDURES AND ADOPT REGULATIONS IN ACCORDANCE WITH THIS SECTION.

(C) REGULATIONS ADOPTED UNDER THIS SECTION SHALL REQUIRE:

(1) THE COMPTROLLER TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED TAXES; AND

(2) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

13–613.

(b) In addition to the annual registration fee otherwise required by this title, the applicant shall pay an additional annual fee of **[**$25**] $50**, payable with the original and each renewal application for special registration under this section.

13–802.

(A) Except as provided in ***SUBSECTION (B) OF THIS SECTION AND*** § 13–805 of this subtitle, the fee for each certificate of title issued under this title is **[**$50**] $100**.

(B) FOR FISCAL YEARS 2012 THROUGH 2014 ONLY, THE FEE FOR EACH CERTIFICATE OF TITLE ISSUED FOR A RENTAL VEHICLE IS $50.

13–812.

*(a) For collecting and remitting the tax, a licensed dealer who, on behalf of the Administration, collects the excise tax imposed by this part may keep the lesser of **[**$24**] $12** per vehicle or **[**1.2**] 0.6** percent of the gross excise tax the dealer collects.*

13–955.

(c) The Fund consists of:

*(1) Registration surcharges collected under § 13–954 of this subtitle; **[**and**]***

*(2) All funds, including charges for accident scene transports and interhospital transfers of patients, generated by an entity specified in subsection (e) of this section that is a unit of State government**; AND***

(3) REVENUES DISTRIBUTED TO THE FUND FROM THE SURCHARGES COLLECTED UNDER § 7–301(F) OF THE COURTS ARTICLE.

~~16–115.~~

15–311.1.

(b) (1) If a dealer charges a dealer processing charge, the charge:

(i) Shall be reasonable;

(ii) May not exceed ***[****$100****]:***

1. $200 FOR THE PERIOD FROM JULY 1, 2011, THROUGH JUNE 30, 2014; AND

2. $300 ON AND AFTER JULY 1, 2014*; and*

(iii) Shall reflect dealer expenses generally incurred for the services identified in subsection (a)(1) of this section.

16–115.

(J) (1) THE ADMINISTRATION MAY NOT RENEW THE DRIVER'S LICENSE OF AN APPLICANT WHO HAS NOT PAID ALL UNDISPUTED TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT RESPONSIBLE FOR COLLECTION.

(2) THE ADMINISTRATION SHALL COOPERATE WITH THE COMPTROLLER AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO DEVELOP PROCEDURES AND ADOPT REGULATIONS IN ACCORDANCE WITH THIS SECTION.

(3) REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL REQUIRE:

(I) THE COMPTROLLER TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED TAXES; AND

(II) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

~~23–205.~~

~~(a) [(1)] [Subject to paragraph (2) of this subsection, the] THE Administration and the Secretary shall set the fee to be charged for each vehicle to be inspected and tested by a facility.~~

~~[(2) The fee established under this subsection:~~

~~(i) During the period from January 1, 1995 through May 31, 1997, may not exceed $12; and~~

~~(ii) During the period after May 31, 1997, may not exceed $14.]~~

~~(b) The fee shall be collected in a manner established by the Administration and the Secretary.~~

~~[(c) A specific portion of the fee shall be paid to or retained by the Administration to cover the cost of administration and enforcement of the emissions control program, as provided in the contract between the contractor and the State.]~~

~~SUBTITLE 10. ASSESSMENT OF FEES.~~

~~16–1001.~~

~~(A) THE ADMINISTRATION SHALL ASSESS THE FOLLOWING FEES AGAINST A LICENSEE HOLDING A NONCOMMERCIAL CLASS A, B, C, D, E, OR M DRIVER'S LICENSE:~~

~~(1) IF THE LICENSEE IS ASSESSED MORE THAN 5 POINTS UNDER SUBTITLE 4 OF THIS TITLE FOR VIOLATIONS OCCURRING WITHIN ANY 2–YEAR PERIOD, EXCLUDING POINTS ASSESSED FOR A CONVICTION UNDER § 21–902 OF THIS ARTICLE, FOR EACH POINT THAT THE LICENSEE IS ASSESSED OVER 5 POINTS, A FEE OF $100 ANNUALLY FOR A PERIOD OF 3 YEARS FROM THE DATE THAT THE POINT WAS ASSESSED; AND~~

~~(2) FOR EACH TIME A LICENSEE IS CONVICTED FOR A VIOLATION OF § 21–902 OF THIS ARTICLE, OR AN OFFENSE IN ANOTHER JURISDICTION THAT WOULD BE A VIOLATION OF § 21–902 OF THIS ARTICLE IF COMMITTED IN THIS STATE, A FEE OF $500 ANNUALLY FOR A PERIOD OF 3 YEARS FROM THE DATE OF CONVICTION.~~

~~(B) IN CALCULATING THE TOTAL NUMBER OF POINTS ASSESSED AGAINST AN INDIVIDUAL WITHIN A 2–YEAR PERIOD FOR PURPOSES OF SUBSECTION (A)(1) OF THIS SECTION, THE ADMINISTRATION MAY INCLUDE NO MORE THAN 5 POINTS ASSESSED BEFORE JUNE 1, 2011.~~

~~16–1002.~~

~~(A) THE ADMINISTRATION SHALL SEND NOTICE TO EACH INDIVIDUAL ASSESSED A FEE UNDER § 16–1001 OF THIS SUBTITLE NO MORE THAN 30 DAYS AFTER THE CONVICTION THAT SUBJECTS THE INDIVIDUAL TO THE FEE IS POSTED TO THE INDIVIDUAL'S DRIVING RECORD.~~

~~(B) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE ADMINISTRATION SHALL SUSPEND THE DRIVER'S LICENSE OF AN INDIVIDUAL UNLESS ALL FEES ASSESSED UNDER § 16–1001 OF THIS SUBTITLE ARE PAID WITHIN A TIME PERIOD ESTABLISHED BY THE ADMINISTRATION.~~

~~(2) AN INDIVIDUAL MAY REQUEST A HEARING CONCERNING A PROPOSED DECISION OF THE ADMINISTRATION TO SUSPEND THE INDIVIDUAL'S DRIVER'S LICENSE OR PRIVILEGE TO DRIVE UNDER THIS SUBSECTION.~~

~~(3) AT A HEARING UNDER THIS SUBSECTION, THE ISSUE SHALL BE LIMITED TO:~~

~~(I) WHETHER THE ADMINISTRATION HAD MISTAKEN THE IDENTITY OF THE INDIVIDUAL WHOSE DRIVER'S LICENSE OR PRIVILEGE TO DRIVE HAS BEEN SUSPENDED;~~

~~(II) WHETHER THE INDIVIDUAL HAS BEEN ASSESSED A TOTAL OF MORE THAN 5 POINTS FOR VIOLATIONS WITHIN ANY 2–YEAR PERIOD; AND~~

~~(III) WHETHER AT LEAST ONE OF THE TOTAL NUMBER OF POINTS ON WHICH THE FEE ASSESSMENT IS BASED WAS ASSESSED FOR A VIOLATION THAT OCCURRED ON OR AFTER JUNE 1, 2011.~~

~~(C) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE ADMINISTRATION MAY ESTABLISH A SCHEDULE FOR PAYMENT OF FEES IMPOSED UNDER § 16–1001 OF THIS SUBTITLE.~~

~~(2) IF THE PAYMENT SCHEDULE ESTABLISHED UNDER THIS SUBSECTION IS FOLLOWED, THE ADMINISTRATION:~~

~~(I) MAY NOT SUSPEND AN INDIVIDUAL'S LICENSE FOR NONPAYMENT OF THE FEES IMPOSED UNDER § 16–1001 OF THIS SUBTITLE; AND~~

~~(II) SHALL REINSTATE A LICENSE THAT WAS SUSPENDED FOR FAILURE TO PAY THE FEES IMPOSED UNDER § 16–1001 OF THIS SUBTITLE.~~

~~(3) A LICENSEE MAY PREPAY AT ANY TIME THE TOTAL AMOUNT OF FEES THAT WILL BE DUE OVER THE 3-YEAR PERIOD FOR WHICH THE FEES WERE ASSESSED UNDER § 16–1001 OF THIS SUBTITLE.~~

~~16–1003.~~

~~OF THE REVENUES DERIVED FROM FEES IMPOSED UNDER THIS SUBTITLE, THE ADMINISTRATION SHALL RETAIN AN AMOUNT SUFFICIENT TO COVER THE COSTS NEEDED TO ADMINISTER THE PROVISIONS OF THIS SUBTITLE, AND THE BALANCE SHALL BE DISTRIBUTED AS FOLLOWS:~~

~~(1) FOR FISCAL YEARS 2012 AND 2013, TO THE GENERAL FUND; AND~~

~~(2) FOR ALL FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2013, TO THE MARYLAND EMERGENCY MEDICAL SYSTEM OPERATIONS FUND ESTABLISHED UNDER § 13–955 OF THIS ARTICLE.~~

Chapter 288 of the Acts of 2002

SECTION 7. AND BE IT FURTHER ENACTED, That, **[**within the next 10 years, and**]** no later than June 30, **[**2012**] 2014**, the Maryland State Department of Education, in consultation with the Department of Budget and Management and the Department of Legislative Services, shall contract with a public or private entity to conduct a study of the adequacy of education funding in the State. At a minimum, the adequacy study shall: (1) identify a base funding level for students without special needs; (2) per pupil weights for students with special needs to be applied to the base funding level; and (3) an analysis of the effect of concentrations of poverty on adequacy targets. **THE STUDY SHALL BE CONDUCTED IN PHASES, WITH THE FIRST PHASE BEGINNING NO LATER THAN JUNE 30, 2014, AND THE FINAL PHASE BEING COMPLETED BY DECEMBER 1, 2016. THE STUDY SHALL INCORPORATE STANDARDS FROM THE COMMON CORE CURRICULUM ADOPTED BY THE STATE BOARD OF EDUCATION AND 2 YEARS OF RESULTS FROM THE NEW COMMON CORE ASSESSMENTS, WHICH ARE SCHEDULED TO BE IMPLEMENTED BEGINNING IN THE 2014–2015 SCHOOL YEAR.** The Governor shall include sufficient funds in the State budget for the appropriate fiscal years for the Maryland State Department of Education to cover the costs of conducting the adequacy study.

Chapter 503 of the Acts of 2007

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 and subject to Section 4 of this Act, this Act shall take effect July 1, 2007. **[**It shall remain effective for a period of 5 years and, at the end of June 30, 2012, with no

further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

Chapter 487 of the Acts of 2009, as amended by Chapter 484 of the Acts of 2010

SECTION 38. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(j) Subject to subsection (c) of this section, for fiscal year 2011 ***OR FISCAL YEAR 2012****,* ***[****an****] A CUMULATIVE*** *amount up to $500,000 of the balance in the Fund may be transferred to the State Board of Elections for the purpose of implementing an online campaign finance reporting system.*

SECTION ~~4.~~ 2. AND BE IT FURTHER ENACTED, That Section(s) 18–1101 through 18–1107 and the subtitle "Subtitle 11. Distinguished Scholar Programs" of Article – Education of the Annotated Code of Maryland be repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 7–402 of Article – Transportation of the Annotated Code of Maryland be repealed.

~~SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 18–1201 through 18–1207 and the subtitle "Subtitle 12. Private Career School Student Grant Program" of Article – Education of the Annotated Code of Maryland be repealed.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 8–406(b) and 10–704.1 of the Tax – General Article of the Annotated Code of Maryland be repealed.~~

SECTION ~~7.~~ ~~3.~~ *4.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2011, the Governor may transfer to the General Fund:

$1,000,000 of the funds in the Maryland Health Care Commission Fund established under § 19–111 of the Health – General Article;

~~$500,000~~ ~~$1,000,000~~ *$750,000* of the funds in the State Used Tire Cleanup and Recycling Fund established under § 9–273 of the Environment Article;

$256,000 of the funds in the Forest or Park Reserve Fund established under § 5–212 of the Natural Resources Article;

$250,000 of the funds in the Maryland Not–For–Profit Development Center Program Fund established under § 5–1204 of the Economic Development Article;

~~$150,000~~ ~~$75,000~~ *$150,000* of the funds in the Board of Veterinary Medical Examiners Fund established under § 2–303 of the Agriculture Article; and

$970,000 of the funds in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund established under § 8–2A–02 of the Natural Resources Article.

SECTION ~~8.~~ ~~4.~~ *5.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, the Governor may transfer to the General Fund:

$10,000,000 of the funds in the Circuit Court Real Property Records Improvement Fund established under § 13–602 of the Courts and Judicial Proceedings Article;

$2,000,000 of the funds in the State Insurance Trust Fund established under § 9–103 of the State Finance and Procurement Article;

$500,000 of the funds in the Spinal Cord Injury Research Trust Fund established under § 13–1406 of the Health – General Article;

$237,888 of the funds in the State Board of Pharmacy Fund established under § 12–206 of the Health Occupations Article;

$125,000 of the funds in the Maryland Not–For–Profit Development Center Program Fund established under § 5–1204 of the Economic Development Article;

$1,500,000 of the funds in the Senior Prescription Drug Assistance Program Account of the Maryland Health Insurance Plan Fund established under § 14–504(e) of the Insurance Article;

$2,297,142 of the funds in the accounts of the Baltimore City Community College;

$44,888 of the funds in the State Board of Examiners of Psychologists Fund established under § 18–207 of the Health Occupations Article;

$35,000 of the funds in the special fund established under § 1–203.3 of the Corporations and Associations Article;

$179,316 of the funds in the Central Collection Fund established under § 3–306 of the State Finance and Procurement Article;

$100,000 of the funds in the Rental Housing Programs Fund established under § 4–504 of the Housing and Community Development Article;

$30,000 of the funds in the Homeownership Programs Fund established under § 4–502 of the Housing and Community Development Article;

$175,000 of the funds in the Board of Physicians Fund established under § 14–207 of the Health Occupations Article;

$83,000 of the funds in the State Board of Physical Therapy Examiners Fund established under § 13–207 of the Health Occupations Article;

$39,000 of the funds in the Maryland Health Care Commission Fund established under § 19–111 of the Health – General Article;

$26,000 of the funds in the Board of Nursing Fund established under § 8–206 of the Health Occupations Article;

$68,000 of the funds in the Mortgage Lender–Originator Fund established under § 11–610 of the Financial Institutions Article;

$62,000 of the funds in the Deep Creek Lake Recreation Maintenance and Management Fund established under § 5–215 of the Natural Resources Article;

$313,000 of the funds in the State Boat Act Fund established under § 8–723 of the Natural Resources Article;

$68,000 of the funds in the Waterway Improvement Fund established under § 8–707 of the Natural Resources Article;

$325,000 of the funds in the Maryland Correctional Enterprises Revolving Fund established under § 3–507 of the Correctional Services Article;

$50,000 of the funds in the special fund established under § 6–204 of the Agriculture Article;

$40,000 of the funds in the State Radiation Control Fund established under § 8–306 of the Environment Article;

$40,000 of the funds in the Maryland Clean Water Fund established under § 9–320 of the Environment Article;

$45,000 of the funds in the State Used Tire Cleanup and Recycling Fund established under § 9–273 of the Environment Article;

$85,000 of the funds in the Maryland Clean Air Fund established under § 2–107 of the Environment Article; and

$60,000 of the funds in the accounts of the Maryland Public Broadcasting Commission established under Title 24, Subtitle 2 of the Education Article.

SECTION ~~9.~~ ~~5.~~ *6.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, the Governor may transfer to the General Fund:

$90,000,000 of the funds in the Bay Restoration Fund established under § 9–1605.2 of the Environment Article that is not needed to pay debt service on Revenue Bonds issued by the Water Quality Financing Administration for the Enhanced Nutrient Removal Program;

$2,200,000 of the funds in the Special Loan Programs Fund established under § 4–505 of the Housing and Community Development Article;

$2,050,000 of the funds in the Neighborhood Business Development Fund established under § 6–310 of the Housing and Community Development Article;

$1,500,000 of the funds in the Homeownership Programs Fund established under § 4–502 of the Housing and Community Development Article;

$1,090,000 of the funds in the Waterway Improvement Fund established under § 8–707 of the Natural Resources Article.

SECTION ~~10.~~ ~~6.~~ *7.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, beginning in fiscal year 2011, 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 shall be credited to the General Fund of the State. The provisions of this section shall be construed retroactively and shall be applied to any revenue received by the State on or after July 1, 2010.

SECTION ~~11.~~ ~~7.~~ *8.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2011, the Governor may transfer to the General Fund $5,591,172 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 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 ~~12.~~ ~~8.~~ *9.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, the Governor may transfer to the General Fund $94,491,115 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 section may not be taken into account for purposes of determining any allocation or appropriation required under § 13–209(f) or (g) of the Tax – Property Article.

SECTION ~~13.~~ ~~9.~~ *10.* AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Title 1, Subtitle 3 of the Public Safety Article or any other law, $1,000,000 in fiscal year 2012 revenue from the State 9–1–1 fee on wired lines may be used to support the Computer Aided Dispatch/Records Management System project in the Maryland State Police.

SECTION ~~14.~~ ~~10.~~ *11.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer from the Senior Prescription Drug Assistance Program account of the Maryland Health Insurance Plan Fund established under § 14–504(e) of the Insurance Article to the Kidney Disease Program established under Title 13, Subtitle 3 of the Health – General Article up to $3,000,000 in fiscal year 2012, and up to $3,000,000 in fiscal year 2013.

SECTION ~~15.~~ ~~11.~~ *12.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer from the Senior Prescription Drug Assistance Program account of the Maryland Health Insurance Plan Fund established under § 14–504(e) of the Insurance Article to the Medical Assistance Program established under Title 15, Subtitle 1 of the Health – General Article up to $2,500,000 in fiscal year 2011.

SECTION ~~16.~~ ~~12.~~ *13.* AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 9–1A–29 of the State Government Article or any other provision of law, for fiscal year 2011, the first $3.6 million in funds deposited to the Racetrack Facility Renewal Account shall be transferred to the Maryland Economic Development Corporation. If less than $3.6 million is transferred in fiscal year 2011, the difference between the actual transfer in fiscal year 2011 and $3.6 million shall be transferred in fiscal year 2012. Additional funding of up to $400,000 shall be transferred in fiscal year 2012 to cover interest expense, fees, and administrative costs. The provisions of this section shall be construed retroactively and shall be applied to any revenue received by the State on or after July 1, 2010.

SECTION ~~13.~~ *14.* AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 8–402 of the Transportation Article or any other provision of law, $6,768,222 from motor vehicle registration revenues and other user fees from the Motor Vehicle Administration for fiscal year 2012 shall be deposited in the General Fund rather than in the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund or the Transportation Trust Fund, respectively.

~~SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, by budget amendment the Governor may transfer from the Cigarette Restitution Fund established under § 7–317 of the State Finance and Procurement Article to Medical Care Provider Reimbursements (M00Q01.03) in the Medical Care Programs Administration up to $444,000 in fiscal year 2012.~~

SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, any special fund savings realized in fiscal year 2012 from the abolition of positions in accordance with Section ~~48~~ *47* of

Chapter 395 (H.B. 70) of the Acts of the General Assembly of 2011, and any special fund savings realized in fiscal year 2012 from reductions to electricity expenditures in accordance with Section ~~50~~ *49* of Chapter 395 (H.B. 70) of the Acts of the General Assembly of 2012, shall be transferred to the General Fund.

~~SECTION~~ SECTION 16. AND BE IT FURTHER ENACTED, That, in addition to any other revenue generated under § 19–214 of the Health – General Article, as amended by this Act:

(a) For fiscal year 2012, the Health Services Cost Review Commission shall approve a combination of hospital assessments and remittances in the amount of $389,825,000 to support the general operations of the Medicaid program. The Commission may reduce assessments or remittances by the amount of any reduction in State Medicaid expenditures that will result from any Commission–approved changes in hospital rates or policies~~, other than changes authorized through the pooling of graduate medical education under § 19–214(b) of the Health – General Article~~.

(b) For fiscal year 2013 and every fiscal year thereafter, the Commission and the Department of Health and Mental Hygiene shall adopt policies that will provide at least $389,825,000 from a combination of special fund revenues and General Fund savings from reduced hospital or other payments made by the Medicaid program. The policies adopted under this subsection shall be in lieu of the hospital assessment and remittance revenue generated in fiscal year 2012, but may include hospital assessments and remittances. To the maximum extent possible, the Commission and the Department shall adopt policies that ~~do not erode~~ *preserve* the State's Medicare waiver.

SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding § 9–20B–05 of the State Government Article or any other provision of law, for each of fiscal years 2012 through 2014, proceeds received by the Strategic Energy Investment Fund from the sale of allowances under § 2–1002(g) of the Environment Article shall be allocated as follows:

(1) Up to 50% shall be 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) At least 20% 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;

(3) At least 20% shall be credited to a renewable and clean energy programs account for:

(i) renewable and clean energy programs and initiatives;

(ii) energy related public education and outreach; and

(iii) climate change programs; and

(4) Up to 10%, but not more than $4 million, shall be credited to an administrative expense account for costs related to 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.

SECTION 18. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, $124,420,746 of the State funds that exceed the State share of the foundation program under § 5–202 of the Education Article, because of the use of federal funds available to the State through Public Law 111–226, shall be distributed to each county board on June 1, 2011 to prefund in fiscal year 2011 $124,420,746 of the fiscal year 2012 State share of the foundation program required under § 5–202 of the Education Article. The $124,420,746 of State funds paid in June 2011 shall be prorated according to the funding formulas applicable to fiscal year 2012 and counted towards satisfaction of the State's fiscal year 2012 obligation to provide financial assistance under the foundation program.

SECTION 19. AND BE IT FURTHER ENACTED, That:

(a) In this section, "county" and "county board" have the meanings stated in § 1–101 of the Education Article.

(b) (1) Notwithstanding § 5–202(d) of the Education Article, for fiscal year 2012 only, a county that shifts to the county board the recurring costs associated with providing retiree health benefits for current retirees may deduct any reduction in those costs from the amount the county is required to appropriate to the county board in fiscal year 2012.

(2) It is the intent of the General Assembly that any funds shifted by Baltimore City to the Baltimore City Board of School Commissioners in fiscal year 2011 be included in the local appropriation on which the calculation of State aid under § 5–210 of the Education Article is based for fiscal year 2012.

SECTION 20. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, because of the expiration of federal funds from the American

Recovery and Reinvestment Act of 2009 that were used by the State to fund increases in the education aid formulas to the counties and Baltimore City in fiscal year 2010 and 2011, if the State Board of Education imposes any penalty under § 5–213 of the Education Article on a county or Baltimore City for not meeting the required local maintenance of effort in fiscal year 2012 under § 5–202(d) of the Education Article, the penalty may not be more than the net increase in State aid over fiscal year 2011 due to a county or Baltimore City regardless of the fund source.

~~SECTION 19. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration shall:~~

~~(1) work with the Health Services Cost Review Commission and the Maryland Health Care Commission to develop a mechanism for identifying hospital rate adjustments and assessments as components to be considered in the Administration's process for reviewing and approving premium rates for health insurance policies and contracts issued or delivered in the State by insurers, nonprofit health service plans, and health maintenance organizations;~~

~~(2) take into account in its work under item (1) of this section:~~

~~(i) the tools available to the Administration for supporting active premium rate review under laws regulating medical loss ratios;~~

~~(ii) the requirements of Section 1003 "Ensuring That Consumers Get Value For Their Dollars" of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010, and any regulations adopted or guidance issued under the Acts ("Affordable Care Act") for annual reviews of unreasonable premium increases and State grants;~~

~~(iii) the observations relating to premium rate review and approval and interagency regulatory coordination contained in the Hilltop Institute report "Premium Rate Review of Private Health Insurers in Maryland and Opportunities for State Regulatory Coordination under Health Care Reform" issued on January 20, 2011; and~~

~~(iv) any recommendations that result from the analysis of rate review and public disclosure processes undertaken by the Administration with grant money provided under the Affordable Care Act; and~~

~~(3) report, on or before November 1, 2011, its findings and recommendations for the mechanism to be developed under item (1) of this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.~~

SECTION ~~20.~~ *21.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) Subject to subsection (b) of this section, on or before June 30, 2012, the Governor shall transfer from the Injured Workers Insurance Fund to the General Fund an amount equal to $6,000,000 less the amount received on or before June 30, 2012, as a result of the imposition of a premium tax under § 6–101 of the Insurance Article as enacted by this Act~~, to reimburse the State for State personnel costs in connection with retirement and pension benefits and health care benefits for employees and retirees that are provided to employees of the Injured Workers Insurance Fund~~.

(b) Subsection (a) of this section is contingent on the taking effect of Chapter 132 (H.B. 598) or Chapter 276 (S.B. 693) of the Acts of the General Assembly of 2011, and if Chapter 132 (H.B. 598) or Chapter 276 (S.B. 693) 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 19. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for each of fiscal years 2013 through 2016:~~

~~(a) Except as provided in subsection (b) of this section, 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 2012 appropriation for that item or program as approved in the State budget for fiscal year 2012 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;~~

~~(3) any appropriation to the Maryland Agricultural and Resource–Based Industry Development Corporation established under Title 10, Subtitle 2 of the Economic Development Article; or~~

~~(4) any appropriation required to the Revenue Stabilization Account of the State Reserve Fund under § 7–311 of the State Finance and Procurement Article.~~

SECTION ~~21.~~ *22.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) Subject to subsection (b) of this section, on or before June 30, 2012, the Governor shall transfer from the Maryland Automobile Insurance Fund to the General Fund an amount equal to $4,000,000 ~~to reimburse the State for State administrative expenses in connection with the management of retirement and pension benefits and~~

~~health care benefits for employees and retirees that are provided to employees of the Maryland Automobile Insurance Fund~~.

(b) Subsection (a) of this section is contingent on the taking effect of Chapter 312 (S.B. 993) of the Acts of the General Assembly of 2011, and if Chapter 312 (S.B. 993) 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 ~~20.~~ ~~22.~~ *23.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, no amounts may be expended in fiscal year 2012 to pay increases over the rates in effect on January 21, 2011, for providers ~~with rates set by the Interagency Rates Committee~~ of nonpublic placements under § 8–406 of the Education Article or providers ~~of nonpublic placements~~ with rates set by the Interagency Rates Committee under § 8–417 of the Education Article.

SECTION ~~21.~~ ~~23.~~ *24.* AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law~~,~~*:*

(a) Except as otherwise provided in this section, State employees employed by any entity, including the University System of Maryland, Morgan State University, and St. Mary's College of Maryland, may not receive merit increases prior to April 1, 2014.

(b) 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) payments pursuant to a collective bargaining agreement negotiated with an accredited representative in accordance with § 7–601 of the Transportation Article~~.~~*; or*

(4) for fiscal year 2012 only, operationally critical staff.

(c) On or before December 1, 2011, in accordance with § 2–1246 of the State Government Article, the University System of Maryland, Morgan State University, and St. Mary's College of Maryland shall each submit a report to the Senate Budget and Taxation Committee and the House Appropriations Committee that details the policies adopted by the governing boards of those institutions to designate operationally critical staff, all staff identified as critical under subsection (b)(4) of this section, and any merit increases awarded as a consequence of this designation.

(d) On or before December 1, 2011, in accordance with § 2–1246 of the State Government Article, the Department of Budget and Management shall submit a report

to the Senate Budget and Taxation Committee and the House Appropriations Committee that details the policies adopted to designate operationally critical staff, all executive branch staff identified as critical under subsection (b)(4) of this section, and any merit increases awarded as a consequence of this designation.

SECTION ~~22.~~ ~~24.~~ *25.* AND BE IT FURTHER ENACTED, That, notwithstanding § 36 of Chapter 484 of the Acts of the General Assembly of 2010 or any other provision of law, for fiscal years 2011 and 2012 only, State employees employed by the Department of Health and Mental Hygiene at a facility that is scheduled to be closed may, subject to the approval of the Secretary of Budget and Management, receive retention bonuses.

SECTION ~~25.~~ *26.* AND BE IT FURTHER ENACTED, That, notwithstanding §§ 22–406 or 23–407 of the State Personnel and Pensions Article and except for an individual whose retirement allowance is subject to a reduction as provided under § 22–406(c)(1)(iii) and (3) or § 23–407(c)(1)(iii) and (3), the reduction of an allowance does not apply to an individual who was previously employed by the State Retirement Agency, retired, and is rehired by the State Retirement Agency for a period not to exceed 1 year to assist in the implementation of the pension option selection enacted during the 2011 session of the General Assembly. This exception to the earnings limitation provisions of §§ 22–406 and 23–407 shall be abrogated and of no further force and effect on June 30, 2012.

SECTION ~~23.~~ ~~26.~~ *27.* AND BE IT FURTHER ENACTED, That, notwithstanding State Personnel and Pensions Article, §§ 21–304 and 21–308, or any other provision of law, to reflect the actuarially determined impact of legislation increasing employee contributions to and reducing the liabilities of the State Retirement and Pension System, the Governor shall include in the budget bill the following amounts:

(1) For fiscal year 2012 only, the Governor is not required to include in the budget bill the total amount of the State's contributions to each system as ascertained based on the rates certified by the Board of Trustees for the State Retirement and Pension System, but the Governor shall include in the budget bill the total amount of the State's contributions to each system as ascertained based on the rates certified by the Board of Trustees less $120,000,000;

(2) For fiscal year 2013 only, in addition to the total amount of the State's contributions to each system certified by the Board of Trustees, the Governor shall include in the budget bill an additional amount that reflects the difference between the State's required contribution for that fiscal year and the amount that the Board determines would have been required had legislation increasing employee contributions to, and reducing the liabilities of, the State Retirement and Pension System not been enacted in 2011, less ~~$60,000,000; and~~ $120,000,000.

~~(3) For fiscal year 2014 and each year thereafter, in addition to the total amount of the State's contributions to each system certified by the Board of~~

~~Trustees, the Governor shall include in the budget bill an additional amount that reflects the difference between the State's required contribution for that fiscal year and the amount that the Board determines would have been required had legislation increasing employee contributions to, and reducing the liabilities of, the State Retirement and Pension System not been enacted in 2011.~~

SECTION ~~27.~~ *28.* AND BE IT FURTHER ENACTED, That~~, notwithstanding § 21–316 of the State Personnel and Pensions Article, as enacted by this Act, or any other provision of law, on~~:

(a) Sections 21–303(d) and 21–316 of the State Personnel and Pensions Article as enacted by this Act are applicable beginning with fiscal year 2013.

(b) For fiscal year 2012:

(1) The State Retirement and Pension System shall be funded as provided in the fiscal year 2012 State budget bill (Chapter ___(H.B. 70) of the Acts of the General Assembly of 2011).

(2) (i) Local school boards and community colleges shall pay their pro rata share of the administrative and operational expenses of the Board of Trustees and the State Retirement Agency appropriated in the fiscal year 2012 State budget bill as provided in paragraph (3) of this subsection.

(ii) On or before July 1, 2011, the Board of Trustees shall, *for local school board employees and community college employees*:

~~(1) Determine the per member contribution amount and the amounts payable by each local employer for fiscal year 2012 under § 21–316 of the State Personnel and Pensions Article; and~~

~~(2) Certify to each local employer the per member contribution and the amounts payable by the local employer.~~

1. Determine the pro rata share of the administrative and operational expenses of the Board of Trustees and the State Retirement Agency, based on the number of members of the Teachers' Retirement System and Teachers' Pension System employed by the local school board or community college as of June 30, 2010, compared to the total membership of the several systems as of that date other than those who are employed by participating governmental units as defined in § 20–101 of the State Personnel and Pensions Article or by employers who are required to make employer contributions under § 21–307 of the State Personnel and Pensions Article; and

2. Certify the amount determined under item 1 of this subparagraph to each local school board and community college.

(3) (i) A local school board shall pay the amount certified under paragraph (2)(ii) of this subsection to the Comptroller to be credited to a special fund to be used only to provide funding for program R00A02.03 Aid for Local Employee Fringe Benefits.

(ii) A community college shall pay the amount certified under paragraph (2)(ii) of this subsection to the Comptroller to be credited to a special fund to be used only to provide funding for program R62I00.06 Aid to Community Colleges – Fringe Benefits.

(iii) On or before October 1, 2011, January 1, 2012, April 16, 2012, and June 1, 2012, each local school board and community college shall pay 25% of the payments required under subparagraphs (i) and (ii) of this paragraph.

(iv) If a local school board or community college does not pay the amounts required under this subsection within the time required, the local school board or community college is liable for interest on delinquent amounts at a rate of 4% a year until payment.

(v) The Comptroller may allow a grace period not to exceed 10 calendar days for payment of the amounts certified under this subsection.

(vi) If a delinquency exists, the Comptroller immediately shall exercise the right of setoff against any money due or coming due to that local school board or community college from the State.

SECTION ~~24.~~ ~~28.~~ *29.* AND BE IT FURTHER ENACTED, That the Governor's Salary Commission*, the Judicial Compensation Commission,* and the General Assembly Salary Commission shall, taking into account the sustainability of the pension systems, include specific recommendations in their respective reports concerning appropriate benefit and member contribution levels.

SECTION ~~25.~~ ~~29.~~ *30.* AND BE IT FURTHER ENACTED, That the Board of Trustees for the State Retirement and Pension System shall provide an annual report to the Governor and the Joint Committee on Pensions, on or before December 15 of each year, on the funding progress of the several systems. The Secretary of the Department of Budget and Management shall report biennially, beginning on January 1, 2013, to the Governor and the General Assembly, in accordance with § 2–1246 of the State Government Article, on the financial health of the several systems. The Secretary's report shall reflect the State system's progress towards achieving the statutory funding goals, and shall include recommendations concerning modifications to the funding methods or benefits structure.

~~SECTION 26. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 8–402(c) of the Transportation Article as enacted by this Act, the modified percentage of distribution of highway user revenues to the Department of Transportation for fiscal year 2012 does not apply unless the General Assembly~~

~~appropriates in the Budget Bill (S.B. 85/H.B. 70) for fiscal year 2012 funds that are sufficient to pay in fiscal year 2012 the principal of and interest due and payable in that fiscal year on the Department's Consolidated Transportation Bonds that were issued before July 1, 2011. If funds are appropriated by the General Assembly in the fiscal year 2012 Budget Bill (S.B. 85/H.B. 70) to pay in fiscal year 2012 the principal of and interest due and payable in fiscal year 2012 on the Department's Consolidated Transportation Bonds that were issued before July 1, 2011, the distribution of highway user revenues to the Department of Transportation for fiscal year 2012 shall be made in accordance with § 8–402(c)(2) as enacted by this Act.~~

SECTION ~~30.~~ *31.* AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of this Act, except as otherwise provided in this section, the altered distributions of the revenues from the corporate income tax and the sales and use tax under the provisions of Title 2, Subtitles 6 and 13 of the Tax – General Article as enacted by this Act do not apply until any Consolidated Transportation Bonds that were issued by the Department of Transportation before July 1, 2011, no longer remain outstanding and unpaid. In any fiscal year for which funds are appropriated by the General Assembly to pay the amount due and payable in that fiscal year for the principal of and interest on the Department of Transportation's Consolidated Transportation Bonds that were issued before July 1, 2011, the revenues from the corporate income tax and the sales and use tax shall be distributed as provided in Title 2, Subtitles 6 and 13 of the Tax – General Article as enacted by this Act.

~~SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, if the University System of Maryland, St. Mary's College of Maryland, or Morgan State University institute a voluntary separation program under Executive Order 01.01.2010.23:~~

~~(a) The institution that institutes the program:~~

~~(1) shall provide as part of the program that the positions of the employees who separate from employment under the program be abolished; and~~

~~(2) may not recreate the positions that are abolished under the program, notwithstanding the autonomy of the institution to create positions as needed.~~

~~(b) The portion of the salaries for the positions of the employees who separate from employment under the program that have been appropriated for fiscal year 2012 from State funds shall be transferred to the General Fund of the State.~~

SECTION 32. AND BE IT FURTHER ENACTED, That the Developmental Disabilities Administration shall ensure that no provider funded by the Developmental Disabilities Administration will have an overall funding reduction in fiscal year 2012 as a result of changes in reimbursement policies for absence days in residential, day, and supported employment services.

SECTION 33. AND BE IT FURTHER ENACTED, That a memorandum of understanding negotiated between the State and an exclusive representative that is duly ratified on or after January 1, 2011, and before the effective date of this Act complies with the provisions of §§ 3–501(c) and 3–601 of the State Personnel and Pensions Article.

SECTION ~~27.~~ ~~32.~~ *34.* 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 28. AND BE IT FURTHER ENACTED, That, except as provided in § 16–1001(b) of the Transportation Article, as enacted by this Act, Title 16, Subtitle 10 of the Transportation Article, as enacted by this Act, shall be construed to apply only prospectively and may not otherwise be applied or interpreted to have any effect on or application to a conviction of, or the assessment of points against or points accumulated by, a licensee before the effective date of this Act.~~

~~SECTION 33. AND BE IT FURTHER ENACTED, That §§ 9–103 and 9–255 of the Tax – Property Article as enacted by this Act shall be applicable to tax credits granted for qualified property for which a property tax credit has not been granted for any taxable year beginning before July 1, 2011.~~

SECTION 35. AND BE IT FURTHER ENACTED, That § 7–301(f) of the Courts Article, §§ 2–614, 2–1104, and 2–1302.1 of the Tax – General Article, and §§ 12–120(a), 13–613(b), 13–802, 13–812(a), 13–955(c), and 15–311.1(b) of the Transportation Article, as enacted by this Act, shall take effect July 1, 2011.

SECTION ~~34.~~ *36.* AND BE IT FURTHER ENACTED, That, subject to Section ~~30~~ *31* of this Act, the repeal of § 2–1302.2 of the Tax – General Article under this Act shall take effect July 1, 2011.

SECTION ~~29.~~ ~~35.~~ *37.* AND BE IT FURTHER ENACTED, That Section ~~4~~ *2* of this Act shall take effect July 1, 2015.

SECTION 38. AND BE IT FURTHER ENACTED, That Article 24, § 9–1101(b)(2) of the Code and § 5–202(i) of the Education Article as enacted by this Act and Section 19 of this Act are contingent on funding for those provisions being provided in Chapter 395 (H.B. 70) of the Acts of the General Assembly of 2011 (Budget Bill Fiscal Year 2012), and if funding for those provisions is not provided in Chapter 395 (H.B. 70), Article 24, § 9–1101(b)(2) of the Code and § 5–202(i) of the Education Article as enacted by this Act and Section 19 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION ~~30.~~ ~~36.~~ *39.* AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, this Act shall take effect June 1, 2011.

Approved by the Governor, May 19, 2011.

Chapter 398

(Senate Bill 178)

AN ACT concerning

Criminal Law – Child Neglect ~~– Penalties~~

FOR the purpose of prohibiting a parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for supervision of a minor from neglecting the minor; establishing the misdemeanor of child neglect and providing certain penalties for a violation of this Act; establishing ~~a certain affirmative defense for a violation of this Act; providing that a sentence imposed for a violation of this Act may be separate from and consecutive to or concurrent with a certain other sentence; providing for the construction of this Act~~ that a sentence imposed under this Act is in addition to a certain other sentence, except under certain circumstances; altering certain procedures relating to the reporting and investigation of child neglect; defining certain terms; and generally relating to child neglect.

BY adding to
Article – Criminal Law
Section 3–602.1
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–704, 5–705, and 5–706
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Article – Criminal Law

3–602.1.

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

(2) "FAMILY MEMBER" HAS THE MEANING STATED IN § 3–601 OF THIS SUBTITLE.

(3) "HOUSEHOLD MEMBER" HAS THE MEANING STATED IN § 3–601 OF THIS SUBTITLE.

(4) "MENTAL INJURY" MEANS THE SUBSTANTIAL IMPAIRMENT OF A MINOR'S MENTAL OR PSYCHOLOGICAL ABILITY TO FUNCTION.

~~(4)~~ *(5)* (I) "NEGLECT" MEANS THE INTENTIONAL FAILURE TO PROVIDE NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OR ~~FOR THE SAFETY~~ *MENTAL HEALTH* OF A MINOR~~, INCLUDING:~~

~~(I) FOOD;~~

~~(II) CLOTHING;~~

~~(III) TOILETING;~~

~~(IV) ESSENTIAL MEDICAL TREATMENT;~~

~~(V) SHELTER; OR~~

~~(VI) SUPERVISION~~ THAT CREATES A SUBSTANTIAL RISK OF HARM TO THE MINOR'S PHYSICAL ~~OR MENTAL HEALTH~~ *HEALTH OR A SUBSTANTIAL RISK OF MENTAL INJURY TO THE MINOR*.

(II) "NEGLECT" DOES NOT INCLUDE THE FAILURE TO PROVIDE NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OR ~~FOR THE SAFETY~~ *MENTAL HEALTH* OF A MINOR WHEN THE FAILURE IS DUE SOLELY TO A LACK OF FINANCIAL RESOURCES OR HOMELESSNESS.

(B) A PARENT, FAMILY MEMBER, HOUSEHOLD MEMBER, OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR MAY NOT NEGLECT THE MINOR.

(C) ~~(1)~~ A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE ~~FELONY~~ MISDEMEANOR OF CHILD NEGLECT AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~10~~ *5* YEARS OR A FINE NOT EXCEEDING ~~$10,000~~ *$5,000* OR BOTH.

~~(2) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE OF VIOLATING THIS SECTION THAT THE SOLE REASON FOR THE FAILURE TO PROVIDE THE NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OF THE MINOR WAS A LACK OF FINANCIAL RESOURCES.~~

(D) ~~(1) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.~~

~~(2) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE PROSECUTION OF A PERSON FOR A VIOLATION OF § 3–601 OF THIS SUBTITLE FOR EVENTS ARISING FROM THE SAME FACTS AND CIRCUMSTANCES AS COULD BE CHARGED AS A VIOLATION OF THIS SECTION WHEN THE EVENTS RESULT IN PHYSICAL INJURY TO A MINOR~~ **A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR A CONVICTION ARISING FROM THE SAME FACTS AND CIRCUMSTANCES UNLESS THE EVIDENCE REQUIRED TO PROVE EACH CRIME IS SUBSTANTIALLY IDENTICAL.**

Article – Family Law

5–704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) **[**(i)**]** who has reason to believe that a child has been subjected to abuse **OR NEGLECT**, shall notify the local department or the appropriate law enforcement agency**[**; or

(ii) who has reason to believe that a child has been subjected to neglect, shall notify the local department**]**; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

(i) an oral report, by telephone or direct communication, as soon as possible**[**:

1.] to the local department or appropriate law enforcement agency [if the person has reason to believe that the child has been subjected to abuse; or

2. to the local department if the person has reason to believe that the child has been subjected to neglect]; and

(ii) a written report:

1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney [if the individual has reason to believe that the child has been subjected to abuse].

(2) (i) An agency to which an oral report of suspected abuse **OR NEGLECT** is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse or neglect; and

(ii) the identity of any individual responsible for the abuse or neglect.

5–705.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person in this State other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall**[**:

(i) if the person has reason to believe the child has been subjected to abuse,**]** notify the local department or the appropriate law enforcement agency**[**; or

(ii) if the person has reason to believe the child has been subjected to neglect, notify the local department**]**.

(2) A person is not required to provide notice under paragraph (1) of this subsection:

(i) in violation of the privilege described under § 9–108 of the Courts Article;

(ii) if the notice would disclose matter communicated in confidence by a client to the client's attorney or other information relating to the representation of the client; or

(iii) in violation of any constitutional right to assistance of counsel.

(3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § 9–111 of the Courts Article and:

(i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and

(ii) the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

(b) (1) An agency to which a report of suspected abuse **OR NEGLECT** is made under subsection (a) of this section shall immediately notify the other agency.

(2) This subsection does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) A report made under subsection (a) of this section may be oral or in writing.

(d) (1) To the extent possible, a report made under subsection (a) of this section shall include the information required by § 5–704(c) of this subtitle.

(2) A report made under subsection (a) of this section shall be regarded as a report within the provisions of this subtitle, whether or not the report contains all of the information required by § 5–704(c) of this subtitle.

5–706.

(a) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred in this State**[**:

(1)**],** the local department or the appropriate law enforcement agency, or both, if jointly agreed on, shall make a thorough investigation of a report of suspected abuse **OR NEGLECT** to protect the health, safety, and welfare of the child or children**[**; or

(2) the local department shall make a thorough investigation of a report of suspected neglect to protect the health, safety, and welfare of the child or children**]**.

(b) Within 24 hours after receiving a report of suspected physical or sexual abuse of a child who lives in this State that is alleged to have occurred in this State, and within 5 days after receiving a report of suspected neglect or suspected mental injury of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency shall:

(1) see the child;

(2) attempt to have an on–site interview with the child's caretaker;

(3) decide on the safety of the child, wherever the child is, and of other children in the household; and

(4) decide on the safety of other children in the care or custody of the alleged abuser.

(c) The investigation under subsection (b) of this section shall include:

(1) a determination of the nature, extent, and cause of the abuse or neglect, if any;

(2) if mental injury is suspected, an assessment by two of the following:

(i) a licensed physician, as defined in § 14–101 of the Health Occupations Article;

(ii) a licensed psychologist, as defined in § 18–101 of the Health Occupations Article; or

(iii) a licensed social worker, as defined in § 19–101 of the Health Occupations Article; and

(3) if the suspected abuse or neglect is verified:

(i) a determination of the identity of the person or persons responsible for the abuse or neglect;

(ii) a determination of the name, age, and condition of any other child in the household;

(iii) an evaluation of the parents and the home environment;

(iv) a determination of any other pertinent facts or matters; and

(v) a determination of any needed services.

(d) On request by the local department, the local State's Attorney shall assist in an investigation under subsections (b) and (c) of this section.

(e) The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the local department's office responsible for child care regulation, and the local health officer shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (b) and (c) of this section and prosecution of reported cases of suspected abuse **OR NEGLECT**.

(f) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (b) and (c) of this section.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation of sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child; and

2. decrease any trauma experienced by the child in the investigation and prosecution of the case; and

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases.

(g) (1) To the extent possible, an investigation under subsections (b) and (c) of this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies.

(2) An investigation under subsections (b) and (c) of this section which is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

(h) Within 10 days after the local department or law enforcement agency receives the first notice of suspected abuse ~~OR NEGLECT~~ of a child who lives in this State that is alleged to have occurred in this State, the local department or law enforcement agency shall report to the local State's Attorney the preliminary findings of the investigation.

(i) Within 5 business days after completion of the investigation of suspected abuse ~~OR NEGLECT~~ of a child who lives in this State that is alleged to have occurred in this State, the local department and the appropriate law enforcement agency, if that agency participated in the investigation, shall make a complete written report of its findings to the local State's Attorney.

(j) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred outside of this State, the local department shall:

(1) forward the report to the appropriate agency outside of this State that is authorized to receive and investigate reports of suspected abuse or neglect;

(2) cooperate to the extent requested with the out–of–state agency investigating the report; and

(3) if determined appropriate by the local department:

(i) interview the child to assess whether the child is safe; and

(ii) provide services to the child and the child's family.

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

Approved by the Governor, May 19, 2011.

Chapter 399

(House Bill 162)

AN ACT concerning

Criminal Law – Child Neglect ~~– Penalties~~

FOR the purpose of prohibiting a parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for supervision of a minor from neglecting the minor; establishing the misdemeanor of child neglect and providing certain penalties for a violation of this Act; establishing ~~a certain affirmative defense for a violation of this Act; providing that a sentence imposed for a violation of this Act may be separate from and consecutive to or concurrent with a certain other sentence; providing for the construction of this Act~~ that a sentence imposed under this Act is in addition to a certain other sentence, except under certain circumstances; altering certain procedures relating to the reporting and investigation of child neglect; defining certain terms; and generally relating to child neglect.

BY adding to
Article – Criminal Law
Section 3–602.1
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–704, 5–705, and 5–706
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Article – Criminal Law

3–602.1.

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

(2) "FAMILY MEMBER" HAS THE MEANING STATED IN § 3–601 OF THIS SUBTITLE.

(3) "HOUSEHOLD MEMBER" HAS THE MEANING STATED IN § 3–601 OF THIS SUBTITLE.

(4) "MENTAL INJURY" MEANS THE SUBSTANTIAL IMPAIRMENT OF A MINOR'S MENTAL OR PSYCHOLOGICAL ABILITY TO FUNCTION.

(5) (I) "NEGLECT" MEANS THE INTENTIONAL FAILURE TO PROVIDE NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OR MENTAL HEALTH OF A MINOR~~, INCLUDING:~~

~~(I) FOOD;~~

~~(II) CLOTHING;~~

~~(III) TOILETING;~~

~~(IV) ESSENTIAL MEDICAL TREATMENT;~~

~~(V) SHELTER; OR~~

~~(VI) SUPERVISION~~ THAT CREATES A SUBSTANTIAL RISK OF HARM TO THE MINOR'S PHYSICAL HEALTH OR A SUBSTANTIAL RISK OF MENTAL INJURY TO THE MINOR.

(II) "NEGLECT" DOES NOT INCLUDE THE FAILURE TO PROVIDE NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OR MENTAL HEALTH OF A MINOR WHEN THE FAILURE IS DUE SOLELY TO A LACK OF FINANCIAL RESOURCES OR HOMELESSNESS.

(B) A PARENT, FAMILY MEMBER, HOUSEHOLD MEMBER, OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR MAY NOT NEGLECT THE MINOR.

(C) ~~(1)~~ A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE ~~FELONY~~ MISDEMEANOR OF CHILD NEGLECT AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~10~~ 5 YEARS OR A FINE NOT EXCEEDING ~~$10,000~~ $5,000 OR BOTH.

~~(2) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE OF VIOLATING THIS SECTION THAT THE SOLE REASON FOR THE FAILURE TO PROVIDE THE~~

~~NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OF THE MINOR WAS A LACK OF FINANCIAL RESOURCES.~~

(D) ~~(1) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.~~

~~(2) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE PROSECUTION OF A PERSON FOR A VIOLATION OF § 3–601 OF THIS SUBTITLE FOR EVENTS ARISING FROM THE SAME FACTS AND CIRCUMSTANCES AS COULD BE CHARGED AS A VIOLATION OF THIS SECTION WHEN THE EVENTS RESULT IN PHYSICAL INJURY TO A MINOR~~ **A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR A CONVICTION ARISING FROM THE SAME FACTS AND CIRCUMSTANCES UNLESS THE EVIDENCE REQUIRED TO PROVE EACH CRIME IS SUBSTANTIALLY IDENTICAL.**

Article – Family Law

5–704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) **[**(i)**]** who has reason to believe that a child has been subjected to abuse **OR NEGLECT**, shall notify the local department or the appropriate law enforcement agency**[**; or

(ii) who has reason to believe that a child has been subjected to neglect, shall notify the local department**]**; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

(i) an oral report, by telephone or direct communication, as soon as possible**[**:

1.] to the local department or appropriate law enforcement agency [if the person has reason to believe that the child has been subjected to abuse; or

2. to the local department if the person has reason to believe that the child has been subjected to neglect]; and

(ii) a written report:

1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney [if the individual has reason to believe that the child has been subjected to abuse].

(2) (i) An agency to which an oral report of suspected abuse **OR NEGLECT** is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse or neglect; and

(ii) the identity of any individual responsible for the abuse or neglect.

5–705.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person in this State other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall**[**:

(i) if the person has reason to believe the child has been subjected to abuse,**]** notify the local department or the appropriate law enforcement agency**[**; or

(ii) if the person has reason to believe the child has been subjected to neglect, notify the local department**]**.

(2) A person is not required to provide notice under paragraph (1) of this subsection:

(i) in violation of the privilege described under § 9–108 of the Courts Article;

(ii) if the notice would disclose matter communicated in confidence by a client to the client's attorney or other information relating to the representation of the client; or

(iii) in violation of any constitutional right to assistance of counsel.

(3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § 9–111 of the Courts Article and:

(i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and

(ii) the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

(b) (1) An agency to which a report of suspected abuse **OR NEGLECT** is made under subsection (a) of this section shall immediately notify the other agency.

(2) This subsection does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) A report made under subsection (a) of this section may be oral or in writing.

(d) (1) To the extent possible, a report made under subsection (a) of this section shall include the information required by § 5–704(c) of this subtitle.

(2) A report made under subsection (a) of this section shall be regarded as a report within the provisions of this subtitle, whether or not the report contains all of the information required by § 5–704(c) of this subtitle.

5–706.

(a) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred in this State**[**:

(1)**],** the local department or the appropriate law enforcement agency, or both, if jointly agreed on, shall make a thorough investigation of a report of suspected abuse **OR NEGLECT** to protect the health, safety, and welfare of the child or children**[**; or

(2) the local department shall make a thorough investigation of a report of suspected neglect to protect the health, safety, and welfare of the child or children**]**.

(b) Within 24 hours after receiving a report of suspected physical or sexual abuse of a child who lives in this State that is alleged to have occurred in this State, and within 5 days after receiving a report of suspected neglect or suspected mental injury of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency shall:

(1) see the child;

(2) attempt to have an on–site interview with the child's caretaker;

(3) decide on the safety of the child, wherever the child is, and of other children in the household; and

(4) decide on the safety of other children in the care or custody of the alleged abuser.

(c) The investigation under subsection (b) of this section shall include:

(1) a determination of the nature, extent, and cause of the abuse or neglect, if any;

(2) if mental injury is suspected, an assessment by two of the following:

(i) a licensed physician, as defined in § 14–101 of the Health Occupations Article;

(ii) a licensed psychologist, as defined in § 18–101 of the Health Occupations Article; or

(iii) a licensed social worker, as defined in § 19–101 of the Health Occupations Article; and

(3) if the suspected abuse or neglect is verified:

(i) a determination of the identity of the person or persons responsible for the abuse or neglect;

(ii) a determination of the name, age, and condition of any other child in the household;

(iii) an evaluation of the parents and the home environment;

(iv) a determination of any other pertinent facts or matters; and

(v) a determination of any needed services.

(d) On request by the local department, the local State's Attorney shall assist in an investigation under subsections (b) and (c) of this section.

(e) The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the local department's office responsible for child care regulation, and the local health officer shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (b) and (c) of this section and prosecution of reported cases of suspected abuse **OR NEGLECT**.

(f) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (b) and (c) of this section.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation of sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child; and

2. decrease any trauma experienced by the child in the investigation and prosecution of the case; and

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases.

(g) (1) To the extent possible, an investigation under subsections (b) and (c) of this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies.

(2) An investigation under subsections (b) and (c) of this section which is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

(h) Within 10 days after the local department or law enforcement agency receives the first notice of suspected abuse ~~OR NEGLECT~~ of a child who lives in this State that is alleged to have occurred in this State, the local department or law enforcement agency shall report to the local State's Attorney the preliminary findings of the investigation.

(i) Within 5 business days after completion of the investigation of suspected abuse ~~OR NEGLECT~~ of a child who lives in this State that is alleged to have occurred in this State, the local department and the appropriate law enforcement agency, if that agency participated in the investigation, shall make a complete written report of its findings to the local State's Attorney.

(j) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred outside of this State, the local department shall:

(1) forward the report to the appropriate agency outside of this State that is authorized to receive and investigate reports of suspected abuse or neglect;

(2) cooperate to the extent requested with the out–of–state agency investigating the report; and

(3) if determined appropriate by the local department:

(i) interview the child to assess whether the child is safe; and

(ii) provide services to the child and the child's family.

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

Approved by the Governor, May 19, 2011.

Chapter 400

(Senate Bill 176)

AN ACT concerning

Maryland Electric Vehicle Infrastructure Council

FOR the purpose of establishing the Maryland Electric Vehicle Infrastructure Council; specifying the membership and staffing of the Council; requiring the Governor to designate the chair or cochairs of the Council; requiring the Council to perform certain duties and make certain recommendations; prohibiting members of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Council to submit an interim and a final report by certain dates; defining ~~certain terms~~ a certain term; providing for the termination of this Act; and generally relating to the Maryland Electric Vehicle Infrastructure Council.

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

(a) In this section, "electric vehicle" or "EV" means any mode of electric drive transportation that is not operated on rails.

(b) There is a Maryland Electric Vehicle Infrastructure Council.

(c) The Council consists of the following members:

(1) One member of the Senate of Maryland, appointed by the President of the Senate;

(2) ~~One member~~ *Two members* of the House of Delegates, appointed by the Speaker of the House;

(3) The Secretary of Transportation or the Secretary's designee;

(4) The Secretary of Planning or the Secretary's designee;

(5) The Secretary of the Environment or the Secretary's designee;

(6) The Secretary of Business and Economic Development or the Secretary's designee;

(7) The ~~Chairman~~ Executive Director of the Technical Staff of the Maryland Public Service Commission or the ~~Chairman's~~ Executive Director's designee;

(8) The Director of the Maryland Energy Administration or the Director's designee; and

(9) The following members appointed by the Governor:

(i) ~~Two representatives of institutions~~ One representative of an institution of higher education in the State with expertise in energy, transportation, or the environment;

(ii) Two representatives of the Maryland Association of Counties, including:

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State;

(iii) Two representatives of the Maryland Municipal League, including:

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State;

(iv) One representative of the Baltimore Electric Vehicle Initiative;

(v) ~~Three~~ Two representatives of electric companies in the State;

(vi) ~~Two representatives of electric vehicle manufacturers or dealers~~ One representative of an electric vehicle manufacturer;

(vii) One ~~member with expertise in electric vehicle charging equipment~~ representative of a manufacturer of electric vehicle charging stations;

(viii) One representative of fleet vehicle operators;

(ix) One representative of electrical workers;

(x) One representative of the environmental community;

(xi) One public member with expertise in energy or transportation policy; ~~and~~

(xii) ~~Any additional members appointed by the Governor~~ One representative of the Maryland Automobile Dealers Association*; and*

(xiii) One representative of the retail electric supplier community.

(d) The Governor shall designate the chair or cochairs of the Council~~;~~.

(e) The Department of Transportation shall provide staff support to the Council with the assistance of the Maryland Energy Administration and Maryland Public Service Commission.

(f) A member of the Council:

(1) May not receive compensation as a member of the Council; but

(2) Is entitled to reimbursement of expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Council shall:

(1) Develop an action plan to facilitate the ~~rapid and seamless~~ successful integration of electric vehicles into the State's transportation network;

(2) Assist in developing and coordinating statewide standards for streamlined permitting and installation of residential and commercial EV charging stations and supply equipment;

(3) Develop a recommendation for a statewide ~~metering and~~ charging infrastructure plan, including placement opportunities for public charging stations;

(4) Increase consumer awareness and demand for electric vehicles through public outreach;

(5) Make recommendations regarding monetary and nonmonetary incentives to support electric vehicle ownership and maximize private sector investment in electric vehicles;

(6) Develop targeted policies to support fleet purchases of electric vehicles;

(7) Develop charging solutions for existing and future multidwelling units;

(8) Encourage local and regional efforts to promote the use of electric vehicles and attract federal funding for State and local EV programs;

(9) ~~Investigate how EV charging will impact electricity demand and develop strategies to increase off–peak charging and~~ Recommend policies that support EV charging from clean energy sources;

(10) Recommend a method of displaying pricing information at public charging stations;

~~(10)~~ (11) Establish performance measures for meeting EV–related employment, infrastructure, and regulatory goals; and

~~(11)~~ (12) Pursue other goals and objectives that promote the utilization of electric vehicles in the State.

(h) (1) On or before January 1, 2012, the Council shall submit an interim report of its work and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

(2) On or before December 1, 2012, the Council shall submit a final report of its work and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011. It shall remain effective for a period of 2 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 19, 2011.

Chapter 401

(House Bill 167)

AN ACT concerning

Maryland Electric Vehicle Infrastructure Council

FOR the purpose of establishing the Maryland Electric Vehicle Infrastructure Council; specifying the membership and staffing of the Council; requiring the Governor to designate the chair or cochairs of the Council; requiring the Council to

perform certain duties and make certain recommendations; prohibiting members of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Council to submit an interim and a final report by certain dates; defining ~~certain terms~~ *a certain term*; providing for the termination of this Act; and generally relating to the Maryland Electric Vehicle Infrastructure Council.

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

(a) In this section, "electric vehicle" or "EV" means any mode of electric drive transportation that is not operated on rails.

(b) There is a Maryland Electric Vehicle Infrastructure Council.

(c) The Council consists of the following members:

(1) ~~One member~~ ~~Two members~~ *One member* of the Senate of Maryland, appointed by the President of the Senate;

(2) ~~One member~~ Two members of the House of Delegates, appointed by the Speaker of the House;

(3) The Secretary of Transportation or the Secretary's designee;

(4) The Secretary of Planning or the Secretary's designee;

(5) The Secretary of the Environment or the Secretary's designee;

(6) The Secretary of Business and Economic Development or the Secretary's designee;

(7) The ~~Chairman~~ Executive Director of the Technical Staff of the Maryland Public Service Commission or the ~~Chairman's~~ Executive Director's designee;

(8) The Director of the Maryland Energy Administration or the Director's designee; and

(9) The following members appointed by the Governor:

(i) ~~Two representatives of institutions~~ One representative of an institution of higher education in the State with expertise in energy, transportation, or the environment;

(ii) Two representatives of the Maryland Association of Counties*, including:*

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State;

(iii) Two representatives of the Maryland Municipal League*, including:*

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State;

(iv) One representative of the Baltimore Electric Vehicle Initiative;

(v) ~~Three~~ Two representatives of electric companies in the State;

(vi) ~~Two representatives of electric vehicle manufacturers or dealers~~ One representative of an electric vehicle manufacturer;

(vii) One ~~member with expertise in electric vehicle charging equipment~~ representative of a manufacturer of electric vehicle charging stations;

(viii) One representative of fleet vehicle operators;

(ix) One representative of electrical workers;

(x) ~~One representative~~ ~~Two representatives~~ *One representative* of the environmental community;

(xi) One public member with expertise in energy or transportation policy; ~~and~~

(xii) One representative of the Maryland Automobile Dealers Association; *and*

(xiii) One representative of the ~~Greater Washington Region Clean Cities Coalition; and~~ *retail electric supplier community.*

~~(xii)~~ (xiv) ~~Any additional members appointed by the Governor.~~

(d) The Governor shall designate the chair or cochairs of the Council.

(e) The Department of Transportation shall provide staff support to the Council with the assistance of the Maryland Energy Administration and Maryland Public Service Commission.

(f) A member of the Council:

(1) May not receive compensation as a member of the Council; but

(2) Is entitled to reimbursement of expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Council shall:

(1) Develop an action plan to facilitate the ~~rapid and seamless~~ successful integration of electric vehicles into the State's transportation network;

(2) Assist in developing and coordinating statewide standards for streamlined permitting and installation of residential and commercial EV charging stations and supply equipment;

(3) Develop a recommendation for a statewide ~~metering and~~ charging infrastructure plan, including placement opportunities for public charging stations;

(4) Increase consumer awareness and demand for electric vehicles through public outreach;

(5) Make recommendations regarding monetary and nonmonetary incentives to support electric vehicle ownership and maximize private sector investment in electric vehicles;

(6) Develop targeted policies to support fleet purchases of electric vehicles;

(7) Develop charging solutions for existing and future multidwelling units;

(8) Encourage local and regional efforts to promote the use of electric vehicles and attract federal funding for State and local EV programs;

(9) ~~Investigate how EV charging will impact electricity demand and develop strategies to increase off-peak charging and~~ Recommend policies that support EV charging from clean energy sources;

(10) Recommend a method of displaying pricing information at public charging stations;

~~(10)~~ *(11)* Establish performance measures for meeting EV–related employment, infrastructure, and regulatory goals; and

~~(11)~~ *(12)* Pursue other goals and objectives that promote the utilization of electric vehicles in the State.

(h) (1) On or before January 1, 2012, the Council shall submit an interim report of its work and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

(2) On or before December 1, 2012, the Council shall submit a final report of its work and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011. It shall remain effective for a period of 2 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 19, 2011.

Chapter 402

(House Bill 163)

AN ACT concerning

Income Tax – Tax Credit for Electric Vehicle Recharging Equipment

FOR the purpose of allowing a credit against the State income tax for certain qualified electric vehicle recharging equipment for certain tax years; requiring the Maryland Energy Administration to administer the tax credit program; providing for the amount of tax credit certificates that may be issued by the Administration; authorizing the Administration to adopt certain regulations; transferring certain money from the Strategic Energy Investment Fund to the General Fund in certain fiscal years; and generally relating to an income tax credit for certain qualified electric vehicle recharging equipment.

BY adding to
Article – Tax – General
Section 10–729
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article – Tax – General

10–729.

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

(2) "ADMINISTRATION" MEANS THE MARYLAND ENERGY ADMINISTRATION.

(3) "QUALIFIED ELECTRIC VEHICLE RECHARGING EQUIPMENT" MEANS PROPERTY USED FOR THE RECHARGING OF MOTOR VEHICLES PROPELLED BY ELECTRICITY THAT MEETS THE DEFINITION OF "QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY" IN § 30C OF THE INTERNAL REVENUE CODE.

(B) FOR TAX YEARS 2011 THROUGH 2013 ONLY, AN INDIVIDUAL OR CORPORATION THAT RECEIVES AN INITIAL CREDIT CERTIFICATE UNDER SUBSECTION (D) OF THIS SECTION FROM THE ADMINISTRATION MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR A TAXABLE YEAR IN AN AMOUNT EQUAL TO 20% OF THE COST OF ANY QUALIFIED ELECTRIC VEHICLE RECHARGING EQUIPMENT PLACED IN SERVICE BY THE TAXPAYER DURING THE TAXABLE YEAR.

(C) (1) FOR ANY TAXABLE YEAR, THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED THE LESSER OF:

(I) $400 FOR EACH INDIVIDUAL RECHARGING SYSTEM; OR

(II) THE STATE INCOME TAX FOR THAT TAXABLE YEAR.

(2) THE UNUSED AMOUNT OF THE CREDIT FOR ANY TAXABLE YEAR MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.

(D) (1) ON APPLICATION BY A TAXPAYER, THE ADMINISTRATION SHALL ISSUE AN INITIAL CREDIT CERTIFICATE IN AN AMOUNT EQUAL TO 20% OF THE ESTIMATED COST OF THE QUALIFIED ELECTRIC VEHICLE RECHARGING EQUIPMENT TO BE PLACED IN SERVICE IN THE STATE BY THE TAXPAYER DURING THE TAXABLE YEAR.

(2) THE INITIAL CREDIT CERTIFICATE ISSUED UNDER THIS SUBSECTION SHALL STATE THE MAXIMUM AMOUNT OF CREDIT THAT MAY BE CLAIMED BY THE TAXPAYER.

(3) THE CREDIT ALLOWED UNDER THIS SECTION IS LIMITED TO THE ACQUISITION OF:

(I) 1 RECHARGING SYSTEM PER INDIVIDUAL; AND

(II) 30 RECHARGING SYSTEMS PER BUSINESS ENTITY.

(4) THE ADMINISTRATION MAY ISSUE TOTAL CREDIT CERTIFICATES NOT TO EXCEED THE FOLLOWING AMOUNTS:

(I) FOR TAX YEAR 2011, $400,000;

(II) FOR TAX YEAR 2012, $500,000; AND

(III) FOR TAX YEAR 2013, $600,000.

(5) ON JANUARY 1, 2012, AND EACH YEAR THE CREDIT IS AUTHORIZED, THE ADMINISTRATION SHALL PROVIDE TO THE COMPTROLLER A LIST OF ALL TAXPAYERS IN THE PRIOR TAX YEAR THAT HAVE BEEN ISSUED AN INITIAL CREDIT CERTIFICATE AND SHALL SPECIFY FOR EACH TAXPAYER THE MAXIMUM AMOUNT OF CREDIT ALLOWED.

(6) (I) THE ADMINISTRATION MAY ADOPT REGULATIONS TO ADMINISTER THE INITIAL CREDIT CERTIFICATE REQUIRED UNDER THIS SUBSECTION.

(II) THE REGULATIONS ADOPTED BY THE ADMINISTRATION MAY INCLUDE A FURTHER LIMIT ON THE MAXIMUM AMOUNT OF CREDIT THAT MAY BE CLAIMED BY THE TAXPAYER.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the following amounts shall be transferred from the Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article to the General Fund to offset a reduction in revenues from the tax credit for electric vehicle recharging equipment established under Section 1 of this Act:

(1) for fiscal year 2013, the lesser of $400,000 or the total amount of credit certificates issued in tax year 2011;

(2) for fiscal year 2014, the lesser of $500,000 or the total amount of credit certificates issued in tax year 2012; and

(3) for fiscal year 2015, the lesser of $600,000 or the total amount of credit certificates issued in tax year 2013.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 19, 2011.

Chapter 403

(Senate Bill 179)

AN ACT concerning

Electric Companies – ~~Demand Response~~ Pilot Program for Charging Electric Vehicles

FOR the purpose of requiring the Public Service Commission to establish by a certain date a ~~demand response~~ pilot program for charging electric vehicles; authorizing an electric company to request to participate in the pilot program; requiring the pilot program to include certain incentives for certain purposes; requiring a certain report to the Governor and the General Assembly by a certain date; *providing that this Act does not limit the authority of the Commission to receive, consider, and approve certain pilot programs in advance of a certain date; requiring the Commission to consider and act upon certain proposals in a certain manner;* and generally relating to a ~~demand response~~ pilot program for charging electric vehicles.

BY adding to
Article – Public Utilities
Section 7–211(m)
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article – Public Utilities

7–211.

(M) (1) ON OR BEFORE JUNE 30, 2013, BY REGULATION OR ORDER, THE COMMISSION SHALL ESTABLISH A ~~DEMAND–RESPONSE~~ PILOT PROGRAM FOR ELECTRIC CUSTOMERS TO RECHARGE ELECTRIC VEHICLES DURING OFF–PEAK HOURS.

(2) (I) AN ELECTRIC COMPANY MAY REQUEST TO PARTICIPATE IN THE PILOT PROGRAM.

(II) THE COMMISSION SHALL MAKE EVERY EFFORT TO INCLUDE AT LEAST TWO ELECTRIC COMPANIES IN THE PILOT PROGRAM.

(3) THE PILOT PROGRAM SHALL INCLUDE INCENTIVES FOR RESIDENTIAL, COMMERCIAL, AND GOVERNMENTAL CUSTOMERS TO RECHARGE ELECTRIC VEHICLES IN A MANNER THAT WILL:

(I) INCREASE THE EFFICIENCY AND RELIABILITY OF THE ELECTRIC DISTRIBUTION SYSTEM; AND

(II) LOWER ELECTRICITY USE AT TIMES OF HIGH DEMAND.

(4) INCENTIVES MAY INCLUDE:

(I) TIME–OF–DAY PRICING OF ELECTRICITY;

(II) CREDITS ON DISTRIBUTION CHARGES;

(III) REBATES ON THE COST OF CHARGING SYSTEMS; ~~OR~~

(IV) <u>DEMAND RESPONSE PROGRAMS; OR</u>

<u>(V)</u> OTHER INCENTIVES APPROVED BY THE COMMISSION.

(5) ON OR BEFORE FEBRUARY 1, 2015, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE EXPERIENCE OF THE PILOT PROGRAM AND THE COMMISSION'S FINDINGS.

<u>SECTION 2. AND BE IT FURTHER ENACTED, That:</u>

<u>(1) Section 7–211 of the Public Utilities Article, as enacted by Section 1 of this Act, does not limit the authority of the Public Service Commission to receive, consider, and approve proposals for a pilot program for electric customers to recharge electric vehicles during off–peak hours in advance of the date by which the Public Service Commission is required to act in accordance with § 7–211 of the Public Utilities Article, as enacted by Section 1 of this Act; and</u>

(2) the Public Service Commission shall promptly consider and act upon each proposal for a pilot program for electric customers to recharge electric vehicles during off–peak hours that is submitted under § 7–211 of the Public Utilities Article as enacted by Section 1 of this Act.

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

Approved by the Governor, May 19, 2011.

Chapter 404

(House Bill 164)

AN ACT concerning

Electric Companies – ~~Demand Response~~ Pilot Program for Charging Electric Vehicles

FOR the purpose of requiring the Public Service Commission to establish by a certain date a ~~demand response~~ pilot program for charging electric vehicles; authorizing an electric company to request to participate in the pilot program; requiring the pilot program to include certain incentives for certain purposes; requiring a certain report to the Governor and the General Assembly by a certain date; *providing that this Act does not limit the authority of the Commission to receive, consider, and approve certain pilot programs in advance of a certain date; requiring the Commission to consider and act upon certain proposals in a certain manner;* and generally relating to a ~~demand response~~ pilot program for charging electric vehicles.

BY adding to
Article – Public Utilities
Section 7–211(m)
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article – Public Utilities

7–211.

(M) (1) ON OR BEFORE JUNE 30, 2013, BY REGULATION OR ORDER, THE COMMISSION SHALL ESTABLISH A ~~DEMAND–RESPONSE~~ PILOT PROGRAM FOR ELECTRIC CUSTOMERS TO RECHARGE ELECTRIC VEHICLES DURING OFF–PEAK HOURS.

(2) (I) AN ELECTRIC COMPANY MAY REQUEST TO PARTICIPATE IN THE PILOT PROGRAM.

(II) THE COMMISSION SHALL MAKE EVERY EFFORT TO INCLUDE AT LEAST TWO ELECTRIC COMPANIES IN THE PILOT PROGRAM.

(3) THE PILOT PROGRAM SHALL INCLUDE INCENTIVES FOR RESIDENTIAL, COMMERCIAL, AND GOVERNMENTAL CUSTOMERS TO RECHARGE ELECTRIC VEHICLES IN A MANNER THAT WILL:

(I) INCREASE THE EFFICIENCY AND RELIABILITY OF THE ELECTRIC DISTRIBUTION SYSTEM; AND

(II) LOWER ELECTRICITY USE AT TIMES OF HIGH DEMAND.

(4) INCENTIVES MAY INCLUDE:

(I) TIME–OF–DAY PRICING OF ELECTRICITY;

(II) CREDITS ON DISTRIBUTION CHARGES;

(III) REBATES ON THE COST OF CHARGING SYSTEMS; ~~OR~~

(IV) <u>DEMAND RESPONSE PROGRAMS; OR</u>

<u>(V)</u> OTHER INCENTIVES APPROVED BY THE COMMISSION.

(5) ON OR BEFORE FEBRUARY 1, 2015, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE EXPERIENCE OF THE PILOT PROGRAM AND THE COMMISSION'S FINDINGS.

<u>SECTION 2. AND BE IT FURTHER ENACTED, That:</u>

<u>(1) Section 7–211 of the Public Utilities Article, as enacted by Section 1 of this Act, does not limit the authority of the Public Service Commission to receive, consider, and approve proposals for a pilot program for electric customers to recharge electric vehicles during off–peak hours in advance of the date by which the Public Service Commission is required to act in accordance with § 7–211 of the Public Utilities Article, as enacted by Section 1 of this Act; and</u>

(2) the Public Service Commission shall promptly consider and act upon each proposal for a pilot program for electric customers to recharge electric vehicles during off–peak hours that is submitted under § 7–211 of the Public Utilities Article as enacted by Section 1 of this Act.

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

Approved by the Governor, May 19, 2011.

Chapter 405

(Senate Bill 380)

AN ACT concerning

Electricity – Net Energy Metering

FOR the purpose of altering the period during which an eligible customer–generator may accrue certain net excess generation; requiring a certain electric company to carry forward ~~a negative kilowatt–hour reading~~ net excess generation until a certain consumption eliminates the net excess generation or a certain accrual period expires; altering how the dollar value of a certain net excess generation is calculated; repealing a requirement that certain generation credit appear on the eligible customer–generator's bill in a dollar amount; requiring an electric company to reimburse certain eligible customer–generators for the dollar value of certain accrued net excess generation on or before a certain date each year; providing that a certain eligible customer–generator may choose to be paid for the dollar value of certain net excess generation on a monthly basis under certain circumstances; repealing a provision authorizing the Public Service Commission to require a certain eligible customer–generator to install a certain dual meter under certain circumstances; repealing a provision that requires the Commission to develop a certain credit formula; altering the date by which the Commission is required to report each year on the status of the net metering program; repealing a certain definition; defining a certain term; and generally relating to net energy metering and payment for accrued net excess generation.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–306
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article – Public Utilities

7–306.

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

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

(3) "Eligible customer–generator" means a customer that owns and operates, leases and operates, or contracts with a third party that owns and operates a biomass, micro combined heat and power, solar, fuel cell, 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) "Fuel cell" means an electric generating facility that:

(i) includes integrated power plant systems containing a stack, tubular array, or other functionally similar configuration used to electrochemically convert fuel to electric energy; and

(ii) may include:

1. an inverter and fuel processing system; and

2. other plant equipment to support the plant's operation or its energy conversion, including heat recovery equipment.

(5) **[**"Generation credit" means a credit associated with the generation of electricity produced in excess of the electricity consumed by an eligible customer–generator in one billing period.

(6)**]** "Micro combined heat and power" means the simultaneous or sequential production of useful thermal energy and electrical or mechanical power not exceeding 30 kilowatts.

[(7)**] (6)** "Net energy metering" means measurement of the difference between the electricity that is supplied by an electric company and the electricity that is generated by an eligible customer–generator and fed back to the electric grid over the eligible customer–generator's billing period.

(7) "NET EXCESS GENERATION" MEANS THE AMOUNT OF THE ELECTRICITY GENERATED BY AN ELIGIBLE CUSTOMER–GENERATOR THAT IS IN EXCESS OF THE ELECTRICITY CONSUMED BY THE ELIGIBLE CUSTOMER–GENERATOR AND THAT RESULTS IN A NEGATIVE KILOWATT–HOUR READING AT THE END OF THE ELIGIBLE CUSTOMER–GENERATOR'S BILLING CYCLE.

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

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

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

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

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

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

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

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

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

(4) If electricity generated by the eligible customer–generator exceeds the electricity supplied by the grid, the eligible customer–generator shall be billed only customer charges for that month in accordance with subsection (e) of this section.

(5) (i) An eligible customer–generator under paragraph (4) of this subsection may accrue **[**generation credit**]** **NET EXCESS GENERATION FOR A PERIOD:**

1. NOT TO EXCEED ~~1 CALENDAR YEAR~~ 12 MONTHS; AND

2. THAT ENDS WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL OF EACH YEAR.

(ii) The electric company shall carry forward **[**accrued generation credit**]** **~~A NEGATIVE KILOWATT–HOUR READING~~** **NET EXCESS GENERATION** until:

1. the eligible customer–generator's consumption of electricity from the grid eliminates the **[**credit**]** **~~NEGATIVE KILOWATT–HOUR READING~~** **NET EXCESS GENERATION**; or

2. the **[**eligible customer–generator has been paid by the electric company for any remaining credit in accordance with paragraph (6) of this subsection**]** **~~1 YEAR~~ ACCRUAL PERIOD UNDER SUBPARAGRAPH ~~(1)~~ (I) OF THIS PARAGRAPH EXPIRES**.

(iii) **1.** The **[**amount of the generation credit shall be calculated at the prevailing market price of energy applicable to the electric company in the PJM Interconnection energy market, as that market may change from time to time**]** **DOLLAR VALUE OF NET EXCESS GENERATION SHALL BE EQUAL TO ~~THE SUM OF~~ THE ~~ENERGY CHARGE AND THE DISTRIBUTION CHARGE PORTION OF THE~~ ~~RETAIL~~ GENERATION OR COMMODITY PORTION OF THE RATE THAT THE ELIGIBLE CUSTOMER–GENERATOR WOULD HAVE BEEN CHARGED BY THE ELECTRIC COMPANY AVERAGED OVER THE ~~CALENDAR YEAR~~ PREVIOUS 12–MONTH PERIOD ENDING WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL MULTIPLIED BY THE NUMBER OF KILOWATT–HOURS OF NET EXCESS GENERATION**.

2. FOR CUSTOMERS SERVED BY AN ELECTRICITY SUPPLIER, THE DOLLAR VALUE OF THE NET EXCESS GENERATION SHALL BE EQUAL TO THE GENERATION OR COMMODITY RATE THAT THE CUSTOMER WOULD HAVE BEEN CHARGED BY THE ELECTRICITY SUPPLIER MULTIPLIED BY THE NUMBER OF KILOWATT–HOURS OF NET EXCESS GENERATION.

[(iv) The generation credit shall appear on the eligible customer–generator's bill in a dollar amount.**]**

(6) (i) **[**By written request, the eligible customer–generator may receive payment from the electric company for any accrued generation credit that remains at the end of a 12–month period.

(ii) On written request of the eligible customer–generator under subparagraph (i) of this paragraph, within 15 days after the end of a 12–month period,**] ON OR BEFORE ~~JANUARY 15~~ 30 DAYS AFTER THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL OF EACH YEAR,** the electric company shall pay **[**the**] EACH** eligible customer–generator for **THE DOLLAR VALUE OF** any accrued **[**generation credit**] NET EXCESS GENERATION** remaining at the end of the **[**12–month period**] PREVIOUS ~~CALENDAR YEAR~~ 12–MONTH PERIOD ENDING WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL**.

[(iii)**] (II)** Within 15 days after the date the eligible customer–generator closes the eligible customer–generator's account, the electric company shall pay the eligible customer–generator for **THE DOLLAR VALUE OF** any accrued **[**generation credit**] NET EXCESS GENERATION** remaining at the time the eligible customer–generator closes the account.

(7) (I) NOTWITHSTANDING PARAGRAPHS (5) AND (6) OF THIS SUBSECTION, AN ELIGIBLE CUSTOMER–GENERATOR SERVED BY AN ELECTRIC COOPERATIVE THAT SERVES A POPULATION OF LESS THAN 250,000 IN ITS DISTRIBUTION TERRITORY MAY CHOOSE TO BE PAID FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF EACH MONTH INSTEAD OF AT THE END OF THE ACCRUAL PERIOD SPECIFIED UNDER PARAGRAPH (5)(I) OF THIS SUBSECTION.

(II) IF AN ELIGIBLE–CUSTOMER GENERATOR CHOOSES TO BE PAID FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF EACH MONTH:

1. THE CUSTOMER–GENERATOR MAY ACCRUE NET EXCESS GENERATION ON A MONTHLY BASIS;

2. THE DOLLAR VALUE OF THE NET EXCESS GENERATION SHALL BE EQUAL TO THE GENERATION OR COMMODITY PORTION OF THE RATE THAT THE ELIGIBLE CUSTOMER–GENERATOR WOULD HAVE BEEN CHARGED BY THE ELECTRIC COMPANY FOR THE PREVIOUS MONTH; AND

3. ON OR BEFORE 30 DAYS AFTER THE END OF EACH MONTH, THE ELECTRIC COOPERATIVE SHALL PAY THE ELIGIBLE CUSTOMER–GENERATOR FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF THE PREVIOUS MONTH.

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

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

(ii) shall develop a credit formula that:

1. excludes recovery of transmission and distribution costs; and

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

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

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

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

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

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

(i) install additional controls;

(ii) perform or pay for additional tests; or

(iii) purchase additional liability insurance.

(5) An eligible customer–generator **OR THE ELIGIBLE CUSTOMER–GENERATOR'S ASSIGNEE** shall own and have title to all renewable energy attributes or renewable energy credits associated with any electricity produced by its electric generating system.

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

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

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

(3) other pertinent information.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 19, 2011.

Chapter 406

(House Bill 860)

AN ACT concerning

Electricity – Net Energy Metering

FOR the purpose of altering the period during which an eligible customer–generator may accrue certain net excess generation; requiring a certain electric company to carry forward ~~a negative kilowatt–hour reading~~ *net excess generation* until *a*

certain consumption eliminates the net excess generation or a certain accrual period expires; altering how the dollar value of a certain net excess generation is calculated; repealing a requirement that certain generation credit appear on the eligible customer–generator's bill in a dollar amount; requiring an electric company to reimburse certain eligible customer–generators for the dollar value of certain accrued net excess generation on or before a certain date each year; *providing that a certain eligible customer–generator may choose to be paid for the dollar value of certain net excess generation on a monthly basis under certain circumstances;* repealing a provision authorizing the Public Service Commission to require a certain eligible customer–generator to install a certain dual meter under certain circumstances; repealing a provision that requires the Commission to develop a certain credit formula; *altering the date by which the Commission is required to report each year on the status of the net metering program;* repealing a certain definition; *defining a certain term;* and generally relating to net energy metering and payment for accrued net excess generation.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–306
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article – Public Utilities

7–306.

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

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

(3) "Eligible customer–generator" means a customer that owns and operates, leases and operates, or contracts with a third party that owns and operates a biomass, micro combined heat and power, solar, fuel cell, 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) "Fuel cell" means an electric generating facility that:

(i) includes integrated power plant systems containing a stack, tubular array, or other functionally similar configuration used to electrochemically convert fuel to electric energy; and

(ii) may include:

1. an inverter and fuel processing system; and

2. other plant equipment to support the plant's operation or its energy conversion, including heat recovery equipment.

(5) **[**"Generation credit" means a credit associated with the generation of electricity produced in excess of the electricity consumed by an eligible customer–generator in one billing period.

(6)**]** "Micro combined heat and power" means the simultaneous or sequential production of useful thermal energy and electrical or mechanical power not exceeding 30 kilowatts.

[(7)**] (6)** "Net energy metering" means measurement of the difference between the electricity that is supplied by an electric company and the electricity that is generated by an eligible customer–generator and fed back to the electric grid over the eligible customer–generator's billing period.

(7) "NET EXCESS GENERATION" MEANS THE AMOUNT OF THE ELECTRICITY GENERATED BY AN ELIGIBLE CUSTOMER–GENERATOR THAT IS IN EXCESS OF THE ELECTRICITY CONSUMED BY THE ELIGIBLE CUSTOMER–GENERATOR AND THAT RESULTS IN A NEGATIVE KILOWATT–HOUR READING AT THE END OF THE ELIGIBLE CUSTOMER–GENERATOR'S BILLING CYCLE.

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

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

(d) The Commission shall require electric utilities to develop a standard contract or tariff for net energy metering and make it available to eligible customer–generators on a first–come, first–served basis until the rated generating

capacity owned and operated by eligible customer–generators in the State reaches 1,500 megawatts.

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

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

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

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

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

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

(4) If electricity generated by the eligible customer–generator exceeds the electricity supplied by the grid, the eligible customer–generator shall be billed only customer charges for that month in accordance with subsection (e) of this section.

(5) (i) An eligible customer–generator under paragraph (4) of this subsection may accrue **[**generation credit**]** **NET EXCESS GENERATION FOR A PERIOD:**

1. NOT TO EXCEED ~~1 CALENDAR YEAR~~ 12 MONTHS; AND

2. THAT ENDS WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL OF EACH YEAR.

(ii) The electric company shall carry forward **[**accrued generation credit**]** **~~A NEGATIVE KILOWATT-HOUR READING~~** **NET EXCESS GENERATION** until:

1. the eligible customer–generator's consumption of electricity from the grid eliminates the [credit] ~~NEGATIVE KILOWATT–HOUR READING~~ NET EXCESS GENERATION; or

2. the [eligible customer–generator has been paid by the electric company for any remaining credit in accordance with paragraph (6) of this subsection] ~~1–YEAR~~ ACCRUAL PERIOD UNDER SUBPARAGRAPH ~~(1)~~ (I) OF THIS PARAGRAPH EXPIRES.

(iii) 1. The [amount of the generation credit shall be calculated at the prevailing market price of energy applicable to the electric company in the PJM Interconnection energy market, as that market may change from time to time] DOLLAR VALUE OF NET EXCESS GENERATION SHALL BE EQUAL TO ~~THE SUM OF~~ THE ~~ENERGY CHARGE AND THE DISTRIBUTION CHARGE PORTION OF THE RETAIL~~ GENERATION OR COMMODITY PORTION OF THE RATE THAT THE ELIGIBLE CUSTOMER–GENERATOR WOULD HAVE BEEN CHARGED BY THE ELECTRIC COMPANY AVERAGED OVER THE ~~CALENDAR YEAR~~ PREVIOUS 12–MONTH PERIOD ENDING WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL MULTIPLIED BY THE NUMBER OF KILOWATT–HOURS OF NET EXCESS GENERATION.

2. FOR CUSTOMERS SERVED BY AN ELECTRICITY SUPPLIER, THE DOLLAR VALUE OF THE NET EXCESS GENERATION SHALL BE EQUAL TO THE GENERATION OR COMMODITY RATE THAT THE CUSTOMER WOULD HAVE BEEN CHARGED BY THE ELECTRICITY SUPPLIER MULTIPLIED BY THE NUMBER OF KILOWATT–HOURS OF NET EXCESS GENERATION.

[(iv) The generation credit shall appear on the eligible customer–generator's bill in a dollar amount.]

(6) (i) [By written request, the eligible customer–generator may receive payment from the electric company for any accrued generation credit that remains at the end of a 12–month period.

(ii) On written request of the eligible customer–generator under subparagraph (i) of this paragraph, within 15 days after the end of a 12–month period,] ON OR BEFORE ~~JANUARY 15~~ 30 DAYS AFTER THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL OF EACH YEAR, the electric company shall pay [the] EACH eligible customer–generator for THE DOLLAR VALUE OF any accrued [generation credit] NET EXCESS GENERATION remaining at the end of the [12–month period] PREVIOUS ~~CALENDAR YEAR~~ 12–MONTH PERIOD ENDING WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL.

[(iii)**] (II)** Within 15 days after the date the eligible customer–generator closes the eligible customer–generator's account, the electric company shall pay the eligible customer–generator for **THE DOLLAR VALUE OF** any accrued **[**generation credit**] NET EXCESS GENERATION** remaining at the time the eligible customer–generator closes the account.

(7) (I) NOTWITHSTANDING PARAGRAPHS (5) AND (6) OF THIS SUBSECTION, AN ELIGIBLE CUSTOMER–GENERATOR SERVED BY AN ELECTRIC COOPERATIVE THAT SERVES A POPULATION OF LESS THAN 250,000 IN ITS DISTRIBUTION TERRITORY MAY CHOOSE TO BE PAID FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF EACH MONTH INSTEAD OF AT THE END OF THE ACCRUAL PERIOD SPECIFIED UNDER PARAGRAPH (5)(I) OF THIS SUBSECTION.

(II) IF AN ELIGIBLE CUSTOMER–GENERATOR CHOOSES TO BE PAID FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF EACH MONTH:

1. THE CUSTOMER–GENERATOR MAY ACCRUE NET EXCESS GENERATION ON A MONTHLY BASIS;

2. THE DOLLAR VALUE OF THE NET EXCESS GENERATION SHALL BE EQUAL TO THE GENERATION OR COMMODITY PORTION OF THE RATE THAT THE ELIGIBLE CUSTOMER–GENERATOR WOULD HAVE BEEN CHARGED BY THE ELECTRIC COMPANY FOR THE PREVIOUS MONTH; AND

3. ON OR BEFORE 30 DAYS AFTER THE END OF EACH MONTH, THE ELECTRIC COOPERATIVE SHALL PAY THE ELIGIBLE CUSTOMER–GENERATOR FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF THE PREVIOUS MONTH.

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

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

(ii) shall develop a credit formula that:

1. excludes recovery of transmission and distribution costs; and

2. provides that the credit may be calculated using a method other than a kilowatt–hour basis, including a method that allows a

dollar–for–dollar offset of electricity supplied by the grid compared to electricity generated by the eligible customer–generator.

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

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

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

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

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

(i) install additional controls;

(ii) perform or pay for additional tests; or

(iii) purchase additional liability insurance.

(5) An eligible customer–generator **OR THE ELIGIBLE CUSTOMER–GENERATOR'S ASSIGNEE** shall own and have title to all renewable energy attributes or renewable energy credits associated with any electricity produced by its electric generating system.

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

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

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

(3) other pertinent information.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 19, 2011.

Chapter 407

(Senate Bill 717)

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Solar Water Heating Systems

FOR the purpose of providing that energy from a certain solar water heating system is eligible for inclusion in meeting the renewable energy portfolio standard; providing that a person that owns and operates a certain solar water heating system shall receive a certain renewable energy credit under certain circumstances; requiring the total amount of energy generated and consumed by a nonresidential or commercial solar water heating system to be measured by a certain meter; requiring the total amount of energy generated and consumed by a residential solar water heating system to be measured in a certain way; prohibiting a residential solar water heating system from producing more than a certain number of solar renewable energy credits in any one year; defining a certain term; altering a certain definition; requiring that certain solar water heating systems be installed in accordance with applicable State and local plumbing codes; providing for the application of this Act; providing for a delayed effective date; and generally relating to the eligibility of solar water heating systems for inclusion in meeting the renewable energy portfolio standard.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–701(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Public Utilities
Section 7–701(k–1) and 7–704(g)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Utilities

Section 7–701(l)
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article – Public Utilities

7–701.

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

(K–1) (1) "SOLAR WATER HEATING SYSTEM" MEANS A SYSTEM THAT:

(I) IS COMPRISED OF GLAZED LIQUID–TYPE FLAT–PLATE OR TUBULAR SOLAR COLLECTORS AS DEFINED AND CERTIFIED ~~AS~~ TO THE OG–100 ~~BY~~ STANDARD OF THE ~~SOLAR RATINGS AND CERTIFICATION CORPORATION~~ *SOLAR RATINGS AND CERTIFICATION CORPORATION*;

(II) GENERATES ENERGY USING SOLAR RADIATION FOR THE PURPOSE OF HEATING WATER; AND

(III) DOES NOT FEED ELECTRICITY BACK TO THE ELECTRIC GRID.

(2) "SOLAR WATER HEATING SYSTEM" DOES NOT INCLUDE A SYSTEM THAT GENERATES ENERGY USING SOLAR RADIATION FOR THE SOLE PURPOSE OF HEATING A HOT TUB OR SWIMMING POOL.

(l) "Tier 1 renewable source" means one or more of the following types of energy sources:

(1) solar **ENERGY, INCLUDING ENERGY FROM PHOTOVOLTAIC TECHNOLOGIES AND SOLAR WATER HEATING SYSTEMS**;

(2) wind;

(3) qualifying biomass;

(4) methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant;

(5) geothermal;

(6) ocean, including energy from waves, tides, currents, and thermal differences;

(7) a fuel cell that produces electricity from a Tier 1 renewable source under item (3) or (4) of this subsection;

(8) a small hydroelectric power plant of less than 30 megawatts in capacity that is licensed or exempt from licensing by the Federal Energy Regulatory Commission; and

(9) poultry litter–to–energy.

7–704.

(G) (1) ENERGY FROM A SOLAR WATER HEATING SYSTEM IS ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD.

(2) A PERSON THAT OWNS AND OPERATES A SOLAR WATER HEATING SYSTEM SHALL RECEIVE A RENEWABLE ENERGY CREDIT EQUAL TO THE AMOUNT OF ENERGY, CONVERTED FROM BTUS TO KILOWATT–HOURS, THAT IS GENERATED BY THE SYSTEM THAT IS USED BY THE PERSON FOR WATER HEATING.

(3) THE TOTAL AMOUNT OF ENERGY GENERATED AND CONSUMED FOR A NONRESIDENTIAL OR COMMERCIAL SOLAR WATER HEATING SYSTEM SHALL BE MEASURED BY AN ON–SITE METER THAT:

~~(I)~~ MEETS THE REQUIRED PERFORMANCE STANDARDS OF THE INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY~~; AND~~

~~(II) IS CAPABLE OF PROVIDING ENERGY PRODUCTION DATA ONLINE TO THE COMMISSION~~.

(4) THE TOTAL AMOUNT OF ENERGY GENERATED AND CONSUMED BY A RESIDENTIAL SOLAR WATER HEATING SYSTEM SHALL BE:

(I) MEASURED BY A METER THAT:

~~1.~~ MEETS THE REQUIRED STANDARDS OF THE INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY; ~~AND~~

~~2. IS CAPABLE OF PROVIDING ENERGY PRODUCTION DATA ONLINE TO THE COMMISSION;~~ OR

(II) 1. MEASURED BY THE SOLAR RATINGS AND CERTIFICATION CORPORATION'S OG–300 ~~ANNUAL PRODUCTION ESTIMATE~~ THERMAL PERFORMANCE RATING FOR THE SYSTEM; AND

2. ~~OG–300~~ CERTIFIED ~~BY~~ TO THE OG–300 STANDARD OF THE SOLAR RATINGS AND CERTIFICATION CORPORATION.

(5) A RESIDENTIAL SOLAR WATER HEATING SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL PLUMBING CODES.

(6) A RESIDENTIAL SOLAR WATER HEATING SYSTEM MAY NOT PRODUCE MORE THAN FIVE SOLAR RENEWABLE ENERGY CREDITS IN ANY 1 YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to solar water heating systems that are commissioned on or after June 1, 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2012.

Approved by the Governor, May 19, 2011.

Chapter 408

(House Bill 933)

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Solar Water Heating Systems

FOR the purpose of providing that energy from a certain solar water heating system is eligible for inclusion in meeting the renewable energy portfolio standard; providing that a person that owns and operates a certain solar water heating system shall receive a certain renewable energy credit under certain circumstances; requiring the total amount of energy generated and consumed by a nonresidential or commercial solar water heating system to be measured by a certain meter; requiring the total amount of energy generated and consumed by a residential solar water heating system to be measured in a certain way; prohibiting a residential solar water heating system from producing more than a certain number of solar renewable energy credits in any one year; defining a certain term; altering a certain definition; requiring that certain solar water heating systems be installed in accordance with applicable State and local

plumbing codes; providing for the application of this Act; providing for a delayed effective date; and generally relating to the eligibility of solar water heating systems for inclusion in meeting the renewable energy portfolio standard.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–701(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Public Utilities
Section 7–701(k–1) and 7–704(g)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–701(l)
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article – Public Utilities

7–701.

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

(K–1) (1) "SOLAR WATER HEATING SYSTEM" MEANS A SYSTEM THAT:

(I) IS COMPRISED OF GLAZED LIQUID–TYPE FLAT–PLATE OR TUBULAR SOLAR COLLECTORS AS DEFINED AND CERTIFIED ~~AS~~ TO THE OG–100 ~~BY~~ STANDARD OF THE ~~SOLAR RATINGS AND CERTIFICATION CORPORATION~~ SOLAR RATINGS AND CERTIFICATION CORPORATION;

(II) GENERATES ENERGY USING SOLAR RADIATION FOR THE PURPOSE OF HEATING WATER; AND

(III) DOES NOT FEED ELECTRICITY BACK TO THE ELECTRIC GRID.

(2) "SOLAR WATER HEATING SYSTEM" DOES NOT INCLUDE A SYSTEM THAT GENERATES ENERGY USING SOLAR RADIATION FOR THE SOLE PURPOSE OF HEATING A HOT TUB OR SWIMMING POOL.

(l) "Tier 1 renewable source" means one or more of the following types of energy sources:

(1) solar **ENERGY, INCLUDING ENERGY FROM PHOTOVOLTAIC TECHNOLOGIES AND SOLAR WATER HEATING SYSTEMS**;

(2) wind;

(3) qualifying biomass;

(4) methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant;

(5) geothermal;

(6) ocean, including energy from waves, tides, currents, and thermal differences;

(7) a fuel cell that produces electricity from a Tier 1 renewable source under item (3) or (4) of this subsection;

(8) a small hydroelectric power plant of less than 30 megawatts in capacity that is licensed or exempt from licensing by the Federal Energy Regulatory Commission; and

(9) poultry litter–to–energy.

7–704.

(G) (1) ENERGY FROM A SOLAR WATER HEATING SYSTEM IS ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD.

(2) A PERSON THAT OWNS AND OPERATES A SOLAR WATER HEATING SYSTEM SHALL RECEIVE A RENEWABLE ENERGY CREDIT EQUAL TO THE AMOUNT OF ENERGY, CONVERTED FROM BTUS TO KILOWATT–HOURS, THAT IS GENERATED BY THE SYSTEM THAT IS USED BY THE PERSON FOR WATER HEATING.

(3) THE TOTAL AMOUNT OF ENERGY GENERATED AND CONSUMED FOR A NONRESIDENTIAL OR COMMERCIAL SOLAR WATER HEATING SYSTEM SHALL BE MEASURED BY AN ON–SITE METER THAT:

~~(II)~~ **MEETS THE REQUIRED PERFORMANCE STANDARDS OF THE INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY~~; AND~~**

~~(III) IS CAPABLE OF PROVIDING ENERGY PRODUCTION DATA ONLINE TO THE COMMISSION~~**.**

(4) THE TOTAL AMOUNT OF ENERGY GENERATED AND CONSUMED BY A RESIDENTIAL SOLAR WATER HEATING SYSTEM SHALL BE:

(I) MEASURED BY A METER THAT~~:~~

~~1.~~ **MEETS THE REQUIRED STANDARDS OF THE INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY; ~~AND~~**

~~2. IS CAPABLE OF PROVIDING ENERGY PRODUCTION DATA ONLINE TO THE COMMISSION;~~ **OR**

(II) 1. MEASURED BY THE SOLAR RATINGS AND CERTIFICATION CORPORATION'S OG–300 ~~ANNUAL PRODUCTION ESTIMATE~~ THERMAL PERFORMANCE RATING FOR THE SYSTEM; AND

2. ~~OG–300~~ CERTIFIED ~~BY~~ TO THE OG–300 STANDARD OF THE SOLAR RATINGS AND CERTIFICATION CORPORATION.

(5) A RESIDENTIAL SOLAR WATER HEATING SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL PLUMBING CODES.

(6) A RESIDENTIAL SOLAR WATER HEATING SYSTEM MAY NOT PRODUCE MORE THAN FIVE SOLAR RENEWABLE ENERGY CREDITS IN ANY 1 YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to solar water heating systems that are commissioned on or after June 1, 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2012.

Approved by the Governor, May 19, 2011.

Chapter 409

(House Bill 173)

AN ACT concerning

Business and Economic Development – Invest Maryland Program

FOR the purpose of establishing an Invest Maryland Program for certain purposes; establishing a Maryland Venture ~~Capital~~ Fund Authority in the Department of Business and Economic Development for certain purposes; providing for the membership, terms, and duties of the Authority; *requiring members of the Authority to file certain financial disclosures;* allowing certain companies to purchase credits against the insurance premium tax in order to fund qualified investments in ~~qualified~~ businesses in the State; providing for administration of the credit by the Department; limiting the total premium tax credits that may be allowed for all years; providing a minimum amount of designated capital for which premium tax credits may be allocated; *requiring the Governor to submit a certain appropriation under certain circumstances;* ~~*requiring the Governor and the Secretary to make*~~ *providing for a certain reduction* ~~*to certain credits*~~ *under certain circumstances to the maximum amount of certain credits that may be allocated; authorizing the Governor to submit a certain budget amendment;* requiring the Authority to obtain the services of an independent third party to conduct a bidding process for the purchase of certain tax credits for certain purposes; authorizing the Authority to enter into certain written agreements subject to the approval of the Department; prohibiting a member of the Authority from having a certain financial interest; establishing certain requirements for certain offers for certain tax credit bids; establishing certain procedures for certain offers; requiring certain dedicated capital to be paid to the Enterprise Fund and the Comptroller in certain amounts in accordance with certain procedures; *stating a certain goal of the State and a certain intent of the General Assembly;* requiring the Comptroller to distribute certain funds to the General Fund within a certain time; *requiring certain investment returns to be reinvested in certain businesses;* providing for the issuance and award of certain tax credit certificates; providing for certain penalties; providing for the reallocation of certain designated capital under certain circumstances; authorizing the Department to purchase certain insurance for certain purposes; authorizing a ~~purchase~~ purchaser of certain premium tax credits to claim the credits for certain taxable years; providing for the transfer of certain tax credits; providing for the certification ~~and renewal~~ of certain entities as venture firms in accordance with certain ~~procedures, with certain nonrefundable fees~~ procedures; providing for the allocation and use of certain designated capital by certain venture firms, the Enterprise Fund, *the Rural Maryland Council,* and the Maryland Small Business Development Financing Authority; requiring a venture firm, the Enterprise Fund, and the Financing Authority to make certain qualified investments in ~~qualified businesses in~~ a certain manner ~~within a certain period~~; authorizing certain qualified businesses to receive certain follow–on investments; providing for certain determinations concerning qualified businesses; prohibiting an insurance company from taking certain actions with respect to a venture firm; ~~requiring the Department to report~~

~~certain information to venture firms and the Financing Authority;~~ requiring venture firms and the Financing Authority to report certain information at certain times to the Department; authorizing venture firms to make certain qualified distributions and nonqualified distributions in certain manners at certain times; ~~requiring certain investments to terminate as of a certain date; providing for the treatment of certain designated capital in a certain manner for certain purposes;~~ requiring the Department to submit certain information to the Maryland Insurance Administration; providing for the application of certain laws to certain services and transactions under this Act; authorizing the Department to adopt certain regulations; requiring the Department to submit an annual report to the Governor and certain committees of the General Assembly on certain matters; requiring the Department to publish the report on the Department's Web site in a certain format; *providing that a certain publication is not required to include any ~~property~~ proprietary or confidential information;* providing for the initial terms of the members of the Maryland Venture ~~Capital~~ Fund Authority; requiring the Department to ~~prepare and submit a certain annual report~~ disclose certain information; authorizing the Department to adopt certain regulations; defining certain terms; and generally relating to ~~an~~ insurance premium tax ~~credit for investments~~ credits, qualified investments, ~~in certain companies making investments in~~ qualified businesses in the ~~State~~ State, and the Invest Maryland Program.

BY adding to
Article – Economic Development
Section 6–501 through ~~6–529~~ ~~6–528~~ *6–529* to be under the new subtitle "Subtitle 5. Invest Maryland Program"
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section 6–122
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

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

Article – Economic Development

SUBTITLE 5. INVEST MARYLAND PROGRAM.

PART I. DEFINITIONS.

6–501.

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

(B) (1) "AFFILIATE" MEANS:

(I) A PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, CONTROLS, OR HOLDS POWER TO VOTE 15% OR MORE OF THE OUTSTANDING VOTING SECURITIES OR OTHER VOTING OWNERSHIP INTERESTS OF A VENTURE FIRM OR AN INSURANCE COMPANY; OR

(II) A PERSON, 15% OR MORE OF WHOSE OUTSTANDING VOTING SECURITIES OR OTHER VOTING OWNERSHIP INTERESTS IS DIRECTLY OR INDIRECTLY BENEFICIALLY OWNED, CONTROLLED, OR HELD WITH POWER TO VOTE BY A VENTURE FIRM OR AN INSURANCE COMPANY.

(2) "AFFILIATE" DOES NOT INCLUDE AN INSURANCE COMPANY THAT BECOMES A PURCHASER IN ACCORDANCE WITH AN ALLOCATION OF INVESTMENT TAX CREDITS UNDER THE PROGRAM SOLELY BY REASON OF THE ALLOCATION.

(C) "ALLOCATION AMOUNT" MEANS THE TOTAL AMOUNT OF TAX CREDITS ALLOCATED TO A PURCHASER.

(D) "ALLOCATION DATE" MEANS THE DATE ON WHICH ~~INVESTMENT~~ TAX CREDITS ARE ALLOCATED TO A PURCHASER UNDER § 6–513 OF THIS SUBTITLE.

(E) "AUTHORITY" MEANS THE MARYLAND VENTURE ~~CAPITAL~~ FUND AUTHORITY ESTABLISHED UNDER § 6–504 OF THIS SUBTITLE.

(F) "DESIGNATED CAPITAL" MEANS THE AMOUNT OF MONEY THAT A PURCHASER INVESTS UNDER THE PROGRAM.

(G) "ENTERPRISE FUND" MEANS THE ENTERPRISE FUND UNDER TITLE 5, SUBTITLE 6 OF THIS ARTICLE.

(H) "FINANCING AUTHORITY" MEANS THE MARYLAND SMALL BUSINESS DEVELOPMENT FINANCING AUTHORITY UNDER TITLE 5, SUBTITLE 5 OF THIS ARTICLE.

(I) "INSURANCE PREMIUM TAX LIABILITY" MEANS:

(1) ANY LIABILITY INCURRED BY AN INSURANCE COMPANY UNDER TITLE 6, SUBTITLE 1 OF THE INSURANCE ARTICLE AS OF OCTOBER 1, 2011; OR

(2) IF THE LIABILITY REFERRED TO IN ITEM (1) OF THIS SUBSECTION IS ELIMINATED OR REDUCED, ANY OTHER TAX LIABILITY THAT HAS BEEN IMPOSED BY THE STATE ON THE INSURANCE COMPANY AS OF OCTOBER 1, 2011, NOT TO EXCEED THE AMOUNT OF THE LIABILITY ELIMINATED OR REDUCED.

(J) "PREMIUM TAX CREDIT" MEANS A CREDIT AGAINST INSURANCE PREMIUM TAX LIABILITY OFFERED TO A PURCHASER UNDER THE PROGRAM.

(K) "PROGRAM" MEANS THE INVEST MARYLAND PROGRAM UNDER THIS SUBTITLE.

(L) "PURCHASER" MEANS:

(1) AN INSURANCE COMPANY THAT:

(I) IS AUTHORIZED TO DO BUSINESS IN THE STATE;

(II) HAS INSURANCE PREMIUM TAX LIABILITY; AND

(III) CONTRIBUTES DESIGNATED CAPITAL TO PURCHASE AN ALLOCATION OF PREMIUM TAX CREDITS UNDER THE PROGRAM; OR

(2) A HOLDING COMPANY THAT:

(I) HAS AT LEAST ONE INSURANCE COMPANY SUBSIDIARY AUTHORIZED TO DO BUSINESS IN THE STATE; AND

(II) IS CONTRIBUTING DESIGNATED CAPITAL ON BEHALF OF ONE OR MORE OF THESE SUBSIDIARIES.

(M) "QUALIFIED BUSINESS" MEANS A BUSINESS THAT, AT THE TIME OF THE FIRST INVESTMENT IN THE BUSINESS ~~BY A VENTURE FIRM, BY THE ENTERPRISE FUND, OR BY THE FINANCING AUTHORITY~~ UNDER THE PROGRAM:

(1) HAS ITS PRINCIPAL BUSINESS OPERATIONS LOCATED IN THE STATE AND INTENDS TO MAINTAIN ITS PRINCIPAL BUSINESS OPERATIONS IN THE STATE AFTER RECEIVING ~~THE~~ AN INVESTMENT ~~FROM THE VENTURE FIRM, THE ENTERPRISE FUND, OR THE FINANCING AUTHORITY~~ UNDER THE PROGRAM;

(2) HAS AGREED TO USE THE QUALIFIED INVESTMENT PRIMARILY TO:

(I) SUPPORT BUSINESS OPERATIONS IN THE STATE; OR

(II) IN THE CASE OF A START–UP COMPANY, ESTABLISH AND SUPPORT BUSINESS OPERATIONS IN THE STATE;

(3) HAS NOT MORE THAN 250 EMPLOYEES; AND

(4) IS NOT PRIMARILY ENGAGED IN:

(I) RETAIL SALES;

(II) REAL ESTATE DEVELOPMENT;

(III) THE BUSINESS OF INSURANCE, BANKING, OR LENDING; OR

(IV) THE PROVISION OF PROFESSIONAL SERVICES BY ACCOUNTANTS, ATTORNEYS, OR PHYSICIANS.

(N) (1) "QUALIFIED DISTRIBUTION" MEANS A DISTRIBUTION OR PAYMENT BY A VENTURE FIRM IN CONNECTION WITH:

(I) THE REASONABLE COSTS AND EXPENSES OF ORGANIZING AND SYNDICATING THE VENTURE FIRM, INCLUDING FEES PAID FOR PROFESSIONAL SERVICES, UP TO A MAXIMUM AGGREGATE AMOUNT OF $125,000;

(II) REASONABLE AND NECESSARY FEES PAID FOR ONGOING PROFESSIONAL SERVICES, INCLUDING LEGAL AND ACCOUNTING SERVICES, RELATED TO THE OPERATION OF THE VENTURE FIRM, UP TO A MAXIMUM AGGREGATE AMOUNT OF $50,000 IN A SINGLE YEAR; AND

(III) A YEARLY MANAGEMENT FEE IN AN AMOUNT THAT~~:~~

~~1. IN THE FIRST 4 YEARS FOLLOWING THE ALLOCATION DATE OF THE VENTURE FIRM,~~ DOES NOT EXCEED 2.5% OF THE DESIGNATED CAPITAL ~~RECEIVED BY~~ ALLOCATED TO THE VENTURE FIRM~~; AND~~

~~2. IN THE 5TH THROUGH 10TH YEARS FOLLOWING THE ALLOCATION DATE, DOES NOT EXCEED 2.5% OF THE LESSER OF THE DESIGNATED CAPITAL RECEIVED BY THE VENTURE FIRM OR THE AMOUNT OF THE VENTURE FIRM'S QUALIFIED INVESTMENTS~~.

(2) "QUALIFIED DISTRIBUTION" DOES NOT INCLUDE:

(I) ANY AMOUNT PAID TO A PURCHASER OR AN AFFILIATE OF A PURCHASER; OR

(II) ANY COSTS AND EXPENSES RELATED TO LOBBYING OR GOVERNMENT RELATIONS.

(O) (1) "QUALIFIED INVESTMENT" MEANS THE DIRECT OR INDIRECT INVESTMENT OF CASH ~~BY A VENTURE FIRM, OR DIRECTLY OR INDIRECTLY~~ BY THE ENTERPRISE FUND OR THE FINANCING AUTHORITY~~,~~ IN A QUALIFIED BUSINESS FOR THE PURCHASE OF ANY OF THE FOLLOWING:

(I) A SHARE OF STOCK OR OTHER EQUITY INTEREST;

(II) A DEBT INSTRUMENT THAT IS CONVERTIBLE INTO EQUITY; ~~AND~~ OR

(III) AN EQUITY PARTICIPATION INSTRUMENT SUCH AS AN OPTION OR WARRANT.

~~(2) FOR PURPOSES OF § 6–518(A) OF THIS SUBTITLE, "QUALIFIED INVESTMENT" INCLUDES:~~

~~(I) ANY AMOUNTS NECESSARY TO PAY TO A VENTURE FIRM THE COSTS AND FEES ALLOWED UNDER SUBSECTION (N)(1) OF THIS SECTION; AND~~

~~(II) ANY REASONABLE RESERVES ESTABLISHED BY A VENTURE FIRM FOR FOLLOW–ON INVESTMENTS IN A QUALIFIED BUSINESS.~~

(2) A QUALIFIED INVESTMENT INCLUDES THE DIRECT OR INDIRECT INVESTMENT OF CASH BY A VENTURE FIRM BASED ON THE INVESTMENT CRITERIA SET FORTH IN THIS SUBTITLE.

(P) "VENTURE FIRM" MEANS A PARTNERSHIP, CORPORATION, TRUST, OR LIMITED LIABILITY COMPANY, WHETHER ORGANIZED ON A PROFIT OR A NOT–FOR–PROFIT BASIS, THAT IS CERTIFIED BY THE DEPARTMENT AS MEETING THE CRITERIA ESTABLISHED UNDER § ~~6–517~~ 6–518 OF THIS SUBTITLE.

6–502. RESERVED.

6–503. RESERVED.

PART II. MARYLAND VENTURE ~~CAPITAL~~ FUND AUTHORITY.

6–504.

THERE IS A MARYLAND VENTURE ~~CAPITAL~~ FUND AUTHORITY IN THE DEPARTMENT.

6–505.

~~(A) (1) THE AUTHORITY CONSISTS OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.~~

~~(2) OF THE SEVEN MEMBERS:~~

~~(I) AT LEAST FOUR SHALL HAVE EXPERIENCE IN WORKING WITH COMPANIES THAT ARE RAISING INVESTMENT CAPITAL FOR SEED–STAGE TO GROWTH–STAGE COMPANIES OR IN PROVIDING PROFESSIONAL SERVICES TO THE VENTURE CAPITAL INDUSTRY; AND~~

~~(II) AT LEAST ONE SHALL HAVE EXPERIENCE AS A SMALL BUSINESS OWNER.~~

~~(3) EACH MEMBER SHALL BE A RESIDENT OF THE STATE.~~

~~(4) THE GOVERNOR SHALL CONSIDER THE GEOGRAPHIC DIVERSITY OF THE STATE WHEN APPOINTING MEMBERS OF THE AUTHORITY.~~

(A) THE AUTHORITY CONSISTS OF THE FOLLOWING NINE MEMBERS:

(1) SEVEN MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE;

(2) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(3) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE.

(B) (1) OF THE SEVEN MEMBERS APPOINTED BY THE GOVERNOR:

(I) 1. AT LEAST FOUR SHALL HAVE EXPERIENCE IN WORKING WITH COMPANIES THAT HAVE RAISED INVESTMENT CAPITAL FOR SEED–STAGE TO VENTURE–STAGE COMPANIES OR IN PROVIDING PROFESSIONAL SERVICES TO THE VENTURE CAPITAL INDUSTRY; AND

2. ONE OF THE FOUR MEMBERS SELECTED UNDER THIS SUBPARAGRAPH SHALL HAVE EXPERIENCE IN HIGHER EDUCATION RESEARCH AND DEVELOPMENT AND TECHNOLOGY TRANSFER PROJECTS;

(II) AT LEAST ONE SHALL HAVE EXPERIENCE AS A SMALL BUSINESS OWNER; ~~AND~~

(III) AT LEAST ONE SHALL HAVE EXPERIENCE AS A BUSINESS EXECUTIVE THAT HAS RAISED VENTURE CAPITAL INVESTMENTS*; AND*

(IV) AT LEAST ONE SHALL BE A RESIDENT OF A RURAL COUNTY IN THE STATE.

(2) THE GOVERNOR SHALL CONSIDER THE GEOGRAPHIC DIVERSITY OF THE STATE WHEN APPOINTING MEMBERS.

(C) THE MEMBERS APPOINTED BY THE PRESIDENT AND THE SPEAKER:

(1) MAY NOT BE ELECTED OFFICIALS; AND

(2) SHALL HAVE EXPERIENCE AND EXPERTISE IN VENTURE CAPITAL INVESTMENTS.

(D) EACH MEMBER SHALL BE A RESIDENT OF THE STATE.

~~(B)~~ (E) (1) THE TERM OF A MEMBER IS 4 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

(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.

(4) ~~THE GOVERNOR MAY REMOVE A MEMBER WITH OR WITHOUT CAUSE~~ A MEMBER APPOINTED BY THE GOVERNOR MAY BE REMOVED BY THE GOVERNOR WITH OR WITHOUT CAUSE.

(5) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE AUTHORITY ON JULY 1, 2011.

(F) A MEMBER OF THE AUTHORITY MAY NOT HAVE ANY FINANCIAL INTEREST IN A PURCHASER, QUALIFIED BUSINESS, OR VENTURE FIRM.

6–506.

(A) THE GOVERNOR SHALL APPOINT A CHAIR FROM AMONG THE MEMBERS.

(B) THE AUTHORITY SHALL DETERMINE THE MANNER OF ELECTION OF OFFICERS AND THEIR TERMS OF OFFICE.

6–507.

(A) (1) ~~A MAJORITY OF THE MEMBERS THEN SERVING IS~~ FIVE MEMBERS OF THE AUTHORITY ARE A QUORUM.

(2) AN ACT OF THE AUTHORITY MUST BE APPROVED BY A MAJORITY VOTE OF THE MEMBERS ATTENDING A MEETING AT WHICH A QUORUM IS PRESENT.

(B) A MEMBER OF THE AUTHORITY:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE AUTHORITY; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(C) A MEMBER OF THE AUTHORITY SHALL FILE A PUBLIC DISCLOSURE OF FINANCIAL INTERESTS AS REQUIRED UNDER THE MARYLAND PUBLIC ETHICS LAW.

6–508.

THE AUTHORITY SHALL PROVIDE ADVICE TO AND ~~COUNSEL TO~~ CONSULT WITH THE DEPARTMENT IN CONNECTION WITH THE ADMINISTRATION OF THE PROGRAM UNDER THIS SUBTITLE.

6–509. RESERVED.

6–510. RESERVED.

PART III. DESIGNATED CAPITAL.

6–511.

(A) ALL DESIGNATED CAPITAL FROM PURCHASERS SHALL BE DEPOSITED INTO THE ENTERPRISE FUND TO BE INVESTED ~~IN QUALIFIED BUSINESSES~~ AS PROVIDED IN THIS SUBTITLE.

(B) THE DEPARTMENT SHALL ALLOCATE DESIGNATED CAPITAL AS FOLLOWS:

(1) ~~50%~~ 67% TO ONE OR MORE VENTURE FIRMS TO FUND THE MAKING OF QUALIFIED INVESTMENTS ~~IN QUALIFIED BUSINESSES~~ BASED ON THE CRITERIA SET FORTH IN THIS SUBTITLE;

(2) ~~50%~~ 33% TO THE ENTERPRISE FUND, TO BE ALLOCATED:

(I) *$250,000 TO THE RURAL MARYLAND COUNCIL FOR ITS OPERATIONAL EXPENSES;*

(II) 75% *OF THE REMAINING AMOUNT* TO FUND THE MAKING OF QUALIFIED INVESTMENTS IN QUALIFIED BUSINESSES UNDER THE EXISTING POLICIES AND PROCEDURES OF THE ENTERPRISE FUND UNDER TITLE *5, SUBTITLE* 6 OF THIS ARTICLE; AND

~~(II)~~ *(III)* 25% *OF THE REMAINING AMOUNT* TO THE FINANCING AUTHORITY *EQUITY PARTICIPATION INVESTMENT PROGRAM*, TO BE INVESTED IN QUALIFIED BUSINESSES IN ACCORDANCE WITH THE POLICIES AND PROCEDURES OF THE FINANCING AUTHORITY UNDER TITLE 5, SUBTITLE 5, *PART V* OF THIS ARTICLE.

(C) IT IS THE GOAL OF THE STATE THAT A PORTION OF THE DESIGNATED CAPITAL RECEIVED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION BE USED TO MAKE QUALIFIED INVESTMENTS IN QUALIFIED BUSINESSES LOCATED IN RURAL AREAS OF THE STATE.

~~(C)~~ *(D)* AS SOON AS PRACTICABLE AFTER THE DEPARTMENT RECEIVES EACH INSTALLMENT OF DESIGNATED CAPITAL, THE DEPARTMENT AND EACH VENTURE FIRM THAT HAS BEEN ALLOCATED DESIGNATED CAPITAL SHALL ENTER INTO A CONTRACT UNDER WHICH THE ALLOCATED AMOUNT OF DESIGNATED CAPITAL WILL BE TRANSFERRED BY THE DEPARTMENT ~~OR~~ *TO* THE VENTURE FIRM FOR INVESTMENT AS PROVIDED IN THIS SUBTITLE.

~~(D)~~ *(E)* THE DEPARTMENT SHALL SECURE THE COMMITMENT OF THE PURCHASERS IN ACCORDANCE WITH § 6–512 OF THIS SUBTITLE.

6–512.

(A) THE AUTHORITY SHALL OBTAIN THE SERVICES OF AN INDEPENDENT THIRD PARTY TO CONDUCT A BIDDING PROCESS IN ORDER TO SECURE PURCHASERS FOR THE PROGRAM AS PROVIDED IN THIS SECTION.

(B) USING THE PROCEDURES ADOPTED BY THE INDEPENDENT THIRD PARTY, EACH POTENTIAL PURCHASER SHALL MAKE A TIMELY AND IRREVOCABLE OFFER, SUBJECT ONLY TO THE DEPARTMENT'S ISSUANCE TO THE PURCHASER OF TAX CREDIT CERTIFICATES, TO MAKE SPECIFIED CONTRIBUTIONS OF DESIGNATED CAPITAL TO THE DEPARTMENT ON THE DATES SPECIFIED IN § 6–513(A) OF THIS SUBTITLE ~~THE DEPARTMENT SPECIFIES~~.

(C) THE OFFER SHALL INCLUDE:

(1) THE REQUESTED AMOUNT OF TAX CREDITS, WHICH MAY NOT BE LESS THAN $1,000,000;

(2) THE POTENTIAL PURCHASER'S SPECIFIED CONTRIBUTION FOR EACH TAX CREDIT DOLLAR REQUESTED, WHICH MAY NOT BE LESS THAN THE GREATER OF:

(I) 70% OF THE REQUESTED DOLLAR AMOUNT OF TAX CREDITS; OR

(II) THE PERCENTAGE OF THE REQUESTED DOLLAR AMOUNT OF TAX CREDITS THAT THE SECRETARY, ON THE RECOMMENDATION OF THE INDEPENDENT THIRD PARTY, DETERMINES TO BE CONSISTENT WITH MARKET CONDITIONS AS OF THE OFFER DATE; AND

(3) ANY OTHER INFORMATION THE INDEPENDENT THIRD PARTY REQUIRES.

(D) (1) THE DEADLINE FOR SUBMISSION OF APPLICATIONS FOR TAX CREDITS IS ~~DECEMBER 1, 2011~~ FEBRUARY 1, 2012.

(2) EACH POTENTIAL PURCHASER SHALL RECEIVE A WRITTEN NOTICE FROM THE DEPARTMENT NOT LATER THAN ~~FEBRUARY~~ ~~MARCH~~ *MAY* 1, 2012, INDICATING WHETHER OR NOT IT HAS BEEN APPROVED AS A PURCHASER AND, IF SO, THE AMOUNT OF TAX CREDITS ALLOCATED.

(E) THE MAXIMUM AMOUNT OF PREMIUM TAX CREDITS THAT MAY BE ALLOCATED UNDER THIS SUBTITLE FOR ALL YEARS IN WHICH PREMIUM TAX CREDITS ARE ALLOCATED IS ~~$142,000,000~~ $100,000,000.

6–513.

(A) DESIGNATED CAPITAL COMMITTED BY A PURCHASER SHALL BE PAID TO THE ENTERPRISE FUND OF THE DEPARTMENT IN THREE EQUAL YEARLY INSTALLMENTS DUE ON ~~JANUARY~~ ~~APRIL~~ *JUNE* 1 OF 2012, 2013, AND 2014.

(B) ON RECEIPT OF EACH INSTALLMENT OF DESIGNATED CAPITAL, THE DEPARTMENT SHALL ISSUE TO EACH PURCHASER A TAX CREDIT CERTIFICATE REPRESENTING A FULLY VESTED CREDIT AGAINST INSURANCE PREMIUM TAX LIABILITY EQUAL TO ONE–THIRD OF THE TOTAL PREMIUM TAX CREDITS ALLOCATED TO THE PURCHASER.

(C) THE DEPARTMENT SHALL ISSUE TAX CREDIT CERTIFICATES TO PURCHASERS IN ACCORDANCE WITH THE BIDDING PROCESS SELECTED BY THE INDEPENDENT THIRD PARTY ON BEHALF OF THE AUTHORITY UNDER § 6–512 OF THIS SUBTITLE.

(D) THE TAX CREDIT CERTIFICATE SHALL STATE:

(1) THE TOTAL AMOUNT OF PREMIUM TAX CREDITS THAT THE PURCHASER MAY CLAIM;

(2) THE AMOUNT OF DESIGNATED CAPITAL THAT THE PURCHASER HAS CONTRIBUTED IN RETURN FOR THE ISSUANCE OF THE TAX CREDIT CERTIFICATE;

(3) THE DATES ON WHICH THE TAX CREDITS WILL BE AVAILABLE FOR USE BY THE PURCHASER;

(4) ANY PENALTIES OR OTHER REMEDIES FOR NONCOMPLIANCE;

(5) THE PROCEDURES TO BE USED FOR TRANSFERRING THE TAX CREDITS; AND

(6) ANY OTHER REQUIREMENTS THE DEPARTMENT CONSIDERS NECESSARY.

(E) (1) A TAX CREDIT CERTIFICATE MAY NOT BE ISSUED TO ANY PURCHASER THAT FAILS TO MAKE A CONTRIBUTION OF DESIGNATED CAPITAL WITHIN THE TIME THE DEPARTMENT SPECIFIES.

(2) A PURCHASER THAT FAILS TO MAKE A CONTRIBUTION OF DESIGNATED CAPITAL WITHIN THE TIME THE DEPARTMENT SPECIFIES SHALL BE SUBJECT TO A PENALTY EQUAL TO 10% OF THE AMOUNT OF DESIGNATED

CAPITAL THAT REMAINS UNPAID, PAYABLE TO THE DEPARTMENT WITHIN 30 DAYS AFTER DEMAND BY THE DEPARTMENT.

(3) THE DEPARTMENT MAY OFFER TO REALLOCATE THE DEFAULTED DESIGNATED CAPITAL AMONG THE OTHER PURCHASERS, SO THAT THE RESULT AFTER REALLOCATION IS THE SAME AS IF THE INITIAL ALLOCATION HAD BEEN PERFORMED WITHOUT CONSIDERING THE PREMIUM TAX CREDIT ALLOCATION TO THE DEFAULTING PURCHASER.

(4) IF THE REALLOCATION OF DESIGNATED CAPITAL RESULTS IN THE CONTRIBUTION BY ANOTHER PURCHASER OR PURCHASERS OF THE AMOUNT OF DESIGNATED CAPITAL NOT CONTRIBUTED BY THE DEFAULTING PURCHASER, THEN THE DEPARTMENT MAY WAIVE THE PENALTY PROVIDED UNDER THIS SUBSECTION.

(5) (I) A PURCHASER THAT FAILS TO MAKE A CONTRIBUTION OF DESIGNATED CAPITAL WITHIN THE TIME SPECIFIED MAY AVOID THE IMPOSITION OF THE PENALTY BY TRANSFERRING THE ALLOCATION OF TAX CREDITS TO A NEW OR EXISTING PURCHASER WITHIN 30 DAYS AFTER THE DUE DATE OF THE DEFAULTED INSTALLMENT.

(II) ANY TRANSFEREE OF AN ALLOCATION OF TAX CREDITS OF A DEFAULTING PURCHASER UNDER THIS SECTION SHALL AGREE TO MAKE THE REQUIRED CONTRIBUTION OF DESIGNATED CAPITAL WITHIN 30 DAYS AFTER THE DATE OF THE TRANSFER.

(6) (I) THE DEPARTMENT IN ITS SOLE DISCRETION MAY PURCHASE INSURANCE OR MAKE OTHER FINANCIAL ARRANGEMENTS IN ORDER TO ENSURE THE AVAILABILITY OF THE FULL AMOUNT OF DESIGNATED CAPITAL COMMITTED BY PURCHASERS.

(II) THE DEPARTMENT SHALL DISCLOSE ANY PURCHASE OF INSURANCE OR OTHER SIMILAR FINANCIAL ARRANGEMENT UNDER THIS PARAGRAPH IN THE ANNUAL REPORT REQUIRED UNDER ~~§ 6–529~~ ~~§ 6–528~~ *§ 6–529* OF THIS SUBTITLE.

~~(F) THE AWARDING OF TAX CREDIT CERTIFICATES SHALL BE IN THE SECRETARY'S SOLE DISCRETION.~~

6–514.

(A) (1) SUBJECT TO THE RESTRICTION IN PARAGRAPH (2) OF THIS SUBSECTION, A PURCHASER MAY CLAIM THE PREMIUM TAX CREDIT ON A

PREMIUM TAX RETURN FILED AFTER DECEMBER 31, 2014, FOR A TAXABLE YEAR THAT BEGINS ON OR AFTER JANUARY 1, 2014.

(2) IN EACH CALENDAR YEAR FROM 2015 THROUGH 2019, A PURCHASER MAY CLAIM UP TO 20% OF THE PREMIUM TAX CREDIT ALLOCATED TO THAT PURCHASER.

(B) (1) THE CREDIT TO BE APPLIED AGAINST INSURANCE PREMIUM TAX LIABILITY IN ANY 1 YEAR MAY NOT EXCEED THE INSURANCE PREMIUM TAX LIABILITY OF THE PURCHASER FOR THAT TAXABLE YEAR.

(2) ANY UNUSED CREDIT AGAINST INSURANCE PREMIUM TAX LIABILITY MAY BE:

(I) CARRIED FORWARD INDEFINITELY UNTIL THE PREMIUM TAX CREDITS ARE USED; AND

(II) USED BY THE PURCHASER WITHOUT RESTRICTION DURING ANY CALENDAR YEAR AFTER 2019.

(3) ON 30 DAYS' ADVANCE NOTICE TO THE DEPARTMENT, PREMIUM TAX CREDITS ALLOCATED TO A PURCHASER UNDER THIS SUBTITLE MAY BE TRANSFERRED WITHOUT FURTHER RESTRICTION TO ANY OTHER ENTITY THAT:

(I) MEETS THE DEFINITION OF A PURCHASER;

(II) IS IN GOOD STANDING WITH THE MARYLAND INSURANCE ADMINISTRATION; AND

(III) AGREES TO ASSUME ALL OF THE TRANSFEROR'S OBLIGATIONS UNDER THE PROGRAM.

(C) A PURCHASER CLAIMING A CREDIT AGAINST INSURANCE PREMIUM TAX LIABILITY EARNED THROUGH AN INVESTMENT UNDER THE PROGRAM IS NOT REQUIRED TO PAY ANY ADDITIONAL TAX AS A RESULT OF CLAIMING THE CREDIT.

(D) A PURCHASER IS NOT REQUIRED TO REDUCE THE AMOUNT OF PREMIUM TAX INCLUDED BY THE PURCHASER IN CONNECTION WITH RATE–MAKING FOR ANY INSURANCE CONTRACT WRITTEN IN THE STATE BECAUSE OF A REDUCTION IN THE PURCHASER'S INSURANCE PREMIUM TAX DERIVED FROM THE CREDIT GRANTED UNDER THIS SUBTITLE.

6–515. RESERVED.

6–516. RESERVED.

~~PART IV. VENTURE FIRMS AND INVESTMENTS.~~

~~6–517.~~

~~(A) THE SECRETARY SHALL ESTABLISH APPLICATION PROCEDURES FOR AN ENTITY TO BE CERTIFIED AS A VENTURE FIRM.~~

PART IV. VENTURE FIRMS AND INVESTMENTS.

6–517.

(A) SUBJECT TO THE APPROVAL OF THE DEPARTMENT, THE AUTHORITY SHALL OBTAIN THE SERVICES OF AN INDEPENDENT THIRD PARTY TO:

(1) ESTABLISH APPLICATION PROCEDURES FOR AN ENTITY TO BE CERTIFIED AS A VENTURE FIRM; AND

(2) REVIEW AND EVALUATE APPLICATIONS FOR VENTURE FIRM CERTIFICATION UNDER THIS SECTION.

(B) THE INDEPENDENT THIRD PARTY SELECTED BY THE AUTHORITY SHALL:

(1) REVIEW AND EVALUATE THE APPLICATION, ORGANIZATIONAL DOCUMENTS, AND BUSINESS HISTORY OF EACH APPLICANT;

(2) EVALUATE WHETHER THE APPLICANT IS LIKELY TO ACHIEVE THE INVESTMENT CRITERIA SET FORTH IN THIS SUBTITLE; AND

(3) RECOMMEND TO THE AUTHORITY WHICH VENTURE FIRMS SHOULD RECEIVE ALLOCATIONS OF DESIGNATED CAPITAL UNDER THE PROGRAM.

(C) (1) ON RECEIVING THE RECOMMENDATIONS OF THE INDEPENDENT THIRD PARTY SELECTED UNDER SUBSECTION (A) OF THIS SECTION AND SUBJECT TO ~~§ 6–517~~ § 6–518 OF THIS SUBTITLE, THE AUTHORITY SHALL SELECT VENTURE FIRMS TO RECEIVE ALLOCATIONS OF DESIGNATED CAPITAL THAT ARE CONSISTENT WITH THE INVESTMENT CRITERIA SET FORTH IN THIS SUBTITLE.

(2) THE AUTHORITY SHALL ENSURE THAT THE VENTURE FIRMS RECEIVING DESIGNATED CAPITAL FOR INVESTMENT UNDER THIS SUBTITLE MAKE INVESTMENTS IN THE STATE THAT EQUAL OR EXCEED THE AMOUNT OF DESIGNATED CAPITAL RECEIVED UNDER THIS SUBTITLE.

(3) SUBJECT TO THE APPROVAL OF THE DEPARTMENT, THE AUTHORITY MAY ENTER INTO WRITTEN AGREEMENTS, INCLUDING PARTNERSHIP AGREEMENTS AND SIDE AGREEMENTS, THAT ARE NECESSARY TO CARRY OUT THE PURPOSES OF THIS SUBTITLE.

6–518.

(A) IN SELECTING APPLICANTS FOR VENTURE FIRM CERTIFICATION, THE AUTHORITY SHALL CONSIDER:

(1) THE MANAGEMENT STRUCTURE OF THE APPLICANT, INCLUDING:

(I) THE INVESTMENT EXPERIENCE OF THE PRINCIPALS;

(II) THE APPLICANT'S REPUTATION IN THE VENTURE FIRM INDUSTRY AND THE APPLICANT'S ABILITY TO ATTRACT CO–INVESTMENT CAPITAL AND SYNDICATE INVESTMENTS IN QUALIFIED BUSINESSES IN THE STATE;

(III) THE KNOWLEDGE, EXPERIENCE, AND CAPABILITIES OF THE APPLICANT IN SUBJECT AREAS RELEVANT TO VENTURE–STAGE BUSINESSES IN THE STATE; AND

(IV) THE TENURE AND TURNOVER HISTORY OF PRINCIPALS AND SENIOR INVESTMENT PROFESSIONALS OF THE APPLICANT;

(2) THE APPLICANT'S INVESTMENT STRATEGY, INCLUDING:

(I) THE APPLICANT'S TRACK RECORD OF INVESTING IN VENTURE–STAGE BUSINESSES;

(II) THE APPLICANT'S HISTORY OF ATTRACTING CO–INVESTMENT CAPITAL AND SYNDICATE INVESTMENTS;

(III) THE SOUNDNESS OF THE APPLICANT'S INVESTMENT STRATEGY AND THE COMPATIBILITY OF THAT STRATEGY WITH BUSINESS OPPORTUNITIES IN THE STATE; AND

(IV) THE APPLICANT'S HISTORY OF JOB CREATION THROUGH INVESTMENT;

(3) THE APPLICANT'S COMMITMENT TO MAKING INVESTMENTS, THAT TO THE FULLEST EXTENT POSSIBLE:

(I) CREATE EMPLOYMENT OPPORTUNITIES IN THE STATE;

(II) LEAD TO THE GROWTH OF THE STATE ECONOMY AND QUALIFIED BUSINESSES IN THE STATE;

(III) COMPLEMENT THE RESEARCH AND DEVELOPMENT PROJECTS OF STATE ACADEMIC INSTITUTIONS; AND

(IV) FOSTER THE DEVELOPMENT OF TECHNOLOGIES AND INDUSTRIES THAT PRESENT OPPORTUNITIES FOR THE GROWTH OF QUALIFIED BUSINESSES IN THE STATE; AND

(4) THE APPLICANT'S COMMITMENT TO THE STATE INCLUDING:

(I) THE APPLICANT'S PRESENCE IN THE STATE THROUGH PERMANENT LOCAL OFFICES OR AFFILIATION WITH LOCAL INVESTMENT FIRMS;

(II) THE LOCAL PRESENCE OF SENIOR INVESTMENT PROFESSIONALS;

(III) THE APPLICANT'S HISTORY OF INVESTING IN VENTURE–STAGE BUSINESSES IN THE STATE;

(IV) THE APPLICANT'S ABILITY TO IDENTIFY INVESTMENT OPPORTUNITIES THROUGH WORKING RELATIONSHIPS WITH STATE RESEARCH AND DEVELOPMENT INSTITUTIONS AND STATE–BASED BUSINESSES;

(V) THE APPLICANT'S RELATIONSHIP WITH OTHER VENTURE FIRMS IN THE REGION;

(VI) THE APPLICANT'S HISTORY OF INVESTING IN AREAS RELEVANT TO VENTURE–STAGE BUSINESSES IN THE STATE; AND

(VII) THE APPLICANT'S COMMITMENT TO INVESTING A SIMILAR OR GREATER AMOUNT OF DESIGNATED CAPITAL RECEIVED UNDER THIS SUBTITLE IN STATE–BASED VENTURES AND QUALIFIED BUSINESSES.

(B) (1) AN APPLICANT SHALL FILE AN APPLICATION WITH THE DEPARTMENT IN THE FORM REQUIRED BY THE ~~DEPARTMENT, ACCOMPANIED BY A NONREFUNDABLE APPLICATION FEE OF $7,500~~ DEPARTMENT.

(2) THE APPLICATION SHALL INCLUDE ~~AN AUDITED BALANCE SHEET AS OF A DATE NOT MORE THAN 60 DAYS BEFORE THE APPLICATION DATE WITH AN UNQUALIFIED OPINION FROM AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT~~ THE APPLICANT'S MOST RECENT FINANCIAL STATEMENTS.

(3) THE DEPARTMENT SHALL BEGIN ACCEPTING APPLICATIONS FOR CERTIFICATION ON OR BEFORE JANUARY 1, 2012.

(4) AN APPLICATION FOR CERTIFICATION MAY NOT BE ACCEPTED AFTER MAY 1, 2012.

(C) TO BE CERTIFIED AS A VENTURE FIRM:

(1) THE APPLICANT MUST HAVE, AT THE TIME OF APPLICATION, AN EQUITY ~~CAPITALIZATION~~ CAPITALIZATION, NET ASSETS, OR WRITTEN COMMITMENTS OF AT LEAST $500,000 IN THE FORM OF CASH OR CASH EQUIVALENTS; AND

(2) AT LEAST TWO PRINCIPALS OR PERSONS EMPLOYED TO DIRECT THE INVESTMENT OF THE DESIGNATED CAPITAL OF THE APPLICANT MUST HAVE AT LEAST 5 YEARS OF MONEY MANAGEMENT EXPERIENCE IN THE VENTURE CAPITAL OR PRIVATE EQUITY SECTORS~~; AND~~.

~~(3) THE APPLICANT MUST HAVE ESTABLISHED AN OFFICE IN THE STATE OR DO SO WITHIN 60 DAYS AFTER CERTIFICATION.~~

~~(D) AN INDEPENDENT THIRD PARTY THAT THE AUTHORITY SELECTS SHALL:~~

~~(1) REVIEW AND EVALUATE THE APPLICATION, ORGANIZATIONAL DOCUMENTS, AND BUSINESS HISTORY OF EACH APPLICANT;~~

~~(2) ENSURE THAT THE APPLICANT SATISFIES THE REQUIREMENTS OF THIS SUBTITLE; AND~~

~~(3) BASED ON SELECTION CRITERIA LISTED IN THIS SECTION AND ANY ADDITIONAL CRITERIA PROVIDED BY THE DEPARTMENT OR THE AUTHORITY, CERTIFY THE VENTURE FIRMS THAT ARE TO RECEIVE ALLOCATIONS OF DESIGNATED CAPITAL UNDER THE PROGRAM.~~

~~(E) (1) THE DEPARTMENT SHALL BEGIN ACCEPTING APPLICATIONS FOR CERTIFICATION ON OR BEFORE JANUARY 1, 2012.~~

~~(2) AN APPLICATION FOR CERTIFICATION MAY NOT BE ACCEPTED AFTER MARCH 1, 2012.~~

~~(F)~~ (D) NOT LATER THAN ~~45~~ 90 DAYS AFTER AN APPLICATION IS FILED, THE SECRETARY SHALL EITHER:

(1) ISSUE THE CERTIFICATION; OR

(2) REFUSE TO ISSUE THE CERTIFICATION AND COMMUNICATE IN DETAIL TO THE APPLICANT THE GROUNDS FOR THE ~~REFUSAL, INCLUDING SUGGESTIONS FOR THE REMOVAL OF THOSE GROUNDS~~ REFUSAL.

~~(G) (1) NOT LATER THAN APRIL 1 OF EACH YEAR, EACH VENTURE FIRM SHALL PAY A NONREFUNDABLE RENEWAL FEE OF $5,000 TO THE DEPARTMENT.~~

~~(2) IF A VENTURE FIRM FAILS TO PAY ITS RENEWAL FEE ON OR BEFORE THAT DATE, THE VENTURE FIRM SHALL PAY, IN ADDITION TO THE RENEWAL FEE, A LATE FEE OF $5,000 TO CONTINUE ITS CERTIFICATION.~~

~~(H) NOTWITHSTANDING SUBSECTION (G) OF THIS SECTION, A RENEWAL FEE IS NOT REQUIRED WITHIN 6 MONTHS AFTER THE DATE ON WHICH THE VENTURE FIRM'S CERTIFICATION IS ISSUED UNDER THIS SECTION.~~

~~6–518.~~ 6–519.

~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A VENTURE FIRM, THE ENTERPRISE FUND, AND THE FINANCING AUTHORITY SHALL MAKE QUALIFIED INVESTMENTS EQUAL TO 90% OF THEIR RESPECTIVE AMOUNTS OF DESIGNATED CAPITAL WITHIN 5 YEARS AFTER RECEIVING THE FIRST INSTALLMENT OF DESIGNATED CAPITAL UNDER THE PROGRAM.~~

~~(B) (1) THE AGGREGATE CUMULATIVE AMOUNT OF ALL QUALIFIED INVESTMENTS MADE BY THE VENTURE FIRM, THE ENTERPRISE FUND, AND THE FINANCING AUTHORITY AFTER THE RECEIPT OF THE FIRST INSTALLMENT OF DESIGNATED CAPITAL UNDER THE PROGRAM SHALL BE CONSIDERED IN COMPUTING THE PERCENTAGE REQUIREMENTS UNDER THIS SUBTITLE.~~

~~(2) ANY PROCEEDS RECEIVED FROM A QUALIFIED INVESTMENT:~~

~~(I) MAY BE INVESTED IN ANOTHER QUALIFIED INVESTMENT; AND~~

~~(II) SHALL COUNT TOWARD ANY REQUIREMENT IN THIS SUBTITLE WITH RESPECT TO INVESTMENTS OF DESIGNATED CAPITAL.~~

~~(C)~~ (A) (1) A BUSINESS THAT IS CLASSIFIED AS A QUALIFIED BUSINESS AT THE TIME OF THE FIRST INVESTMENT IN THE BUSINESS BY A VENTURE FIRM, THE ENTERPRISE FUND, OR THE FINANCING AUTHORITY REMAINS CLASSIFIED AS A QUALIFIED BUSINESS AND MAY RECEIVE FOLLOW–ON INVESTMENTS FROM A VENTURE FIRM, THE ENTERPRISE FUND, OR THE FINANCING AUTHORITY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A FOLLOW–ON INVESTMENT MADE UNDER THIS SUBSECTION IS A QUALIFIED INVESTMENT EVEN THOUGH THE BUSINESS DOES NOT MEET THE DEFINITION OF A QUALIFIED BUSINESS AT THE TIME OF THE FOLLOW–ON INVESTMENT.

(3) ~~A~~ WITH RESPECT TO AN INVESTMENT BY THE ENTERPRISE FUND OR THE FINANCING AUTHORITY, A FOLLOW–ON INVESTMENT DOES NOT QUALIFY AS A QUALIFIED INVESTMENT IF, AT THE TIME OF THE FOLLOW–ON INVESTMENT, THE QUALIFIED BUSINESS NO LONGER HAS ITS PRINCIPAL BUSINESS OPERATIONS IN THE STATE.

~~(D) WITHOUT THE PRIOR APPROVAL OF THE DEPARTMENT, A VENTURE FIRM OR THE FINANCING AUTHORITY MAY NOT MAKE A QUALIFIED INVESTMENT IN ANY ONE QUALIFIED BUSINESS THAT IS GREATER THAN 15% OF THE TOTAL DESIGNATED CAPITAL ALLOCATED TO THE VENTURE FIRM OR TO THE FINANCING AUTHORITY.~~

~~(E) AS A CONDITION OF THE INVESTMENT, THE QUALIFIED BUSINESS SHALL:~~

~~(1) AGREE THAT WHILE THE VENTURE FIRM, THE ENTERPRISE FUND, OR THE FINANCING AUTHORITY CONTINUES TO HOLD THE INVESTMENT, THE QUALIFIED BUSINESS WILL MAINTAIN ITS PRINCIPAL BUSINESS OPERATIONS IN THE STATE; AND~~

~~(2) EXECUTE A REPURCHASE AGREEMENT WITH THE DEPARTMENT UNDER WHICH THE QUALIFIED BUSINESS AGREES TO REPURCHASE ANY QUALIFIED INVESTMENT HELD BY A VENTURE FIRM, THE ENTERPRISE FUND, OR THE FINANCING AUTHORITY UNDER THE PROGRAM IF~~

~~THE QUALIFIED BUSINESS VOLUNTARILY RELOCATES ITS BUSINESS OPERATIONS OUT OF THE STATE.~~

~~(F) A VENTURE FIRM MAY INVEST ANY DESIGNATED CAPITAL NOT INVESTED IN QUALIFIED INVESTMENTS IN ANY MANNER THAT IT CONSIDERS APPROPRIATE.~~

~~(G)~~ (B) EACH VENTURE FIRM SHALL~~:~~

~~(1)~~ INFORM THE DEPARTMENT IN WRITING WHEN THE VENTURE FIRM REQUIRES DESIGNATED CAPITAL FOR INVESTMENT ~~IN A QUALIFIED BUSINESS~~ OR FOR THE PAYMENT OF APPROVED FEES AND EXPENSES~~; AND~~

~~(2) PROVIDE DOCUMENTATION TO THE DEPARTMENT FOR EACH QUALIFIED INVESTMENT IN A QUALIFIED BUSINESS IN THE FORM REQUIRED BY THE DEPARTMENT~~.

~~6–519.~~

~~(A) BEFORE MAKING AN INVESTMENT IN A BUSINESS, A VENTURE FIRM SHALL REQUEST FROM THE SECRETARY OR THE SECRETARY'S DESIGNEE A WRITTEN DETERMINATION AS TO WHETHER THE BUSINESS IS A QUALIFIED BUSINESS.~~

~~(B) NOT LATER THAN 10 BUSINESS DAYS AFTER RECEIVING A REQUEST UNDER SUBSECTION (A) OF THIS SECTION, THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL:~~

~~(1) DETERMINE WHETHER THE BUSINESS MEETS THE DEFINITION OF A QUALIFIED BUSINESS; AND~~

~~(2) PROVIDE THE VENTURE FIRM:~~

~~(I) NOTICE AND EXPLANATION OF THE DETERMINATION; OR~~

~~(II) NOTICE THAT AN ADDITIONAL 10 BUSINESS DAYS WILL BE NEEDED TO REVIEW AND MAKE THE DETERMINATION.~~

6–520.

(A) AN INSURANCE COMPANY OR AFFILIATE MAY NOT DIRECTLY OR INDIRECTLY:

(1) MANAGE A VENTURE FIRM;

(2) BENEFICIALLY OWN, THROUGH RIGHTS, OPTIONS, CONVERTIBLE INTERESTS, OR OTHERWISE, MORE THAN 15% OF THE VOTING SECURITIES OR OTHER VOTING OWNERSHIP INTEREST OF A VENTURE FIRM; OR

(3) CONTROL THE DIRECTION OF INVESTMENTS FOR A VENTURE FIRM.

(B) SUBSECTION (A) OF THIS SECTION APPLIES WHETHER OR NOT THE INSURANCE COMPANY OR AFFILIATE IS AUTHORIZED TO DO BUSINESS IN THE STATE.

6–521.

~~**(A) THE DEPARTMENT SHALL REPORT TO EACH VENTURE FIRM AND THE FINANCING AUTHORITY AS SOON AS PRACTICABLE BUT NOT LATER THAN 30 DAYS AFTER RECEIVING DESIGNATED CAPITAL FROM PURCHASERS:**~~

~~**(1) THE NAME OF EACH PURCHASER FROM WHOM THE DESIGNATED CAPITAL WAS RECEIVED;**~~

~~**(2) THE AMOUNT OF EACH PURCHASER'S COMMITMENT OF DESIGNATED CAPITAL; AND**~~

~~**(3) THE DATES WHEN EACH INSTALLMENT OF DESIGNATED CAPITAL WILL BE PAID TO THE DEPARTMENT.**~~

~~**(B)**~~ **(A) NOT LATER THAN JANUARY 31 OF EACH YEAR, EACH VENTURE FIRM AND THE FINANCING AUTHORITY SHALL REPORT TO THE DEPARTMENT:**

(1) THE AMOUNT OF DESIGNATED CAPITAL REMAINING UNINVESTED AT THE END OF THE PRECEDING CALENDAR YEAR;

(2) ALL QUALIFIED INVESTMENTS ~~**THAT THE VENTURE FIRM OR THE FINANCING AUTHORITY HAS**~~ **MADE DURING THE PRECEDING CALENDAR YEAR, INCLUDING THE NUMBER OF EMPLOYEES OF EACH** ~~**QUALIFIED**~~ **BUSINESS AT THE TIME THE QUALIFIED INVESTMENT WAS MADE AND AS OF DECEMBER 31 OF THAT YEAR;**

(3) FOR ANY QUALIFIED ~~**BUSINESS**~~ **INVESTMENT IN WHICH THE VENTURE FIRM OR THE FINANCING AUTHORITY NO LONGER HAS** ~~**AN INVESTMENT**~~ **A POSITION AS OF THE END OF THE CALENDAR YEAR, THE NUMBER**

OF EMPLOYEES OF THE ~~QUALIFIED~~ BUSINESS AS OF THE DATE THE INVESTMENT WAS TERMINATED; AND

(4) ANY OTHER INFORMATION THE DEPARTMENT REQUIRES TO ASCERTAIN THE IMPACT OF THE PROGRAM ON THE ECONOMY OF THE STATE.

(C) NOT LATER THAN 180 DAYS AFTER THE END OF ITS FISCAL YEAR, EACH VENTURE FIRM SHALL PROVIDE TO THE DEPARTMENT AN AUDITED FINANCIAL STATEMENT THAT INCLUDES THE OPINION OF AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT.

(D) NOT LATER THAN 60 DAYS AFTER THE SALE OR OTHER DISPOSITION OF ~~AN INTEREST IN A QUALIFIED BUSINESS~~ A QUALIFIED INVESTMENT, THE SELLING VENTURE FIRM OR THE FINANCING AUTHORITY SHALL PROVIDE TO THE DEPARTMENT A REPORT ON THE AMOUNT OF THE INTEREST SOLD OR DISPOSED OF AND THE CONSIDERATION RECEIVED FOR THE SALE OR DISPOSITION.

~~(E) (1) EACH VENTURE FIRM AND THE FINANCING AUTHORITY SHALL REPORT TO THE DEPARTMENT WHEN IT HAS SATISFIED THE INVESTMENT SCHEDULE REQUIREMENTS OF § 6–518(A) OF THIS SUBTITLE.~~

~~(2) WITHIN 60 DAYS AFTER RECEIVING THE NOTICE, THE DEPARTMENT SHALL EITHER:~~

~~(I) CONFIRM THAT THE VENTURE FIRM OR THE FINANCING AUTHORITY HAS SATISFIED THOSE REQUIREMENTS; OR~~

~~(II) PROVIDE NOTICE OF NONCOMPLIANCE WITH AN EXPLANATION OF ANY EXISTING DEFICIENCIES.~~

6–522.

(A) A VENTURE FIRM MAY MAKE A QUALIFIED DISTRIBUTION AT ANY TIME.

(B) TO MAKE A DISTRIBUTION THAT IS NOT A QUALIFIED DISTRIBUTION, A VENTURE FIRM FIRST SHALL ~~HAVE RETURNED TO THE DEPARTMENT ALL~~ PAY TO THE COMPTROLLER THE TOTAL AMOUNT OF THE DESIGNATED CAPITAL ALLOCATED TO THE VENTURE FIRM.

(C) AFTER THE VENTURE FIRM HAS MADE THE PAYMENT REFERRED TO IN SUBSECTION (B) OF THIS SECTION, ANY ADDITIONAL NONQUALIFIED DISTRIBUTIONS SHALL BE MADE:

(I) 80% TO THE ~~DEPARTMENT~~ COMPTROLLER; AND

(II) 20% TO THE OWNERS OF THE VENTURE FIRM.

(D) ~~ALL PAYMENTS MADE TO THE DEPARTMENT UNDER THIS SECTION SHALL BE DEPOSITED IN THE ENTERPRISE FUND~~ THE COMPTROLLER SHALL DISTRIBUTE ALL PAYMENTS RECEIVED UNDER THIS SECTION TO THE GENERAL FUND WITHIN 30 DAYS OF RECEIPT.

6–523.

INVESTMENT RETURNS RESULTING FROM THE QUALIFIED INVESTMENTS MADE UNDER THE PROGRAM BY THE ENTERPRISE FUND OR THE FINANCING AUTHORITY SHALL BE USED TO MAKE ADDITIONAL QUALIFIED INVESTMENTS IN QUALIFIED BUSINESSES BY THE ENTERPRISE FUND OR THE FINANCING AUTHORITY.

~~6–523.~~

~~(A) THE INVESTMENT IN QUALIFIED BUSINESSES BY VENTURE FIRMS UNDER THIS SUBTITLE SHALL TERMINATE AS OF JANUARY 1, 2022.~~

~~(B) ANY VENTURE FIRM HOLDING AN INVESTMENT IN A QUALIFIED BUSINESS AS OF JANUARY 1, 2022, SHALL EITHER:~~

~~(1) LIQUIDATE THE INVESTMENT AND DISTRIBUTE THE PROCEEDS IN ACCORDANCE WITH § 6–512 OF THIS SUBTITLE; OR~~

~~(2) DISTRIBUTE THE INVESTMENT IN ACCORDANCE WITH § 6–512 OF THIS SUBTITLE.~~

~~6–524~~ ~~6–523.~~ *6–524.* RESERVED.

~~6–525~~ ~~6–524.~~ *6–525.* RESERVED.

PART V. MISCELLANEOUS.

~~6–526~~ ~~6–525.~~ *6–526.*

(A) IN ANY CASE UNDER THE INSURANCE LAW OF THE STATE IN WHICH THE ASSETS OF A PURCHASER ARE EXAMINED OR CONSIDERED, THE DESIGNATED CAPITAL SHALL BE TREATED AS AN ADMITTED ASSET, SUBJECT TO THE SAME FINANCIAL RATING AS THAT HELD BY THE STATE.

(B) THE DEPARTMENT SHALL SUBMIT THE FOLLOWING TO THE MARYLAND INSURANCE ADMINISTRATION:

(1) THE NAMES, ADDRESSES, AND AMOUNT OF DESIGNATED CAPITAL TO BE CONTRIBUTED AND PREMIUM TAX CREDITS EARNED BY EACH SUCCESSFUL BIDDER WITHIN 30 DAYS AFTER THE CLOSE OF THE BIDDING PROCESS UNDER § 6–512 OF THIS SUBTITLE;

(2) A COPY OF THE TAX CREDIT CERTIFICATE ISSUED TO EACH PURCHASER WITHIN 30 DAYS AFTER THE ISSUANCE OF THE CERTIFICATE UNDER § 6–513 OF THIS SUBTITLE;

(3) THE OCCURRENCE OF A DEFAULT BY A PURCHASER; AND

(4) THE TRANSFER OF PREMIUM TAX CREDITS BY A PURCHASER.

~~**6–527**~~ ~~**6–526.**~~ ***6–527.***

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE DOES NOT APPLY TO A SERVICE THAT THE DEPARTMENT OBTAINS THAT IS RELATED TO THE INVESTMENT, MANAGEMENT, ANALYSIS, PURCHASE, OR SALE OF AN ASSET OF THE DEPARTMENT IN A TRANSACTION AUTHORIZED UNDER THIS SUBTITLE.

(B) THE DEPARTMENT IS SUBJECT TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE FOR SERVICES RELATED TO THE INVESTMENT, MANAGEMENT, ANALYSIS, PURCHASE, OR SALE OF ASSETS OF THE DEPARTMENT IN ANY TRANSACTION AUTHORIZED UNDER THIS SUBTITLE.

(C) SECTION 10–305 OF THE STATE FINANCE AND PROCUREMENT ARTICLE DOES NOT APPLY TO THE SALE, LEASE, TRANSFER, EXCHANGE, OR OTHER DISPOSITION OF REAL OR PERSONAL PROPERTY, INCLUDING A SHARE OF STOCK IN A BUSINESS ENTITY, THAT THE DEPARTMENT ACQUIRES IN A TRANSACTION AUTHORIZED UNDER THIS SUBTITLE.

~~**6–528**~~ ~~**6–527.**~~ ***6–528.***

THE DEPARTMENT SHALL ADMINISTER THIS SUBTITLE AND MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

~~**6–529**~~ ~~**6–528.**~~ ***6–529.***

(A) (1) ON OR BEFORE JANUARY 1, 2013, AND JANUARY 1 OF EACH SUBSEQUENT YEAR, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE IMPLEMENTATION OF THE PROGRAM TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ~~TO THE GENERAL ASSEMBLY~~ THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE.

(2) THE DEPARTMENT SHALL PUBLISH THE REPORT ON THE DEPARTMENT'S WEB SITE IN A PUBLICLY AVAILABLE FORMAT.

(3) THE REPORT PUBLISHED ON THE WEB SITE IS NOT REQUIRED TO INCLUDE ANY PROPRIETARY OR CONFIDENTIAL INFORMATION.

(B) THE REPORT SHALL INCLUDE:

~~(1) THE NUMBER OF VENTURE FIRMS THAT HAVE BEEN ALLOCATED DESIGNATED CAPITAL;~~

~~(2) THE AMOUNT OF DESIGNATED CAPITAL ALLOCATED TO EACH VENTURE FIRM, THE ENTERPRISE FUND, AND THE FINANCING AUTHORITY;~~

~~(3) THE CUMULATIVE AMOUNT OF DESIGNATED CAPITAL THE VENTURE FIRM, THE ENTERPRISE FUND, OR THE FINANCING AUTHORITY HAS INVESTED IN QUALIFIED BUSINESSES AS OF THE DATE OF THE REPORT;~~

~~(4) THE TOTAL AMOUNT OF TAX CREDITS GRANTED UNDER THE PROGRAM FOR EACH YEAR THAT CREDITS HAVE BEEN GRANTED;~~

~~(5) THE PERFORMANCE OF EACH VENTURE FIRM WITH RESPECT TO RENEWAL AND REPORTING REQUIREMENTS IMPOSED UNDER THIS SUBTITLE;~~

(1) WITH RESPECT TO EACH PURCHASER OF PREMIUM TAX CREDITS UNDER THE PROGRAM:

(I) THE NAME OF THE PURCHASER OF PREMIUM TAX CREDITS;

(II) THE AMOUNT OF PREMIUM TAX CREDITS ALLOCATED TO THE PURCHASER;

(III) THE AMOUNT OF DESIGNATED CAPITAL THE PURCHASER CONTRIBUTED FOR THE ISSUANCE OF THE TAX CREDIT CERTIFICATE; AND

(IV) THE AMOUNT OF ANY TAX CREDITS THAT HAVE BEEN TRANSFERRED UNDER § 6–514 OF THIS SUBTITLE;

(2) WITH RESPECT TO EACH VENTURE FIRM THAT HAS RECEIVED AN ALLOCATION OF DESIGNATED CAPITAL:

(I) THE NAME AND ADDRESS OF THE VENTURE FIRM;

(II) THE NAMES OF THE INDIVIDUALS MAKING QUALIFIED INVESTMENTS UNDER THE PROGRAM;

(III) THE AMOUNT OF DESIGNATED CAPITAL RECEIVED DURING THE PREVIOUS YEAR;

(IV) THE CUMULATIVE AMOUNT OF DESIGNATED CAPITAL RECEIVED;

(V) THE AMOUNT OF DESIGNATED CAPITAL REMAINING UNINVESTED AT THE END OF THE PREVIOUS CALENDAR YEAR;

(VI) THE NAMES *AND LOCATIONS* OF QUALIFIED BUSINESSES RECEIVING DESIGNATED CAPITAL AND THE AMOUNT OF EACH QUALIFIED INVESTMENT;

(VII) THE ANNUAL PERFORMANCE OF EACH QUALIFIED INVESTMENT INCLUDING THE INVESTMENT'S FAIR MARKET VALUE AS CALCULATED ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; AND

(VIII) THE AMOUNT OF ANY QUALIFIED DISTRIBUTION OR NONQUALIFIED DISTRIBUTION TAKEN DURING THE PRIOR YEAR, INCLUDING ANY MANAGEMENT FEE;

(3) WITH RESPECT TO THE ENTERPRISE FUND:

(I) THE AMOUNT OF DESIGNATED CAPITAL RECEIVED DURING THE PREVIOUS YEAR;

(II) THE CUMULATIVE AMOUNT OF DESIGNATED CAPITAL RECEIVED;

(III) THE AMOUNT OF DESIGNATED CAPITAL REMAINING UNINVESTED AT THE END OF THE PRECEDING CALENDAR YEAR;

(IV) THE NAMES *AND LOCATIONS* OF QUALIFIED BUSINESSES RECEIVING DESIGNATED CAPITAL AND THE AMOUNT OF EACH QUALIFIED INVESTMENT; AND

(V) THE ANNUAL PERFORMANCE OF EACH QUALIFIED INVESTMENT INCLUDING THE INVESTMENT'S FAIR MARKET VALUE AS CALCULATED UNDER FINANCIAL ACCOUNTING STANDARD 157 OF THE FINANCIAL ACCOUNTING STANDARDS BOARD;

(4) WITH RESPECT TO THE FINANCING AUTHORITY:

(I) THE AMOUNT OF DESIGNATED CAPITAL RECEIVED DURING THE PREVIOUS YEAR AND THE AMOUNT ALLOCATED TO THE EQUITY PARTICIPATION INVESTMENT PROGRAM;

(II) THE CUMULATIVE AMOUNT OF DESIGNATED CAPITAL RECEIVED;

(III) THE AMOUNT OF DESIGNATED CAPITAL REMAINING UNINVESTED AT THE END OF THE PRECEDING CALENDAR YEAR;

(IV) THE NAMES *AND LOCATIONS* OF QUALIFIED BUSINESSES RECEIVING DESIGNATED CAPITAL AND THE AMOUNT OF EACH QUALIFIED INVESTMENT; AND

(V) THE ANNUAL PERFORMANCE OF EACH QUALIFIED INVESTMENT INCLUDING THE INVESTMENT'S FAIR MARKET VALUE AS CALCULATED UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; AND

~~(6)~~ (5) WITH RESPECT TO THE QUALIFIED BUSINESSES IN WHICH VENTURE FIRMS, THE ENTERPRISE FUND, OR THE FINANCING AUTHORITY HAVE INVESTED:

(I) THE CLASSIFICATION OF THE QUALIFIED BUSINESSES ACCORDING TO THE INDUSTRIAL SECTOR AND THE SIZE OF THE BUSINESS;

(II) THE TOTAL NUMBER OF JOBS CREATED *IN THE STATE* BY THE INVESTMENT AND THE AVERAGE WAGES PAID FOR THE JOBS; AND

(III) THE TOTAL NUMBER OF JOBS RETAINED *IN THE STATE* AS A RESULT OF THE INVESTMENT AND THE AVERAGE WAGES PAID FOR THE JOBS~~; AND~~.

~~(7) THE VENTURE FIRMS THAT HAVE FAILED TO RENEW THE CERTIFICATION.~~

Article – Insurance

6–122.

AN INSURER MAY CLAIM A TAX CREDIT FOR AN INVESTMENT OF DESIGNATED CAPITAL AS PROVIDED UNDER TITLE 6, SUBTITLE 5 OF THE ECONOMIC DEVELOPMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the initial terms of the Maryland Venture ~~Capital~~ Fund Authority appointed under § 6–505 of the Economic Development Article, as enacted by this Act, shall expire as follows:

(1) three members in 2014; and

(2) four members in 2015.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) If the December 2011 report of the Board of Revenue Estimates indicates an increase in General Fund revenues for fiscal year 2012 over the revenues estimated in the March 2011 report as adjusted by the 2011 enacted legislation by at least $70,000,000, the Governor shall submit a deficiency appropriation for the fiscal year 2012 budget to the Dedicated Purpose Account during the 2012 legislative session.

(b) The amount of the deficiency appropriation may not exceed $70,000,000.

(c) If the General Assembly approves or modifies the deficiency appropriation, the maximum amount specified in § 6–512(e) of the Economic Development Article, as enacted by this Act, of the credits that may be allocated under this Act shall be reduced in an amount so that the resulting amount of designated capital as defined under § 6–501 of the Economic Development Article, as enacted by this Act, plus the amount of the deficiency appropriation, as approved by the General Assembly, is equal to the amount of designated capital that the auction would have otherwise resulted in if $100,000,000 in credits were available for auction.

(d) The Governor is authorized to transfer by approved budget amendment from the Dedicated Purpose Account an amount equal to the approved deficiency appropriation to fund investments under this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a portion of funds received under this Act be used to make qualified investments in qualified businesses located in rural counties of the State.

SECTION ~~3.~~ *5.* AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 19, 2011.

Chapter 410

(House Bill 1025)

AN ACT concerning

~~Natural Resources~~ State Government – Land Acquisitions and Transfers of Property

FOR the purpose of requiring the Department of Natural Resources to negotiate land acquisitions under certain circumstances; requiring the Department to obtain a certain number of independent appraisals of a property before certain acquisitions; requiring certain land acquisition contracts to be approved and executed by the Board of Public Works; requiring the Department to give written notice of potential land acquisitions to certain governmental bodies under certain circumstances; authorizing certain governmental bodies to submit written comments to the Department in a certain timeframe; requiring the Board of Public Works to supervise certain expenditures for certain land acquisitions; authorizing the Department to dispose of certain land under certain circumstances; authorizing the Board of Public Works to exempt certain projects from certain requirements; requiring the Department to adopt certain regulations, including regulations developed in consultation with the Department of General Services; making technical corrections; requiring the Department of Natural Resources to prepare and revise a certain plan in consultation with the Department of Planning; exempting certain land acquisitions by the Department from certain land acquisition requirements; altering a certain definition to ~~include~~ exclude certain land acquisitions by the Department; exempting certain property transfers from certain appraisal requirements; authorizing the Department to submit certain property appraisals to the Board of Public Works; and generally relating to land ~~acquisition and planning functions performed~~ acquisitions by the Department of Natural Resources and transfers of property among certain units of State government.

BY adding to
Article – Natural Resources
Section 1–109
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–903(e), 5–904(d), 5–906(b), and 5–1222
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–906(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 4–412, ~~5–7B–01(e)(1)~~ 5–7B–01(c), 10–304, and 10–305(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 10–305(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Article – Natural Resources

1–109.

(A) (1) THE DEPARTMENT SHALL NEGOTIATE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE, RECREATION, CONSERVATION, AND OTHER PURPOSES UNDER THIS ARTICLE.

(2) THE DEPARTMENT SHALL MAKE EACH ACQUISITION UNDER THIS SUBSECTION IN THE NAME OF THE STATE TO THE USE OF THE DEPARTMENT.

(B) EXCEPT FOR REAL PROPERTY THAT IS ACQUIRED BY GIFT, BEFORE ANY REAL PROPERTY IS ACQUIRED FROM A PRIVATE OWNER, THE DEPARTMENT SHALL OBTAIN TWO INDEPENDENT APPRAISALS OF THE PROPERTY.

(C) (1) A CONTRACT FOR THE ACQUISITION OF LAND UNDER THIS SECTION SHALL BE APPROVED AND EXECUTED BY THE BOARD OF PUBLIC WORKS.

(2) AT LEAST 40 DAYS BEFORE THE BOARD OF PUBLIC WORKS MAY ACT ON A LAND ACQUISITION UNDER THIS SECTION, THE DEPARTMENT SHALL GIVE WRITTEN NOTICE OF A POTENTIAL ACQUISITION OF LAND:

(I) TO THE GOVERNING BODY OF THE COUNTY IN WHICH THE LAND IS LOCATED; AND

(II) IF THE LAND IS LOCATED WITHIN A MUNICIPAL CORPORATION, TO THE GOVERNING BODY OF THE MUNICIPAL CORPORATION.

(3) WITHIN 30 DAYS AFTER RECEIVING NOTICE UNDER THIS SUBSECTION, THE GOVERNING BODY MAY SUBMIT WRITTEN COMMENTS TO THE DEPARTMENT.

(D) THE BOARD OF PUBLIC WORKS SHALL SUPERVISE THE EXPENDITURE OF ANY MONEY THAT THE GENERAL ASSEMBLY APPROPRIATES FOR THE ACQUISITION OF LAND UNDER THIS SECTION.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT MAY DISPOSE OF LAND OWNED AND MANAGED BY THE DEPARTMENT AS CONSIDERATION FOR THE ACQUISITION OF LAND NOT OWNED BY THE DEPARTMENT.

(2) IN IMPLEMENTING THIS SUBSECTION, THE DEPARTMENT SHALL COMPLY WITH THE PROCEDURES ESTABLISHED UNDER TITLE 5, SUBTITLE 3 AND TITLE 10, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(F) THE BOARD OF PUBLIC WORKS MAY EXEMPT PROJECTS UNDER THIS SECTION FROM THE PROVISIONS OF THIS SECTION.

(G) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A SYSTEM FOR APPRAISAL REVIEW DEVELOPED BY THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF GENERAL SERVICES.

5–903.

(e) (1) The Department may, with the approval of the Board of Public Works, use acquisition funds to make matching or refundable grants to land trusts for

the acquisition of interests or rights in real property for recreational or open space purposes.

(2) **[**Notwithstanding the provisions of §§ 4–411 through 4–414 of the State Finance and Procurement Article, subject**]** **SUBJECT** to the availability of funds and in accordance with other provisions of this article regarding open space and wildland areas, the Department may enter into agreements with a land trust for the State to acquire title to or an interest or right in property owned by the land trust or property on which the land trust holds an option or a contract to purchase.

(3) An agreement under this subsection shall be subject to approval by the Board of Public Works under **[**§ 4–415 of the State Finance and Procurement Article**]** **§** ~~**1–107(C)**~~ **1–109(C) OF THIS ARTICLE**.

5–904.

(d) (1) **[**Notwithstanding § 4–412 of the State Finance and Procurement Article, the**]** **THE** Department and the Maryland Environmental Trust, with the approval of the Board of Public Works, may:

(i) Use State project funds under Program Open Space to contribute towards, or reimburse the Department of Transportation for, a portion of the costs of acquiring any fee titles, restrictive covenants, or conservation easements for which the Department of Transportation spends federal funds for transportation enhancements, as defined in Title 23, United States Code, §§ 101(a) and 133; and

(ii) Acquire the fee titles, restrictive covenants, or conservation easements from the Department of Transportation or any of its agents.

(2) State project funds under Program Open Space may be used to contribute toward, or reimburse the Department of Transportation for, a portion of the costs of acquiring any fee titles, as specified in paragraph (1) of this subsection, only for acquisitions that are contained in the most current consolidated transportation plan of the State.

5–906.

(a) Each local project shall conform to a comprehensive plan the local governing body approves and have the approval of official planning agencies having jurisdiction, including comprehensive planning agencies.

(b) Every acquisition and development project funded by the State in whole or in part shall meet needs identified in the Maryland Land Preservation and Recreation Plan prepared and revised every 6 years by the Department **IN CONSULTATION WITH THE DEPARTMENT** of Planning **[**in cooperation with the Department**]**. The document shall identify and recommend for State acquisition efforts

those resource areas facing the most intense or immediate development pressure. These resource areas shall be designated as targeted areas. The document and any changes to it shall be distributed to every local governing body.

5–1222.

[Notwithstanding the provisions of §§ 4–411 through 4–414 of the State Finance and Procurement Article, subject**]** **SUBJECT** to the availability of funds and in accordance with other provisions of this article regarding open space and wildland areas, the Secretary may enter into agreements with the Nature Conservancy for the State to acquire title to or an interest in property owned by the Nature Conservancy or property on which the Nature Conservancy holds an option or a contract to purchase.

Article – State Finance and Procurement

4–412.

(a) Except as otherwise provided in this section, the Division exclusively shall negotiate the acquisition of land**[**:

(1)**]** for any public improvement**[**; and

(2) for any State project funded under the State share of Program Open Space**]**.

(b) The Division shall make each State acquisition in the name of:

(1) the unit of the State government; or

(2) the principal department of the State government to which the unit belongs.

(c) The Division is not responsible for acquiring land for a local project.

(d) (1) The Division is not responsible for developing any acquired land.

(2) Development of any land acquired under Program Open Space is the responsibility of the unit of the State government.

(E) THE PROVISIONS OF THIS SECTION AND §§ 4–413 THROUGH 4–416 OF THIS SUBTITLE DO NOT APPLY TO LAND ACQUIRED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 1, SUBTITLE 1 OF THE NATURAL RESOURCES ARTICLE.

5–7B–01.

(c) (1) "Growth–related project" means only the items set forth below:

(i) any major capital project as defined in § 2–103.1(a)(4) of the Transportation Article, except existing transportation facilities projects as defined in § 4–101(i) of the Transportation Article, project planning as defined in § 8–610(i) of the Transportation Article, or initial project planning as defined in § 8–610(e) of the Transportation Article;

(ii) funding by the Department of Housing and Community Development for:

1. construction or purchase of newly constructed single family homes or purchase of loans for newly constructed single family homes under Title 4, Subtitle 2, Subtitle 3, or Subtitle 8 of the Housing and Community Development Article;

2. acquisition or construction of newly constructed multifamily rental housing under Title 4, Subtitle 2, Subtitle 4, or Subtitle 15 of the Housing and Community Development Article; or

3. State–funded neighborhood revitalization projects under Title 6 of the Housing and Community Development Article;

(iii) funding by the Department of Business and Economic Development under any of the following:

1. the Maryland Industrial Development Financing Authority, authorized under Title 5, Subtitle 4 of the Economic Development Article;

2. the Maryland Small Business Development Financing Authority, authorized under Title 5, Subtitle 5 of the Economic Development Article;

3. the former Maryland Energy Financing Act, authorized under former Article 83A, Title 6, Subtitle 4 of the Code, succeeded by the Maryland Industrial Development Financing Authority;

4. the Economic Development Opportunities Program Fund, authorized under § 7–314 of this article;

5. the former Maryland Competitive Advantage Financing Fund, authorized under former Article 83A, Title 5, Subtitle 13 of the Code; and

6. the Maryland Economic Development Assistance Authority and Fund, authorized under Title 5, Subtitle 3 of the Economic Development Article;

(iv) funding by the Department of the Environment, for any project under:

1. §§ 9–1601 through 9–1605 (Water Quality Revolving Loan Fund) of the Environment Article except for funding nonpoint source pollution projects;

2. §§ 9–420 through 9–426 (Water Supply Financial Assistance Program) of the Environment Article; and

3. the supplemental assistance program authorized under Title 9, Subtitle 3, Part VI of the Environment Article; and

(v) except as provided in paragraph (2) of this subsection, procurement or funding of projects by the Department of General Services for:

1. leases of property by the State governed by §§ 4–318 through 4–321 of this article; and

2. land acquisition governed by §§ 4–411 through 4–416 of this article~~; AND~~

~~(VI) PROCUREMENT OR FUNDING OF PROJECTS BY THE DEPARTMENT OF NATURAL RESOURCES FOR LAND ACQUISITION UNDER § 1–109 OF THE NATURAL RESOURCES ARTICLE~~.

(2) "Growth–related project" does not include:

(i) projects by the Department of General Services for maintenance, repair, additions, or renovations to existing facilities, acquisition of land for telecommunications towers, parks, conservation and open space, and acquisition of agricultural, conservation, and historic easements;

(ii) funding by the Department of Housing and Community Development for any project financed with federal moneys used to purchase or rehabilitate existing single or multifamily housing or project financed with the proceeds of revenue bonds issued by the Community Development Administration if:

1. the Secretary of Housing and Community Development determines that application of this section:

A. conflicts with any provision of federal or State law applicable to the issuance or tax–exempt status of the bonds;

B. conflicts with any provision of any trust agreement between the Community Development Administration and any trustee; or

C. would otherwise prohibit financing of an existing project, or financing provided to cure or prevent any default under existing financing; or

2. the revenue bonds are issued under a transfer of the Maryland State ceiling to the Administration by a county under Title 13, Subtitle 8 of the Financial Institutions Article; **[**or**]**

(III) ACQUISITION OF LAND BY THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 1, SUBTITLE 1 OF THE NATURAL RESOURCES ARTICLE; OR

[(iii)**] (IV)** any other project, funding, or other State assistance not listed under paragraph (1) of this subsection.

10–304.

(a) This section does not apply to:

(1) property that is pledged to secure the payment of principal of or interest on revenue bonds; or

(2) real property that is owned or controlled by the State Highway Administration**, UNLESS THE PROPERTY IS BEING TRANSFERRED TO THE MARYLAND TRANSPORTATION AUTHORITY OR TO ANOTHER UNIT IN THE DEPARTMENT OF TRANSPORTATION**.

(b) (1) The Board may transfer any property, and all rights of physical custody and control over the property, from a unit of the Executive Branch of the State government to another unit of the Executive Branch of the State government. ~~TRANSFERS~~

(2) ANY PROPERTY TRANSFERRED UNDER THIS SUBSECTION ~~ARE~~ IS EXEMPT FROM THE APPRAISAL REQUIREMENTS UNDER § 10–305(B)(2)(I) OF THIS TITLE.

~~(2)~~ **(3)** Any property transferred under this subsection is subject to the continuing general jurisdiction of the Board.

10–305.

(a) Subject to subsection (b) of this section, any real or personal property of the State or a unit of the State government may be sold, leased, transferred, exchanged, granted, or otherwise disposed of:

(1) to any person, to the United States or any of its units, or to any unit of the State government, for a consideration the Board decides is adequate; or

(2) to any county or municipal corporation in the State subject to any conditions the Board imposes.

(b) (1) (i) Except as provided under subparagraph (ii) of this paragraph, this subsection applies to the sale, transfer, grant, or exchange of:

1. real property identified under § 5–310(c)(1) of this article; and

2. State–owned real or personal property, funded in accordance with an appropriation act of the General Assembly, that has an appraised value over $100,000.

(ii) This subsection does not apply to the following dispositions of property identified in subparagraph (i) of this paragraph:

1. leasing the property; or

2. the sale, transfer, grant, or exchange of a corrective or access easement on the property.

(2) The Board may not approve the sale, transfer, exchange, or grant of property until:

(i) the Department of General Services **OR THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 1, SUBTITLE 1 OF THE NATURAL RESOURCES ARTICLE** has submitted to the Board two independent appraisals of the property that:

1. with regard to real property, consider the value of any restrictive covenant that may be placed on the property; and

2. may not be publicly disclosed if the property is to be sold at auction;

(ii) the following information has been submitted, by electronic mail or facsimile and by certified mail, to the Senate Budget and Taxation Committee, the House Appropriations Committee, and, for property that meets both criteria of paragraph (1)(i) of this subsection, the Legislative Policy Committee:

1. a description of the property; and

2. if applicable, any justification for not selling, transferring, exchanging, or granting the property in a manner that generates the highest return for the State;

(iii) 45 days have elapsed since:

1. the information required by item (ii) of this paragraph was received by the appropriate committees; and

2. the Board declared the property surplus; and

(iv) except for property sold under paragraph (4) of this subsection, for property that meets both criteria under paragraph (1)(i) of this subsection and for which the Board intends to approve a fee simple sale, transfer, exchange, or grant, the General Assembly has approved the proposed disposition as provided under paragraph (3) of this subsection.

(3) (i) Within 45 days after receiving the information submitted under paragraph (2) of this subsection, the Legislative Policy Committee shall:

1. review the information and the public record created by the Department of Planning for the property; and

2. A. approve the proposed disposition of the surplus property and refer the property back to the Board for final disposition; or

B. refer the proposed disposition of the property to the full General Assembly and notify the Board of the referral.

(ii) If the Legislative Policy Committee fails to take any action under subparagraph (i)2 of this paragraph within the specified time period, the proposed disposition shall be deemed approved by the Committee.

(iii) 1. If the proposed disposition of the surplus property is referred by the Legislative Policy Committee to the full General Assembly, the proposed disposition may not be approved by the Board unless it is approved by the passage of legislation during the next legislative session of the General Assembly.

2. In any legislation passed in accordance with subsubparagraph 1 of this subparagraph, the General Assembly may approve the proposed disposition with or without conditions.

(4) If the Board has declared the property surplus, the Board shall sell the property to the federal government, a local government, or a unit of federal or local government for $1.00, if:

(i) the government or unit has indicated its interest in acquiring the land; and

(ii) a restrictive covenant is placed on the deed of transfer, in accordance with § 5–906(e)(7) and (8) of the Natural Resources Article, that requires the property to be maintained in a use that is consistent with its use at the time of transfer.

(5) Any revenues derived from the sale, transfer, exchange, or grant of property identified under paragraph (1)(i)1 of this subsection shall be deposited in the Advance Option and Purchase Fund under § 5–904(b) of the Natural Resources Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 19, 2011.

Chapter 411

(Senate Bill 847)

AN ACT concerning

Natural Resources – Aquaculture

FOR the purpose of altering the State agency that is responsible for the employment of the State's Aquaculture Coordinator; clarifying certain roles of certain agencies in the development of an aquaculture industry in the State; transferring the Seafood Marketing and Aquaculture Development Program, the Division of Market Development, the Seafood Marketing Fund, the Seafood Program Management Team, the Innovative Seafood Technologies Program, the Seafood Marketing Advisory Commission, the Aquaculture Coordinating Council, and the Aquaculture Review Board from the Department of Agriculture to the Department of Natural Resources; altering the membership of the Aquaculture Review Board; authorizing the Department of Natural Resources to issue water column leases under certain circumstances; exempting aquaculture activities in certain leases from a certain wetlands license requirement; altering certain provisions relating to the issuance of submerged land leases; authorizing the Department of Natural Resources to issue water column leases only in waters that have been classified in a certain way by the Department of the Environment; prohibiting water column leases in certain areas; limiting the manner in which shellfish may be cultivated from a water column lease; requiring the Department of Natural Resources to notify certain persons of lease applications under certain circumstances; providing for the continuity of

certain licenses, leases, certifications, and permits; providing that certain leaseholders, license holders, permittees, and certified persons shall continue to be valid leaseholders, license holders, permittees, and certified persons, and shall comply with certain requirements; requiring that certain pending applications be transferred to the Department of Natural Resources; requiring the publisher of the Annotated Code of Maryland, in consultation with, and subject to the approval of, the Department of Legislative Services, to correct certain cross–references and terminology; defining certain terms; altering certain definitions; making technical corrections; and generally relating to aquaculture in the State.

BY renumbering
Article – Natural Resources
Section 4–11A–08 through ~~4–11A–19~~ 4–11A–22, respectively
to be Section 4–11A–09 through ~~4–11A–20~~ 4–11A–23, respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing
Article – Agriculture
Section 10–1301 and 10–1302
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY transferring
Article – Agriculture
Section 10–1001 and 10–1002 and the subtitle "Subtitle 10. Seafood Marketing and Aquaculture Development Program and Division of Market Development"; 10–10A–01 and the subtitle "Subtitle 10A. Seafood Program Management Team"; 10–10B–01 and the subtitle "Subtitle 10B. Innovative Seafood Technologies Program"; 10–1101 and the subtitle "Subtitle 11. Seafood Marketing Advisory Commission"; and 10–1303, respectively
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)
to be
Article – Natural Resources
Section 4–11B–01 and 4–11B–02 and the subtitle "Subtitle 11B. Seafood Marketing and Aquaculture Development Program and Division of Market Development"; 4–11C–01 and the subtitle "Subtitle 11C. Seafood Program Management Team"; 4–11D–01 and the subtitle "Subtitle 11D. Innovative Seafood Technologies Program"; 4–11E–01 and the subtitle "Subtitle 11E. Seafood Marketing Advisory Commission"; and 4–11A–03.2, respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section ~~10–1301 and 10–1302~~ 2–106(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–107 and 16–202(h)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 16–202(a) and (b)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–701(e)(3), 4–1103(d), 4–11A–01(m), 4–11A–02(a), 4–11A–06(b), and 4–11A–07(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–701(a) and (b) and 4–11A–01(d), (g), (n), and (q)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Natural Resources
Section 4–11A–01(r), 4–11A–03, 4–11A–03.1, and 4–11A–08
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–11A–09 and 4–11A–10(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)
(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4–11A–08 through ~~4–11A–19~~ 4–11A–22, respectively, of

Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 4–11A–09 through ~~4–11A–20~~ 4–11A–23, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 10–1001 and 10–1002 and the subtitle "Subtitle 10. Seafood Marketing and Aquaculture Development Program and Division of Market Development"; 10–10A–01 and the subtitle "Subtitle 10A. Seafood Program Management Team"; 10–10B–01 and the subtitle "Subtitle 10B. Innovative Seafood Technologies Program"; 10–1101 and the subtitle "Subtitle 11. Seafood Marketing Advisory Commission"; and 10–1303, respectively, of Article – Agriculture of the Annotated Code of Maryland be transferred to be Section(s) 4–11B–01 and 4–11B–02 and the subtitle "Subtitle 11B. Seafood Marketing and Aquaculture Development Program and Division of Market Development"; 4–11C–01 and the subtitle "Subtitle 11C. Seafood Program Management Team"; 4–11D–01 and the subtitle "Subtitle 11D. Innovative Seafood Technologies Program"; 4–11E–01 and the subtitle "Subtitle 4–11E. Seafood Marketing Advisory Commission"; and 4–11A–03.2, respectively, of Article – Natural Resources of the Annotated Code of Maryland.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Agriculture

2–106.

(a) The following positions and units are included within the Department:

(1) The Maryland Agricultural Fair Board;

(2) The Chief of Weights and Measures;

(3) The State Chemist;

(4) The State Veterinarian;

(5) The State Board of Veterinary Medical Examiners;

(6) The State Soil Conservation Committee;

(7) The Board of Review of the Department of Agriculture;

(8) The Maryland Agricultural Commission;

(9) The Maryland Horse Industry Board;

[(10) The Seafood Marketing and Aquaculture Development Program and Division of Market Development;

(11) The Seafood Marketing Advisory Commission;**]**

[(12)**] (10)** The Maryland Winery and Grape Growers' Advisory Board**[**;

(13) The Aquaculture Review Board; and

(14) The Aquaculture Coordinating Council**]**.

~~10–1301.~~

~~(a) (1) The General Assembly defines aquaculture as an agricultural **AND FISHERIES MANAGEMENT** activity.~~

~~(2) "Aquaculture" includes the commercial rearing of finfish, shellfish, and aquatic plants for sale, trade, barter, or shipment.~~

~~(b) It is the intent of the General Assembly to create:~~

~~(1) An Aquaculture Review Board and an Aquaculture Coordinating Council to promote the development of an aquaculture industry in this State; and~~

~~(2) An Aquaculture Coordinator**, EMPLOYED BY THE DEPARTMENT OF NATURAL RESOURCES,** to assist persons in obtaining the permits and licenses necessary to conduct aquaculture in the State.~~

~~(c) The Maryland Department of Agriculture is the lead agency for**[**:~~

~~(1) Promoting, coordinating,**] PROMOTING** and marketing aquaculture and aquaculture products**[**; and~~

~~(2) Coordinating and streamlining the process of applying for a State aquaculture permit**]**.~~

~~(d) The Department of Natural Resources is responsible for **[**enforcement**]:**~~

~~**(1) ENFORCEMENT** of laws, regulations, and rules**; AND**~~

~~**(2) COORDINATING AND STREAMLINING THE PROCESS OF APPLYING FOR A STATE AQUACULTURE PERMIT.**~~

~~(e) The University of Maryland is the lead agency for research in aquaculture production and shall be responsible for development of education and extension programs which promote aquaculture as an industry.~~

~~10–1302.~~

~~(a) There is an Aquaculture Review Board.~~

~~(b) **(1)** The Review Board shall consist of the following **[**5**]** members, each of whom shall represent one of the following State departments charged with responsibility for an aspect of the State aquaculture permitting process or oversight of permit compliance:~~

~~**[**(1)**]** **(I)** The Department of **[**Agriculture**]** **NATURAL RESOURCES**, to be represented by the Aquaculture Coordinator, who shall serve as chair;~~

~~**[**(2)**]** **(II)** 1 representative of the Department of the Environment, designated by the Secretary of the Environment;~~

~~**[**(3)**]** **(III)** 1 representative of the Department of Health and Mental Hygiene, designated by the Secretary of Health and Mental Hygiene; **AND**~~

~~**[**(4)**]** **(IV)** 1 representative of the Department of **[**Natural Resources**]** **AGRICULTURE**, designated by the Secretary of **[**Natural Resources; and~~

~~(5) 1 representative of the Board of Public Works**]** **AGRICULTURE.**~~

~~**(2) THE NATIONAL MARINE FISHERIES SERVICE SHALL BE INVITED TO DESIGNATE A REPRESENTATIVE TO THE REVIEW BOARD.**~~

~~**(3) THE UNITED STATES ARMY CORPS OF ENGINEERS SHALL BE INVITED TO DESIGNATE A REPRESENTATIVE TO THE REVIEW BOARD.**~~

~~(c) (1) The Aquaculture Coordinator shall be the single point of contact for an applicant for all permits and licenses necessary to conduct aquaculture in the State.~~

~~(2) The Review Board shall:~~

~~(i) Coordinate the development of statewide aquaculture policy and, to the maximum extent feasible, the streamlining of the application process;~~

~~(ii) Track each application as it **[**progresses through each department**]** **IS PROCESSED**; and~~

~~(iii) Ensure full and meaningful departmental communication with an applicant during each stage of the application process.~~

Article – Environment

16–107.

(a) (1) This section applies to a development project to expand a marina that historically operated as a working marina for the sole purpose of supporting aquaculture or seafood operations.

(2) This section does not apply to a development project to expand a marina if the existing or expanded marina is used to allow a person to moor, dock, or store recreational or pleasure vessels.

(b) (1) Except as provided in subsection (c) of this section, the Board may issue a license under this title for a development project to expand a marina that is located in an area where the water depth is less than 4 1/2 feet at mean low water and on a waterway without strong flushing if the development project:

(i) Enhances aquaculture activities or seafood operations;

(ii) Is located in a marina or seafood operation at a marina operated by a nonprofit organization to promote aquaculture activities or oyster restoration in the State;

(iii) Does not adversely impact submerged aquatic vegetation; and

(iv) Will further the policies of the State related to aquaculture.

(2) The license authorized under paragraph (1) of this subsection may authorize dredging to improve navigational access to the marina or marina facility operations.

(c) The Board may not issue a license under this title unless the applicant for the license has obtained the following authorizations if required by local, State, or federal law:

(1) Local planning or zoning authorization;

(2) An aquaculture lease;

(3) A water column lease **[**issued by the Board**]** or a submerged land lease issued by the Department of Natural Resources; and

(4) A permit issued by the U.S. Army Corps of Engineers under § 404 of the federal Clean Water Act or under § 10 of the federal Rivers and Harbors Act.

16–202.

(a) A person may not dredge or fill on State wetlands without a license.

(b) To apply for a license, the applicant shall submit a delineation of the affected tidal wetlands and all other information required by the Department.

(h) The provisions of this section do not apply to any operation for:

(1) Dredging and filling being conducted as of July 1, 1970, as authorized under the terms of an appropriate permit or license granted under the provisions of existing State and federal law;

(2) Dredging of seafood products by any licensed operator, harvesting of seaweed, or mosquito control and abatement as approved by the Department of Agriculture;

(3) Improvement of wildlife habitat or agricultural drainage ditches as approved by an appropriate unit;

(4) Routine maintenance or repair of existing bulkheads, provided that there is no addition or channelward encroachment; or

(5) Aquaculture activities occurring **[**in Aquaculture Enterprise Zones established under Title 4, Subtitle 11A of the Natural Resources Article under an aquaculture**]** **UNDER A** lease issued by the Department of Natural Resources **UNDER TITLE 4, SUBTITLE 11A OF THE NATURAL RESOURCES ARTICLE**.

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.

(2) A tidal fish license authorizes a licensee:

(i) To engage in each activity indicated on the license; and

(ii) For catching crabs, to utilize the number of crew members indicated on the license.

(3) Except for a person receiving a license under subsection (i)(2)(ii) of this section, the Department may not issue a tidal fish license to an individual who is younger than 14 years of age.

(4) A person may not guide fishing parties or catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters unless licensed under this section.

(e) (3) In addition to the normal license fees imposed under subsection (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual surcharge of $10 to be credited to the Seafood Marketing Office of the Department **[**of Agriculture**]** to fund seafood marketing programs which have been approved by the Department.

4–1103.

(d) (1) In addition to the provisions of subsections (b) and (c) of this section concerning the establishment of oyster seed areas and the sale of seed oysters to a leaseholder, the Department may:

(i) Sell or remove seed oysters from oyster seed areas if the sale or removal is made under disease protocols; and

(ii) Adopt regulations necessary to implement the provisions of this subsection.

(2) The Department shall credit the proceeds of any sale of seed oysters under this subsection to the Fisheries Research and Development Fund in the Department.

(3) The Department shall:

(i) Sell, at prevailing market prices, seed oysters produced in an aquaculture oyster seed area to a person who holds a valid **[**aquaculture or submerged land**]** lease **ISSUED UNDER SUBTITLE 11A OF THIS TITLE,** or an aquaculture permit to cultivate shellfish; and

(ii) Use any revenue derived from the sale of seed oysters to reimburse the Fisheries Research and Development Fund for any expenditure needed to create the aquaculture oyster seed areas under this subsection.

4–11A–01.

(d) "Aquaculture lease" means a lease of any submerged land or the water column located in an Aquaculture Enterprise Zone for cultivating oysters or other shellfish for commercial purposes.

(g) "Demonstration lease" means a lease of submerged land for the purpose of demonstrating the ecological benefits of growing shellfish or for research or education.

(m) "SAV Protection Zone" means an area of submerged aquatic vegetation **[**with a density greater than 10%**]** as mapped in aerial surveys by the Virginia Institute of Marine Sciences in 1 or more of the **[**3**] 5** years preceding the designation of an Aquaculture Enterprise Zone or an application for **[**an aquaculture, submerged land, or demonstration lease**] A LEASE UNDER THIS SUBTITLE**.

(n) "Submerged land lease" means any land lying beneath the waters of the State leased by the State to any person for cultivating oysters and other shellfish for commercial purposes.

(q) "Water column lease" means a lease of the column of water on or under the surface of the water and above the surface of the submerged land.

(R) "YATES BAR" MEANS ANY SUBMERGED OYSTER BAR, REEF, ROCK, OR AREA REPRESENTED AS AN OYSTER BAR ON THE CHARTS OF THE OYSTER SURVEY OF 1906 TO 1912, NOT INCLUDING ANY AMENDMENTS.

4–11A–02.

(a) (1) The Department shall promulgate by regulation requirements that are necessary to ensure that aquaculture operations do not adversely impact wild stocks of fish, including measures for identifying fish as products of an aquaculture operation. In developing these regulations, the Department shall consult with the Aquaculture Coordinating Council, established by ~~§ 10–1303 of the Agriculture Article~~ **§ 4–11A–03.2 OF THIS SUBTITLE**, and incorporate in the regulations public notice provisions in accordance with **[**§ 4–11A–08**] § 4–11A–09** of this subtitle.

(2) The Department may not issue a permit for the raising of nonnative species, including hybrids of striped bass, or nonnative stocks unless:

(i) The permit limits the aquaculture operation to nontidal ponds, lakes, or impoundments; and

(ii) The aquaculture operation is constructed in a manner that assures that nonnative stocks are precluded from entering the tidal waters or contaminating the native species of the State.

(3) The Department may not issue a permit for the raising of a transgenic species or a genetically altered species, unless:

(i) The permit limits the aquaculture operation to waters of the State that do not flow into any other body of water; and

(ii) The aquaculture operation is constructed in a manner that assures that transgenic or genetically altered stocks are precluded from entering any other waters or contaminating other aquatic species of the State.

4–11A–03.

(A) (1) THE GENERAL ASSEMBLY DEFINES AQUACULTURE AS AN AGRICULTURAL AND FISHERIES MANAGEMENT ACTIVITY.

(2) "AQUACULTURE" INCLUDES THE COMMERCIAL REARING OF FINFISH, SHELLFISH, AND AQUATIC PLANTS FOR SALE, TRADE, BARTER, OR SHIPMENT.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CREATE:

(1) AN AQUACULTURE REVIEW BOARD AND AN AQUACULTURE COORDINATING COUNCIL TO PROMOTE THE DEVELOPMENT OF AN AQUACULTURE INDUSTRY IN THIS STATE; AND

(2) AN AQUACULTURE COORDINATOR, EMPLOYED BY THE DEPARTMENT, TO ASSIST PERSONS IN OBTAINING THE PERMITS AND LICENSES NECESSARY TO CONDUCT AQUACULTURE IN THE STATE.

(C) THE DEPARTMENT IS THE LEAD AGENCY FOR:

(1) PROMOTING, COORDINATING, AND MARKETING AQUACULTURE AND AQUACULTURE PRODUCTS;

(2) COORDINATING AND STREAMLINING THE PROCESS OF APPLYING FOR A STATE AQUACULTURE PERMIT; AND

(3) ENFORCING LAWS, REGULATIONS, AND RULES.

(D) THE UNIVERSITY OF MARYLAND IS THE LEAD AGENCY FOR RESEARCH IN AQUACULTURE PRODUCTION AND SHALL BE RESPONSIBLE FOR DEVELOPMENT OF EDUCATION AND EXTENSION PROGRAMS WHICH PROMOTE AQUACULTURE AS AN INDUSTRY.

4–11A–03.1.

(A) THERE IS AN AQUACULTURE REVIEW BOARD.

(B) (1) THE REVIEW BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS, EACH OF WHOM SHALL REPRESENT ONE OF THE FOLLOWING STATE DEPARTMENTS CHARGED WITH RESPONSIBILITY FOR AN ASPECT OF THE STATE AQUACULTURE PERMITTING PROCESS OR OVERSIGHT OF PERMIT COMPLIANCE:

(I) THE DEPARTMENT OF NATURAL RESOURCES, TO BE REPRESENTED BY THE AQUACULTURE COORDINATOR, WHO SHALL SERVE AS CHAIR;

(II) ONE REPRESENTATIVE OF THE DEPARTMENT OF THE ENVIRONMENT, DESIGNATED BY THE SECRETARY OF THE ENVIRONMENT;

(III) ONE REPRESENTATIVE OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, DESIGNATED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE; AND

(IV) ONE REPRESENTATIVE OF THE DEPARTMENT OF AGRICULTURE, DESIGNATED BY THE SECRETARY OF AGRICULTURE.

(2) THE NATIONAL MARINE FISHERIES SERVICE SHALL BE INVITED TO DESIGNATE A REPRESENTATIVE TO THE REVIEW BOARD.

(3) THE UNITED STATES ARMY CORPS OF ENGINEERS SHALL BE INVITED TO DESIGNATE A REPRESENTATIVE TO THE REVIEW BOARD.

(C) (1) THE AQUACULTURE COORDINATOR SHALL BE THE SINGLE POINT OF CONTACT FOR AN APPLICANT FOR ALL PERMITS AND LICENSES NECESSARY TO CONDUCT AQUACULTURE IN THE STATE.

(2) THE REVIEW BOARD SHALL:

(I) COORDINATE THE DEVELOPMENT OF STATEWIDE AQUACULTURE POLICY AND, TO THE MAXIMUM EXTENT FEASIBLE, THE STREAMLINING OF THE APPLICATION PROCESS;

(II) TRACK EACH APPLICATION AS IT IS PROCESSED; AND

(III) ENSURE FULL AND MEANINGFUL DEPARTMENTAL COMMUNICATION WITH AN APPLICANT DURING EACH STAGE OF THE APPLICATION PROCESS.

4–11A–06.

(b) (1) The Department may issue to a person a submerged land lease in waters of the Chesapeake Bay **[**that meet applicable water quality requirements for shellfish cultivation as determined by the Department of the Environment**]** **AFTER THE DEPARTMENT OF THE ENVIRONMENT CLASSIFIES THE WATERS AS** ~~**APPROVED**~~**:**

(I) APPROVED, CONDITIONALLY APPROVED, OR RESTRICTED FOR HARVEST; OR

(II) PROHIBITED, PROVIDED THAT THE LEASE IS USED EXCLUSIVELY FOR THE PLANTING AND GATHERING OF SEED FOR AQUACULTURE AND THE LEASEHOLDER COMPLIES WITH THE REQUIREMENTS OF THE NATIONAL SHELLFISH SANITATION PROGRAM AS IMPLEMENTED BY THE DEPARTMENT.

(2) A submerged land lease may not be located:

(i) Within a minimum of 50 feet of shoreline or any pier without the written permission of the riparian owner at the time of initial application for the lease;

(ii) Within 150 feet of the public shellfish fishery or a registered pound net site;

(iii) Within 150 feet of an oyster sanctuary or oyster reserve;

(iv) Within 150 feet of a federal navigational channel;

(v) In any creek, cove, bay, or inlet less than 300 feet wide at its mouth at mean low tide; or

(vi) In an SAV Protection Zone.

4–11A–07.

(b) The Department may issue to a person a submerged land lease in waters of the Atlantic Coastal Bays **[**that meet applicable water quality requirements for shellfish cultivation as determined by the Department of the Environment**] AFTER THE DEPARTMENT OF THE ENVIRONMENT CLASSIFIES THE WATERS AS** ~~**APPROVED**~~**:**

(1) APPROVED, CONDITIONALLY APPROVED, OR RESTRICTED FOR HARVEST; OR

(2) PROHIBITED, PROVIDED THAT THE LEASE IS USED EXCLUSIVELY FOR THE PLANTING AND GATHERING OF SEED FOR AQUACULTURE AND THE LEASEHOLDER COMPLIES WITH THE REQUIREMENTS OF THE NATIONAL SHELLFISH SANITATION PROGRAM AS IMPLEMENTED BY THE DEPARTMENT.

4–11A–08.

(A) THIS SECTION APPLIES TO A WATER COLUMN LEASE IN THE WATERS OF THE STATE.

(B) THE DEPARTMENT MAY ISSUE TO A PERSON A WATER COLUMN LEASE IN WATERS OF THE STATE AFTER THE DEPARTMENT OF THE ENVIRONMENT CLASSIFIES THE WATERS AS ~~APPROVED~~:

(1) APPROVED, CONDITIONALLY APPROVED, OR RESTRICTED FOR HARVEST; OR

(2) PROHIBITED, PROVIDED THAT THE LEASE IS USED EXCLUSIVELY FOR THE PLANTING AND GATHERING OF SEED FOR AQUACULTURE AND THE LEASEHOLDER COMPLIES WITH THE REQUIREMENTS OF THE NATIONAL SHELLFISH SANITATION PROGRAM AS IMPLEMENTED BY THE DEPARTMENT.

(C) (1) A WATER COLUMN LEASE MAY NOT BE LOCATED:

~~(1)~~ (I) WITHIN A MINIMUM OF 50 FEET OF SHORELINE OR ANY PIER WITHOUT THE WRITTEN PERMISSION OF THE RIPARIAN OWNER AT THE TIME OF INITIAL APPLICATION FOR THE LEASE;

~~(2)~~ (II) WITHIN 150 FEET OF THE PUBLIC SHELLFISH FISHERY OR A REGISTERED POUND NET SITE;

~~(3)~~ (III) WITHIN 150 FEET OF AN OYSTER RESERVE OR ANY YATES BAR LOCATED IN AN OYSTER SANCTUARY;

~~(4)~~ (IV) WITHIN 150 FEET OF A FEDERAL NAVIGATIONAL CHANNEL;

~~(5)~~ (V) ~~IN~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN ANY CREEK, COVE, BAY, OR INLET LESS THAN 300 FEET WIDE AT ITS MOUTH AT MEAN LOW TIDE;

~~(6)~~ (VI) IN AN SAV PROTECTION ZONE; OR

~~(7)~~ (VII) IN A SETBACK OR BUFFER FROM THE ASSATEAGUE ISLAND NATIONAL SEASHORE ESTABLISHED BY THE DEPARTMENT.

(2) THE PROVISIONS OF PARAGRAPH (1)(V) OF THIS SUBSECTION DO NOT APPLY TO THE RIPARIAN OWNER OR A LAWFUL OCCUPANT OF THE RIPARIAN PROPERTY.

(D) A PERSON WITH A WATER COLUMN LEASE IN THE WATERS OF THE STATE MAY CULTIVATE SHELLFISH:

(1) SUBJECT TO APPROVAL BY THE UNITED STATES ARMY CORPS OF ENGINEERS, ON OR UNDER THE SURFACE OF THE WATER IN A FLOATING STRUCTURE; OR

(2) IN ANY OTHER MANNER AUTHORIZED BY THE DEPARTMENT.

4–11A–09.

(a) (1) A person who wishes to obtain an aquaculture or submerged land lease shall pay a nonrefundable application fee established by the Department and complete and submit an application to the Department.

(2) A person who wishes to obtain a water column lease that does not apply in an Aquaculture Enterprise Zone shall **[**apply for a tidal wetlands license from the Department of the Environment**]** **COMPLETE AND SUBMIT AN APPLICATION TO THE DEPARTMENT**.

(b) An application for an aquaculture **LEASE, WATER COLUMN LEASE,** or submerged land lease shall include:

(1) A declaration that the applicant intends to actively use the leased area for commercial purposes; and

(2) A proposed plan for active use of the lease that shall include:

(i) The lessee's source and quantity of shellfish seed;

(ii) The methods and means the applicant will use to grow shellfish;

(iii) The quantity of shellfish that the lessee expects to plant and harvest, and the time for planting and harvesting, during the initial 3 years of the lease; and

(iv) A description of the labor, materials, and equipment to be used by the lessee.

(c) The requirements for active use of a lease shall include:

(1) Annually planting at least one–fourth of the leased area at a minimum density of 1,000,000 shellfish seed per acre; or

(2) Complying with any other requirements established by the Department.

(d) (1) The term of a lease is 20 years.

(2) Except for a demonstration lease under **[**§ 4–11A–10**]** **§ 4–11A–11** of this subtitle, a lease may be of any size provided that the leaseholder actively uses the area.

(3) The Department shall establish an annual amount of rent and an aquaculture development surcharge for an aquaculture or submerged land lease.

(4) The Department, as it considers necessary to protect the public health, safety, and welfare, may:

(i) Deny a lease application for reasonable cause; or

(ii) Include any conditions in a lease.

(e) If an application for an aquaculture lease meets the requirements of this subtitle, the Department shall survey the leased area and issue a lease to the applicant.

(f) If an application for a submerged land lease in an area preapproved for leasing in the Atlantic Coastal Bays meets the requirements of this subtitle, the Department shall survey the leased area and issue a submerged land lease to the applicant.

(g) (1) If an application for a submerged land **OR WATER COLUMN** lease in the Chesapeake Bay or in the Atlantic Coastal Bays meets the requirements of this subtitle:

(i) The applicant for the lease shall mark the proposed area with a stake; and

(ii) The Department shall:

1. Advertise the application on the website of the Department and once a week for 4 successive weeks in a newspaper published in the county or counties where the proposed lease is to be located;

2. Notify the owners of property directly in front of the proposed activity; **[**and**]**

3. Notify **[**the**]** **EACH** Chair of **[**the**]** **AN** Oyster Committee in the county in which the proposed activity is located**; AND**

4. NOTIFY OTHER INTERESTED PARTIES THAT THE DEPARTMENT DEEMS APPROPRIATE.

(2) (i) Within 30 days of publication of the last advertisement under paragraph (1) of this subsection, any person who has a specific right, duty, privilege, or interest that is different from that held by the general public and may be adversely affected by the proposed lease may file a petition with the Department protesting the issuance of the lease.

(ii) The protest shall be heard in accordance with the requirements of the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

(iii) The Department shall hold a public informational meeting on the issuance of a lease on the request of any person.

(iv) Immediately after termination of the period prescribed in subparagraph (i) of this paragraph for filing a petition or after a final decision dismissing a protest, the Department shall survey the proposed leased area and issue a **[**submerged land**]** lease to the applicant.

4–11A–10.

(e) (1) A person who wishes to renew **[**an aquaculture lease, a submerged land lease,**]** **A LEASE ISSUED UNDER THIS SUBTITLE** or an existing shellfish lease or oyster lease shall submit an application that meets the requirements for an initial application in **[**§ 4–11A–08**]** **§ 4–11A–09 OR § 4–11A–11** of this subtitle.

(2) Before the termination or expiration of a lease issued under this subtitle, the leaseholder shall have the right of first refusal with respect to future leases of the leased area.

SECTION 4. AND BE IT FURTHER ENACTED, That all wetlands licenses, water column leases, aquaculture leases, certifications, or other permits issued by the Board of Public Works for aquaculture related projects and in effect as of June 30, 2011, shall remain in effect under the Department of Natural Resources until completed, withdrawn, canceled, modified, or otherwise changed.

SECTION 5. AND BE IT FURTHER ENACTED, That any person who holds a valid aquaculture or water column lease, or is licensed, permitted, or certified by the Board of Public Works or the Department of the Environment to use the water column for an aquaculture related project, is considered for all purposes to be a valid aquaculture or water column leaseholder, or licensed, authorized, permitted, or certified for the duration of the term for which the lease, license, authorization, permit, or certification was issued, and may renew that authorization in accordance

with the appropriate renewal provisions provided by the Department of Natural Resources. Any person who entered into a valid lease agreement, or was originally licensed, authorized, permitted, or certified under a provision of law that has been repealed by this Act as obsolete or inconsistent shall continue to meet the requirements to the same extent as if that provision had not been repealed, or to the extent required by the Department of Natural Resources.

SECTION 6. AND BE IT FURTHER ENACTED, That all applications for water column leases and wetlands licenses for aquaculture related projects currently pending before the Department of the Environment or the Board of Public Works as of the effective date of this Act shall be and hereby are transferred to the Department of Natural Resources for processing in accordance with its terms and procedures.

SECTION 7. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross–references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2011 that affects provisions enacted by this Act. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION ~~3.~~ 8. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 19, 2011.

Chapter 412

(House Bill 1039)

AN ACT concerning

Horse Racing – Distribution of Video Lottery Revenues

FOR the purpose of altering certain distributions from the Purse Dedication Account for certain racing licensees; *altering the conditions under which a certain licensee is required to take certain actions in connection with the Bowie Training Center; providing the State with the right of first refusal when a certain training center is no longer required to operate as a certain training center; providing the City of Bowie with the right of second refusal when a certain training center is no longer required to operate as a certain training center; providing that a certain grantee is not required to operate a certain training center as a training facility; requiring certain persons to reach a certain agreement on or before a certain date as a condition of eligibility for certain funding; providing for eligibility for certain funds under certain circumstances; requiring the Secretary of Labor,*

Licensing, and Regulation to conduct a certain mediation process; requiring certain parties to consent to a certain arbitration process under certain circumstances; prohibiting certain mediation or arbitration processes under certain circumstances; authorizing the use of certain revenues from the Purse Dedication Account for certain operating expenses at certain racetracks; permitting certain racing licensees to apply to the Secretary of Labor, Licensing, and Regulation for certain grants from the Purse Dedication Account for certain purposes; ~~authorizing a certain racing licensee to apply to the Secretary for a certain advance from the Maryland Economic Development Corporation; providing for the repayment of a certain advance from the Maryland Economic Development Corporation to a certain racing licensee;~~ requiring certain racing licensees to provide certain information to the Secretary under certain circumstances; authorizing the Secretary to approve certain grants and a certain advance from the Purse Dedication Account to certain racing licensees for certain expenses; placing certain conditions on the receipt of certain grants from the Purse Dedication Account ~~and a certain advance from the Maryland Economic Development Corporation~~; permitting the use of certain revenues from the Racetrack Facility Renewal Account for certain operating expenses at certain racetracks; altering the distribution of certain funds from the Racetrack Facility Renewal Account for certain fiscal years; authorizing certain racing licensees to apply to the Secretary for certain grants from the Racetrack Facility Renewal Account for certain purposes; authorizing the Secretary to approve certain grants from the Racetrack Facility Renewal Account to certain racing licensees for certain expenses; requiring certain racing licensees to provide certain information to the Secretary under certain circumstances; placing certain conditions on the receipt of certain grants from the Racetrack Facility Renewal Account; creating ~~an Oversight Commission on Racing~~ *a Thoroughbred Racing Sustainability Task Force*; specifying the composition and duties of the ~~Oversight Commission; providing for the staffing of the Oversight Commission; requiring the Oversight Commission to report its findings and recommendations~~ *Task Force; requiring the Task Force to submit a certain plan* to the Governor and the ~~General Assembly~~ *Legislative Policy Committee*; ~~requiring the Secretary to submit a certain annual report to the Governor, the Oversight Commission on Racing, and the General Assembly on or before a certain date~~ *authorizing the Legislative Policy Committee to provide comments to the Governor on a certain plan; prohibiting the Comptroller from distributing certain funds until the Governor approves a certain plan; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; defining certain terms*; and generally relating to horse racing, the distribution of video lottery revenues, the Purse Dedication Account, and the Racetrack Facility Renewal Account.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–01(a) and (w)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 9–1A–01(x) *and 9–1A–09A*
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–01(x) through (dd), 9–1A–09, 9–1A–28, and 9–1A–29
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

~~BY adding to~~
~~Article – Business Regulation~~
~~Section 11–1401 and 11–1402 to be under the new subtitle "Subtitle 14. Oversight Commission on Racing; Racing Funding Reports"~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2010 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–01.

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

(w) "Progressive jackpot system" means a system capable of linking one or more video lottery terminals in one or more licensed facilities and offering one or more common progressive jackpots.

(X) "RACING LICENSEE" MEANS THE HOLDER OF A LICENSE ISSUED BY THE STATE RACING COMMISSION TO HOLD A RACE MEETING IN THE STATE UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE.

[(x)**] (Y)** "Video lottery" means gaming or betting conducted using a video lottery terminal.

[(y)**] (Z)** "Video lottery destination location" means a location that is eligible for or has been awarded in the manner provided by law a video lottery operation license.

[(z)**] (AA)** "Video lottery employee" means an employee of a person who holds a license.

[(aa)**] (BB)** "Video lottery facility" means a facility at which players play video lottery terminals under this subtitle.

[(bb)**] (CC)** "Video lottery operation license" means a license awarded by the Video Lottery Facility Location Commission and issued by the State Lottery Commission to a person that allows players to operate video lottery terminals.

[(cc)**] (DD)** "Video lottery operator" means a person licensed to operate a video lottery facility under this subtitle.

[(dd)**] (EE)** (1) "Video lottery terminal" means any machine or other device that, on insertion of a bill, coin, token, voucher, ticket, coupon, or similar item, or on payment of any consideration:

(i) is available to play or simulate the play of any game of chance in which the results, including the options available to the player, are randomly determined by the machine or other device; and

(ii) by the element of chance, may deliver or entitle the player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner.

(2) "Video lottery terminal" includes a machine or device:

(i) that does not directly dispense money, tokens, or anything of value to winning players; and

(ii) described under paragraph (1) of this subsection that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary.

(3) "Video lottery terminal" does not include an authorized slot machine operated by an eligible organization under Title 12, Subtitle 3 of the Criminal Law Article.

9–1A–09.

(a) **[**In this section, "racing licensee" means the holder of a license issued by the State Racing Commission to hold a race meeting in the State under Title 11 of the Business Regulation Article.

(b)**]** As a condition of eligibility for funding under § 9–1A–29 of this subtitle, a racing licensee shall:

(1) (i) for Laurel Park and Pimlico Race Course, conduct a minimum of 220 annual live racing days combined between Laurel Park or Pimlico Race Course unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed thoroughbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control;

(ii) for Rosecroft Raceway, conduct a minimum of 90 annual live racing days unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed standardbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control; and

(iii) for Ocean Downs Racetrack, conduct a minimum of 40 annual live racing days unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed standardbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control;

(2) if the racing licensee holds the racing license for Pimlico Race Course, retain in the State of Maryland the name, common law and statutory copyrights, service marks, trademarks, trade names, and horse racing events that are associated with the Preakness Stakes and the Woodlawn Vase;

(3) if the racing licensee holds the racing license for the Pimlico Race Course, promote and conduct the Preakness Stakes each year at:

(i) the Pimlico Race Course; or

(ii) if the Pimlico Race Course no longer exists, the Preakness Stakes Race is prevented from being conducted at the Pimlico Race Course, or the State Racing Commission, under § 11–513 of the Business Regulation Article, deems an emergency exists, another track located in the State that is approved by the State Racing Commission;

(4) if the racing licensee holds the racing license for Laurel Park, permit the event known as the Maryland Million to be run annually at Laurel Park unless:

(i) the racing licensee is prevented from doing so by weather, acts of God, or other circumstances beyond the control of the racing licensee; or

(ii) the racing licensee and the Maryland Million LLC agree to another location that is approved by the State Racing Commission;

(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) **IF THE RACING LICENSEE REQUESTS A CAPITAL GRANT,** 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 investment in capital maintenance and improvements in the horse racing facilities of at least $1,500,000 annually, which may include amounts provided as a matching fund as required under § **[**9–1A–29(e)(2)**] 9–1A–29(F)(2)** of this subtitle; and

(6) develop with other racing industry representatives a multiyear plan to improve the quality and marketing of the horse racing industry in Maryland, which shall include goals, indicators, and timelines for specific actions that will be taken by the thoroughbred and harness racing industries to improve the quality and marketing of the horse racing industry in Maryland, including joint marketing efforts.

[(c)**] (B)** As part of the capital maintenance and improvement items in the plan submitted under subsection **[**(b)(5)**] (A)(5)** of this section, a racing licensee shall include any improvements necessary to ensure that the condition of any part of the racetrack facility where individuals reside is satisfactory for human habitation and meets minimum housing and sanitation standards in the county where the facility is located.

[(d)**] (C)** The plans required under subsection **[**(b)**] (A)** of this section shall also be provided to the Department of General Services and to the Legislative Policy Committee of the General Assembly.

[(e)**] (D)** (1) If a video lottery operation license has been issued for a racetrack location at Laurel Park, the video lottery operation license for the location shall be revoked if the name, common law and statutory copyrights, service marks, trademarks, trade names, or horse racing events that are associated with the Preakness Stakes Race or the Woodlawn Vase are transferred to a location outside the State.

(2) As an additional condition of a video lottery operation license, if a racetrack licensee holds a video lottery operation license for Laurel Park, the licensee shall be required to:

(i) promote and conduct the Preakness Stakes Race at the Pimlico Race Course each year; or

(ii) if the Pimlico Race Course no longer exists, the Preakness Stakes Race is prevented from being conducted at the Pimlico Race Course, or the State Racing Commission, under § 11–513 of the Business Regulation Article, deems an emergency exists, promote and conduct the Preakness Stakes Race each year at another track located in the State that is approved by the State Racing Commission.

(3) If a racetrack licensee has been issued a video lottery operation license for a racetrack location at Laurel Park, the licensee shall permit the event known as the Maryland Million to be run annually at Laurel Park unless:

(i) the licensee is prevented from doing so by weather, acts of God, or other circumstances beyond the control of the licensee; or

(ii) the licensee and the Maryland Million LLC agree to another location that is approved by the State Racing Commission.

(4) ***(I)*** ~~If a video lottery operation license is issued to~~ ***A RACING LICENSEE OF*** a racetrack location at Laurel Park~~, the video lottery operation licensee~~ shall:

~~(i)~~ ***1.*** maintain the operation of the Bowie Training Center; or

~~(ii)~~ ***2.*** ~~if State law no longer requires the Bowie Training Center to operate as a training facility,~~ convey the property associated with the Bowie Training Center ~~to the State~~ as preserved land ~~under Program Open Space~~.

(II) 1. WHEN THE BOWIE TRAINING CENTER IS NO LONGER REQUIRED BY THE STATE TO BE OPERATED AS A THOROUGHBRED TRAINING FACILITY, THE STATE SHALL HAVE THE RIGHT OF FIRST REFUSAL AS GRANTEE FOR ANY CONVEYANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. THE CITY OF BOWIE SHALL HAVE THE SECOND RIGHT OF REFUSAL AS GRANTEE FOR ANY CONVEYANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

3. A GRANTEE UNDER SUBSUBPARAGRAPH 1 OR 2 OF THIS SUBPARAGRAPH MAY NOT BE REQUIRED TO OPERATE THE BOWIE TRAINING CENTER AS A TRAINING FACILITY.

9–1A–09A.

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

(2) "INTERTRACK BETTING" HAS THE MEANING STATED IN § 11–101 OF THE BUSINESS REGULATION ARTICLE.

(3) "PARI–MUTUEL BETTING" HAS THE MEANING STATED IN § 11–101 OF THE BUSINESS REGULATION ARTICLE.

(4) "PARTY" MEANS A:

(I) TRACK;

(II) GROUP THAT REPRESENTS A MAJORITY OF THE OWNERS AND TRAINERS WHO RACE HORSES AT EACH TRACK; AND

(III) GROUP THAT REPRESENTS A MAJORITY OF THE APPLICABLE BREEDERS IN THIS STATE.

(5) "SECRETARY" MEANS THE SECRETARY OF LABOR, LICENSING, AND REGULATION.

(6) "TRACK" HAS THE MEANING STATED IN § 11–101 OF THE BUSINESS REGULATION ARTICLE.

(B) THIS SECTION DOES NOT APPLY TO THE RACECOURSE AT TIMONIUM.

(C) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION, AS A CONDITION OF ELIGIBILITY FOR FUNDING UNDER §§ 9–1A–28 AND 9–1A–29 OF THIS SUBTITLE, AN AGREEMENT SHALL BE REACHED ON OR BEFORE JULY 1, 2011, BETWEEN THE PARTIES THROUGH AT LEAST DECEMBER 31, 2013, AS APPLICABLE, REGARDING THE SHARING OF REVENUES DERIVED FROM WAGERING ON SIMULCAST RACES AS SUCH ISSUES RELATE TO:

(1) THE INTERSTATE HORSERACING ACT OF 1978, 15 U.S.C. §§ 3001 THROUGH 3007;

(2) PARI–MUTUEL BETTING ON OUT–OF–STATE RACES UNDER § 11–804 OF THE BUSINESS REGULATION ARTICLE; AND

(3) INTERTRACK BETTING UNDER §§ 11–808 THROUGH 11–812 OF THE BUSINESS REGULATION ARTICLE.

(D) (1) IF AN AGREEMENT DESCRIBED IN SUBSECTION (C) IS NOT REACHED BY JULY 1, 2011, A POTENTIAL PARTY TO AN AGREEMENT SHALL BE ELIGIBLE FOR FUNDING UNDER §§ 9–1A–28 AND 9–1A–29 OF THIS SUBTITLE IF THE PARTY INDICATES TO THE SECRETARY, IN WRITING, ITS CONSENT TO PARTICIPATE IN THE PROCESS DESCRIBED IN THIS SUBSECTION.

(2) THE SECRETARY SHALL CONDUCT A MEDIATION BETWEEN THE PARTIES TO REACH A FAIR AND EQUITABLE SIMULCASTING AGREEMENT.

(3) IF, BY OCTOBER 1, 2011, THE PARTIES HAVE NOT REACHED AN AGREEMENT AFTER THE MEDIATION PROCESS CONDUCTED BY THE SECRETARY, THE PARTIES MUST CONSENT TO DE NOVO BINDING ARBITRATION BEFORE:

(I) THE AMERICAN ARBITRATION ASSOCIATION; OR

(II) AN INDEPENDENT ARBITRATOR, SELECTED BY THE SECRETARY WITH THE CONSENT OF THE PARTIES, CONDUCTED IN A MANNER CONSISTENT WITH THE AMERICAN ARBITRATION ASSOCIATION'S COMMERCIAL DISPUTE RESOLUTION RULES AND PROCEDURES.

(E) IF AN ENTITY OWNS 100% OF A TRACK THAT WOULD BE A PARTY TO AN AGREEMENT, AND AT LEAST 49% BUT NOT MORE THAN 51% OF ANOTHER TRACK THAT WOULD BE A PARTY TO AN AGREEMENT, A MEDIATION OR AN ARBITRATION DESCRIBED IN SUBSECTION (D) OF THIS SECTION MAY NOT BE REQUIRED UNTIL:

(1) THAT ENTITY FULLY RECUSES ITSELF, TO THE SATISFACTION OF THE SECRETARY OR ARBITRATOR, AS APPROPRIATE, FROM PARTICIPATION IN THE NEGOTIATION OF AN AGREEMENT ON BEHALF OF THE TRACK IN WHICH IT HOLDS AN OWNERSHIP INTEREST OF AT LEAST 49% BUT NOT MORE THAN 51%; OR

(2) THE ENTITY NO LONGER OWNS AT LEAST 49% BUT NOT MORE THAN 51% OF THAT TRACK.

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.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the State Racing Commission, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the State Racing Commission as provided under subsection (c) of this section.

(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) 89% to thoroughbred purses at the Pimlico Race Course, Laurel Park, the racecourse in Allegany County, and the racecourse at Timonium; and

(2) 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) 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) 11% to the Standardbred Race Fund.

(f) From the amount provided to thoroughbred purses, the State Racing Commission shall pay an annual grant of $100,000 to Fair Hill, as defined under § 11–811 of the Business Regulation Article.

(G) OF THE AMOUNT PROVIDED FROM THE PURSE DEDICATION ACCOUNT UNDER SUBSECTION (E)(1) OF THIS SECTION:

(1) FOR OCEAN DOWNS RACE COURSE, UP TO $1,200,000 ~~ANNUALLY~~ MAY BE USED TO PROVIDE OPERATING ASSISTANCE TO SUPPORT A MINIMUM OF 40 ~~ANNUAL~~ LIVE RACING DAYS *FOR CALENDAR YEAR 2012 ONLY* UNLESS THE RACING LICENSEE IS PREVENTED BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE RACING LICENSEE'S CONTROL; AND

(2) FOR ROSECROFT RACEWAY, UP TO $1,200,000 ~~ANNUALLY~~ MAY BE USED TO~~:~~

~~(I)~~ PROVIDE OPERATING ASSISTANCE TO SUPPORT A MINIMUM OF 40 ~~ANNUAL~~ LIVE RACING DAYS *FOR CALENDAR YEAR 2012 ONLY* UNLESS THE RACING LICENSEE IS PREVENTED BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE RACING LICENSEE'S ~~CONTROL; AND~~ *CONTROL.*

~~(II) FOR THE PURPOSE OF PROVIDING FUNDING TO SUPPORT THE RESUMPTION OF LIVE RACING AT ROSECROFT RACEWAY, REPAY:~~

~~1. A LOAN, NOT TO EXCEED $4,000,000, $3,000,000, OBTAINED BY THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION (MEDCO), TO MAKE AN ADVANCE TO THE OWNERS OF ROSECROFT RACEWAY, PLUS REASONABLE INTEREST, FEES, AND ADMINISTRATIVE COSTS OF MEDCO RELATED TO THE LOAN; OR~~

~~2. AN ADVANCE FROM MEDCO, NOT TO EXCEED $4,000,000 $3,000,000 OF MEDCO'S OWN FUNDS, TO THE OWNERS OF ROSECROFT RACEWAY, PLUS REASONABLE INTEREST, FEES, AND ADMINISTRATIVE COSTS OF MEDCO RELATED TO THE ADVANCE.~~

~~(II) (1) THE COMPTROLLER SHALL ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE SECRETARY OF LABOR, LICENSING AND REGULATION ISSUE A WARRANT TO PAY OUT MONEY FROM THE ACCOUNT DIRECTLY TO MEDCO PURSUANT TO SUBSECTION (G)(2)(II) OF THIS SECTION ON A SCHEDULE AGREED TO BY MEDCO AND THE SECRETARY.~~

~~(2) PAYMENTS TO MEDCO UNDER THIS SUBSECTION SHALL BE PAID:~~

~~(I) PRIOR TO ANY PAYMENTS TO ROSECROFT RACEWAY UNDER SUBSECTION (G)(2)(I) OF THIS SECTION; AND~~

~~(II) WITHOUT REGARD TO THE NUMBER OF LIVE RACING DAYS CONDUCTED BY ROSECROFT RACEWAY.~~

~~(I)~~ *(H)* (1) TO OBTAIN OPERATING ASSISTANCE ~~OR TO OBTAIN AN ADVANCE FROM MEDCO~~ UNDER THIS SECTION~~,~~*:*

(I) A HOLDER OF A RACING LICENSE TO RACE AT OCEAN DOWNS RACE COURSE OR ROSECROFT RACEWAY MAY APPLY TO THE SECRETARY OF LABOR, LICENSING, AND REGULATION FOR THE REIMBURSEMENT OF EXPENDITURES MADE BY THE RACING LICENSEE TO CONDUCT THE ANNUAL LIVE RACING SCHEDULE*; AND*

(II) A HOLDER OF A RACING LICENSE TO RACE AT ROSECROFT RACEWAY SHALL:

1. AGREE TO REHIRE WORKERS EMPLOYED AT THE FACILITY PRIOR TO THE END OF LIVE RACING ON JUNE 27, 2008; AND

2. RECOGNIZE COLLECTIVE BARGAINING AGREEMENTS THAT WERE IN PLACE AS OF JUNE 1, 2008.

~~(2) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, THE RACING LICENSEE'S APPLICATION SHALL INCLUDE:~~

~~(I) INCLUDE A 12-MONTH BUSINESS PLAN, SUBJECT TO REVIEW BY A CERTIFIED PUBLIC ACCOUNTANT, THAT SETS FORTH THE INCOME- AND EXPENSE-RELATED ITEMS THAT ARE NECESSARY TO CONDUCT A LIVE RACING SCHEDULE OF AT LEAST THE NUMBER OF LIVE RACING DAYS THAT WAS STATED IN THE APPLICATION; AND~~

~~(II) BE SUBJECT TO REVIEW BY A CERTIFIED PUBLIC ACCOUNTANT A 5-YEAR BUSINESS PLAN THAT DESCRIBES THE CHALLENGES IMPACTING THE ECONOMICS OF OPERATING THE RACING FACILITY AND STRATEGIES FOR ADDRESSING THOSE CHALLENGES.~~

~~(3)~~ *(2)* (I) ON THE COMPLETION OF THE REVIEW OF THE APPLICATION BY A CERTIFIED PUBLIC ACCOUNTANT, THE SECRETARY MAY AUTHORIZE THE REIMBURSEMENT OF EXPENDITURES BY THE RACING LICENSEE THAT ARE NECESSARY TO CONDUCT THE ANNUAL LIVE RACING SCHEDULE.

(II) EXPENDITURES ELIGIBLE FOR REIMBURSEMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE THE ORDINARY AND REASONABLE COSTS OF CONDUCTING THE RACE MEETINGS,

PARI–MUTUEL WAGERING, AND STABLING ACTIVITIES OF THE RACING LICENSEE, NET OF ORDINARY INCOME AND RECEIPTS.

(III) THE REIMBURSEMENT CALCULATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY NOT INCLUDE:

1. EXTRAORDINARY INCOME AND EXPENSE–RELATED ITEMS, INCLUDING EXTRAORDINARY LITIGATION EXPENSES;

2. LOBBYING FEES;

3. CAPITAL INVESTMENTS, INCLUDING PREDEVELOPMENT COSTS; OR

4. PRIOR YEAR ADJUSTMENTS AND CLAIMS.

~~(4)~~ *(3)* ALL COSTS ASSOCIATED WITH THE RACING LICENSEE'S APPLICATION SHALL BE PAID BY THE RACING LICENSEE.

~~(5) TO QUALIFY FOR AN ADVANCE FROM MEDCO UNDER THIS SECTION, ROSECROFT RACEWAY:~~

~~(I) SHALL AGREE TO HIRE BACK WORKERS EMPLOYED AT THE FACILITY PRIOR TO THE END OF LIVE RACING ON JUNE 27, 2008;~~

~~(II) SHALL RECOGNIZE COLLECTIVE BARGAINING AGREEMENTS THAT WERE IN PLACE AS OF JUNE 1, 2008;~~

~~(III) SHALL REINVEST ALL FORMS OF REVENUE EARNED BY THE TRACK INTO OPERATING AND CAPITAL EXPENDITURES FOR THE BENEFIT OF ROSECROFT RACEWAY; AND~~

~~(IV) MAY NOT PAY ANY DIVIDENDS OR SIMILAR TYPES OF PAYMENTS TO THE OWNERS OF ROSECROFT RACEWAY WHILE ANY AMOUNTS DUE TO MEDCO UNDER THIS SECTION REMAIN UNPAID.~~

~~(6)~~ *(4)* IN SUPPORT OF THE RACING LICENSEE'S APPLICATION AND REQUEST FOR REIMBURSEMENT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE RACING LICENSEE SHALL PROVIDE TO THE SECRETARY:

(I) MONTHLY FINANCIAL INFORMATION REQUESTED BY THE SECRETARY, IN A FORM SATISFACTORY TO THE SECRETARY; AND

(II) AN ANNUAL AUDITED FINANCIAL STATEMENT.

~~(7)~~ ***(5)*** **A RACING LICENSEE MAY NOT RECEIVE ASSISTANCE ~~OR AN ADVANCE FROM MEDCO~~ UNDER THIS SECTION WHILE THE RACING LICENSEE IS A PARTY TO A PROCEEDING CHALLENGING THE ISSUANCE OR DENIAL OF A VIDEO LOTTERY OPERATION LICENSE.**

[(g)**]** ~~(J)~~ ***(I)*** The provisions of this section may not be construed to apply to the racecourse in Allegany County until horse racing begins at that racecourse.

[(h)**]** ~~(K)~~ ***(J)*** On or before December 1, 2014, the State Racing Commission shall:

(1) conduct a study to determine the impact of the Purse Dedication Account on the racing industry in the State; and

(2) make recommendations to the General Assembly regarding the continuation of the Purse Dedication Account and the amount of money distributed to the Purse Dedication Account.

9–1A–29.

(a) There is a Racetrack Facility Renewal 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.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the State Racing Commission, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the State Racing Commission as provided under subsection (c) of this section.

(c) Funds from the Account shall be used to provide a grant to the holder of a license to hold a race meeting in the State ~~for~~**:**

(1) **FOR** racetrack facility capital construction and improvements**; AND**

(2) FOR LAUREL PARK AND PIMLICO RACE COURSE, UP TO $6,000,000 PER YEAR FOR OPERATING ASSISTANCE TO SUPPORT A MINIMUM OF 146 ANNUAL LIVE RACING DAYS IN CALENDAR YEARS ~~2012, 2013, AND 2014~~ 2012 AND 2013, UNLESS THE RACING LICENSEE IS PREVENTED BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE RACING LICENSEE'S CONTROL.

(d) **[**The**] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE** amount of funds made available from the Racetrack Facility Renewal Account shall be allocated as follows:

(1) 80% to the Pimlico Race Course, Laurel Park, and the racecourse at Timonium; and

(2) 20% to Rosecroft Raceway and Ocean Downs Race Course.

(E) FOR FISCAL YEAR 2012, THE AMOUNT OF FUNDS MADE AVAILABLE FROM THE RACETRACK FACILITY RENEWAL ACCOUNT SHALL BE ALLOCATED AS FOLLOWS:

(1) 80% TO THE PIMLICO RACE COURSE, LAUREL PARK, AND THE RACECOURSE AT TIMONIUM:

(I) MINUS 20% OF THE AMOUNT CREDITED TO THE ACCOUNT IN FISCAL YEAR 2011; AND

(II) MINUS THE AMOUNT NECESSARY TO REPAY FUNDS TO THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION IN ACCORDANCE WITH SECTION 16 OF CHAPTER __ (S.B. 87/H.B. 72) OF THE ACTS OF THE GENERAL ASSEMBLY OF THE SESSION OF 2011 (THE BUDGET RECONCILIATION AND FINANCING ACT OF 2011); AND

(2) 20% TO ROSECROFT RACEWAY AND OCEAN DOWNS RACE COURSE, PLUS 20% OF THE AMOUNT CREDITED TO THE ACCOUNT IN FISCAL YEAR 2011.

[(e)**] (F)** In order to obtain a **CAPITAL** grant, a holder of a license to hold a race meeting in the State shall:

(1) submit a capital construction plan to be implemented within a specified time frame to the State Racing Commission for approval; and

(2) except as provided in subsection **[**(f)**] (G)** of this section, provide and expend a matching fund.

[(f)**] (G)** (1) Of the amount provided from the Racetrack Facility Renewal Account under subsection (d)(1) of this section, **[**$1,000,000 shall be provided annually for 5 years to the racecourse at Timonium**] THE RACECOURSE AT TIMONIUM SHALL BE PROVIDED THE FOLLOWING AMOUNTS** for racetrack facility capital construction and improvements**:**

(I) FOR FISCAL YEAR 2012, $1,125,000;

(II) FOR FISCAL YEAR 2013, $1,250,000;

(III) FOR FISCAL YEAR 2014, $1,125,000;

(IV) FOR FISCAL YEAR 2015, $1,000,000; AND

(V) FOR FISCAL YEAR 2016, $1,000,000.

(2) A matching fund is not required for the amount provided for the racecourse at Timonium under paragraph (1) of this subsection.

(3) (I) FROM THE AMOUNTS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE HOLDER OF A RACING LICENSE TO RACE AT THE RACECOURSE AT TIMONIUM MAY USE UP TO $350,000 PER YEAR TO SUPPORT A MINIMUM OF 7 LIVE RACING DAYS.

(II) USE OF FUNDS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MUST BE APPROVED BY THE SECRETARY OF LABOR, LICENSING, AND REGULATION UNDER TERMS AND A PROCESS CONSISTENT WITH THE PROVISIONS OF SUBSECTION (J) OF THIS SECTION.

[(g)**] (H)** Of the amount provided from the Racetrack Facility Renewal Account under subsection (d)(1) of this section, the State Racing Commission may provide direct grant funding for the establishment of a horse racing museum as part of the Pimlico Race Course.

[(h)**] (I)** After a **CAPITAL** grant has been provided under this section, the State Racing Commission shall:

(1) in consultation with the Department of General Services, monitor the implementation of the approved capital construction plan; and

(2) make provisions for recapture of grant moneys if the capital construction plan is not implemented within the time frame approved by the State Racing Commission.

(J) (1) TO OBTAIN OPERATING ASSISTANCE UNDER SUBSECTION (C)(2) OF THIS SECTION, A HOLDER OF A RACING LICENSE TO RACE AT PIMLICO RACE COURSE OR LAUREL PARK MAY APPLY TO THE SECRETARY OF LABOR, LICENSING, AND REGULATION FOR THE REIMBURSEMENT OF EXPENDITURES MADE BY THE RACING LICENSEE TO CONDUCT THE ANNUAL LIVE RACING SCHEDULE.

(2) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE RACING LICENSEE'S APPLICATION SHALL INCLUDE:

(I) ~~INCLUDE~~ A 12–MONTH BUSINESS PLAN, SUBJECT TO REVIEW BY A CERTIFIED PUBLIC ACCOUNTANT, THAT SETS FORTH THE INCOME– AND EXPENSE–RELATED ITEMS THAT ARE NECESSARY TO CONDUCT A LIVE RACING SCHEDULE OF AT LEAST THE NUMBER OF LIVE RACING DAYS THAT WAS STATED IN THE APPLICATION; AND

(II) ~~BE SUBJECT TO REVIEW BY A CERTIFIED PUBLIC ACCOUNTANT~~ A 5–YEAR BUSINESS PLAN THAT DESCRIBES THE CHALLENGES IMPACTING THE ECONOMICS OF OPERATING THE RACING FACILITIES AND STRATEGIES FOR ADDRESSING THOSE CHALLENGES.

(3) (I) ON THE COMPLETION OF THE REVIEW OF THE APPLICATION BY A CERTIFIED PUBLIC ACCOUNTANT, THE SECRETARY MAY AUTHORIZE THE REIMBURSEMENT OF EXPENDITURES BY THE RACING LICENSEE THAT ARE NECESSARY TO CONDUCT THE ANNUAL LIVE RACING SCHEDULE.

(II) EXPENDITURES ELIGIBLE FOR REIMBURSEMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE THE ORDINARY AND REASONABLE COSTS OF CONDUCTING THE RACE MEETINGS, PARI–MUTUEL WAGERING, AND STABLING ACTIVITIES OF THE RACING LICENSEE, NET OF ORDINARY INCOME AND RECEIPTS.

(III) THE REIMBURSEMENT CALCULATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY NOT INCLUDE:

1. EXTRAORDINARY INCOME AND EXPENSE–RELATED ITEMS, INCLUDING EXTRAORDINARY LITIGATION COSTS;

2. LOBBYING FEES;

3. CAPITAL INVESTMENTS, INCLUDING PREDEVELOPMENT COSTS; OR

4. PRIOR YEAR ADJUSTMENTS AND CLAIMS.

(4) ALL COSTS ASSOCIATED WITH THE RACING LICENSEE'S APPLICATION SHALL BE PAID BY THE RACING LICENSEE.

(5) IN SUPPORT OF THE RACING LICENSEE'S APPLICATION AND REQUEST FOR REIMBURSEMENT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE RACING LICENSEE SHALL PROVIDE TO THE SECRETARY:

(I) MONTHLY FINANCIAL INFORMATION REQUESTED BY THE SECRETARY, IN A FORM SATISFACTORY TO THE SECRETARY; AND

(II) AN ANNUAL AUDITED FINANCIAL STATEMENT.

(6) A RACING LICENSEE MAY NOT RECEIVE ASSISTANCE UNDER THIS SECTION WHILE THE RACING LICENSEE IS A PARTY TO A PROCEEDING CHALLENGING THE ISSUANCE OR DENIAL OF A VIDEO LOTTERY OPERATION LICENSE.

[(i)**] (K)** Any unencumbered funds remaining in the Racetrack Facility Renewal Account on July 1, 2018, shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

[(j)**] (L)** The State Racing Commission shall adopt regulations to implement the provisions of this subsection, including regulations to address minimum criteria for the types of improvements to be made by the holder of a license.

[(k)**] (M)** The provisions of this section may not be construed to apply to the racecourse in Allegany County.

~~**Article – Business Regulation**~~

~~**SUBTITLE 14. OVERSIGHT COMMISSION ON RACING; RACING FUNDING REPORTS.**~~

~~**11–1401.**~~

~~**(A) THERE IS AN OVERSIGHT COMMISSION ON RACING.**~~

~~(B) THE OVERSIGHT COMMISSION CONSISTS OF THE FOLLOWING NINE MEMBERS:~~

~~(1) THREE MEMBERS OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE;~~

~~(2) THREE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES; AND~~

~~(3) THREE MEMBERS APPOINTED BY THE GOVERNOR.~~

~~(C) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE OVERSIGHT COMMISSION.~~

~~(D) THE OVERSIGHT COMMISSION SHALL:~~

~~(1) REVIEW THE REPORTS SUBMITTED BY THE SECRETARY UNDER § 11–1402 OF THIS SUBTITLE;~~

~~(2) OVERSEE THE DEVELOPMENT OF A LONG–TERM, SUSTAINABLE PLAN FOR RACING IN MARYLAND THAT TAKES INTO ACCOUNT THE INTERESTS OF ALL STANDARDBRED AND THOROUGHBRED RACING STAKEHOLDERS;~~

~~(3) MONITOR THE PROGRESS OF THE IMPLEMENTATION OF A LONG–TERM, SUSTAINABLE PLAN FOR RACING BY ALL STANDARDBRED AND THOROUGHBRED RACING STAKEHOLDERS; AND~~

~~(4) GENERALLY OVERSEE THE PROCESS FOR PROVIDING OPERATING ASSISTANCE TO RACING LICENSEES UNDER §§ 9–1A–28 AND 9–1A–29 OF THE STATE GOVERNMENT ARTICLE, AND THE IMPACT OF PROVIDING THE OPERATING ASSISTANCE.~~

~~(E) THE DEPARTMENT SHALL PROVIDE STAFFING FOR THE OVERSIGHT COMMISSION.~~

~~(F) THE OVERSIGHT COMMISSION SHALL REPORT ON ANY FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AS THE OVERSIGHT COMMISSION CONSIDERS APPROPRIATE.~~

~~11–1402.~~

~~ON OR BEFORE DECEMBER 15, 2011, AND ON OR BEFORE DECEMBER 15 OF EACH YEAR THEREAFTER, THE SECRETARY SHALL SUBMIT TO THE GOVERNOR, THE OVERSIGHT COMMISSION ON RACING, AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, A REPORT FOR THE PREVIOUS 12 MONTHS THAT SUMMARIZES:~~

~~(1) THE AMOUNT OF OPERATING ASSISTANCE PROVIDED AND THE INCOME AND EXPENSES USED TO CALCULATE ANY OPERATING ASSISTANCE FROM THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, THE PURSE DEDICATION ACCOUNT, OR THE RACETRACK FACILITY RENEWAL ACCOUNT IN THE PREVIOUS CALENDAR YEAR;~~

~~(2) ANY MARKETING AND QUALITY IMPROVEMENT PLANS SUBMITTED BY A RACING LICENSEE AS REQUIRED BY § 9–1A–09(B)(5) AND (6) OF THE STATE GOVERNMENT ARTICLE;~~

~~(3) THE 5–YEAR BUSINESS PLAN SUBMITTED BY A LICENSEE AS REQUIRED BY § 9–1A–29(J)(2)(I) OF THE STATE GOVERNMENT ARTICLE;~~

~~(4) PROGRESS OF THE STANDARDBRED AND THOROUGHBRED RACING STAKEHOLDERS IN DEVELOPING A LONG–TERM, SUSTAINABLE PLAN FOR RACING IN MARYLAND; AND~~

~~(5) THE STATUS OF ANY LOAN OR ADVANCE FROM THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION TO ROSECROFT RACEWAY UNDER § 9–1A–28(G)(2) OF THE STATE GOVERNMENT ARTICLE.~~

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

Article – State Government

9–1A–29.

(f) (1) Of the amount provided from the Racetrack Facility Renewal Account under subsection (d)(1) of this section, [$1,000,000 shall be provided annually for 5 years to the racecourse at Timonium] ***THE RACECOURSE AT TIMONIUM SHALL BE PROVIDED THE FOLLOWING AMOUNTS*** *for racetrack facility capital construction and improvements:*

(I) FOR FISCAL YEAR 2012, $1,125,000;

(II) FOR FISCAL YEAR 2013, $1,250,000;

(III) FOR FISCAL YEAR 2014, $1,125,000;

(IV) FOR FISCAL YEAR 2015, $1,000,000; AND

(V) FOR FISCAL YEAR 2016, $1,000,000.

(2) A matching fund is not required for the amount provided for the racecourse at Timonium under paragraph (1) of this subsection.

(3) (I) FROM THE AMOUNTS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE HOLDER OF A RACING LICENSE TO RACE AT THE RACECOURSE AT TIMONIUM MAY USE UP TO $350,000 PER YEAR TO SUPPORT A MINIMUM OF 7 LIVE RACING DAYS.

(II) USE OF FUNDS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MUST BE APPROVED BY THE SECRETARY OF LABOR, LICENSING, AND REGULATION UNDER TERMS AND A PROCESS CONSISTENT WITH THE PROVISIONS OF SUBSECTION (J) OF THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Thoroughbred Racing Sustainability Task Force.

(b) The Task Force consists of the following three members appointed by the Governor:

(1) one representative of the Maryland Jockey Club;

(2) one member that represents the horsemen who race horses at a thoroughbred track in Maryland; and

(3) one member that represents the applicable breeders in Maryland.

(c) The Governor shall appoint a member of the Administration, who as a nonvoting member, shall chair the Task Force and facilitate the activities of the Task Force.

(d) The Task Force shall develop a plan by December 1, 2011, that includes:

(1) a plan for the long–term viability of thoroughbred racing in Maryland that does not include locating video lottery terminals at a thoroughbred race track;

(2) a minimum of 146 live racing days in a calendar year; and

(3) a strategy for implementing the plan that includes specific benchmarks and timelines.

(e) The Task Force shall submit the plan to the Governor and, in accordance with § 2–1246 of the State Government Article, the Legislative Policy Committee, for its review.

(f) The Legislative Policy Committee may provide comments on the plan to the Governor.

(g) The Comptroller may not pay out the assistance provided under § 9–1A–29(c)(2) of the State Government Article for the 2013 racing season until the Governor approves the plan.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 5 of this Act.

SECTION ~~2.~~ *5.* AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011. *Sections 1 and 3 of this Act shall remain effective for a period of 2 years and 6 months and, at the end of December 31, 2013, with no further action required by the General Assembly, Sections 1 and 3 of this Act shall be abrogated and of no further force and effect.*

Approved by the Governor, May 19, 2011.

Chapter 413

(Senate Bill 2)

AN ACT concerning

Vehicle Laws – Registration and Driver's License Renewal Fees – No Charge for Recipients of Medal of Honor

FOR the purpose of prohibiting the Motor Vehicle Administration from charging a recipient of the Medal of Honor a fee for the renewal of the registration of a vehicle owned by the Medal of Honor recipient or for the renewal of the Medal of Honor recipient's noncommercial driver's license; and generally relating to vehicle registration and driver's license renewal fees.

BY adding to
Article – Transportation
Section 13–416
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–111.2(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Article – Transportation

13–416.

THE ADMINISTRATION MAY NOT CHARGE A RECIPIENT OF THE MEDAL OF HONOR A FEE FOR THE RENEWAL OF THE REGISTRATION OF A VEHICLE OWNED BY THE MEDAL OF HONOR RECIPIENT.

16–111.2.

(b) **(1)** **[**For**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR** the renewal of a noncommercial Class A, B, C, D, E, or M driver's license, a licensee shall pay the Administration a renewal fee established by the Administration.

(2) THE ADMINISTRATION MAY NOT CHARGE A LICENSEE WHO IS A RECIPIENT OF THE MEDAL OF HONOR A FEE FOR THE RENEWAL OF THE LICENSEE'S NONCOMMERCIAL CLASS A, B, C, D, E, OR M DRIVER'S LICENSE.

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

Approved by the Governor, May 19, 2011.

Chapter 414

(House Bill 1017)

AN ACT concerning

Vehicle Laws – Registration and Driver's License Renewal Fees – No Charge for Recipients of Medal of Honor

FOR the purpose of prohibiting the Motor Vehicle Administration from charging a recipient of the Medal of Honor a fee for the renewal of the registration of a

vehicle owned by the Medal of Honor recipient or for the renewal of the Medal of Honor recipient's noncommercial driver's license; and generally relating to vehicle registration and driver's license renewal fees.

BY adding to
Article – Transportation
Section 13–416
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(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–111.2(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Article – Transportation

13–416.

THE ADMINISTRATION MAY NOT CHARGE A RECIPIENT OF THE MEDAL OF HONOR A FEE FOR THE RENEWAL OF THE REGISTRATION OF A VEHICLE OWNED BY THE MEDAL OF HONOR RECIPIENT.

16–111.2.

(b) **(1)** **[**For**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR** the renewal of a noncommercial Class A, B, C, D, E, or M driver's license, a licensee shall pay the Administration a renewal fee established by the Administration.

(2) THE ADMINISTRATION MAY NOT CHARGE A LICENSEE WHO IS A RECIPIENT OF THE MEDAL OF HONOR A FEE FOR THE RENEWAL OF THE LICENSEE'S NONCOMMERCIAL CLASS A, B, C, D, E, OR M DRIVER'S LICENSE.

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

Approved by the Governor, May 19, 2011.