

## Chapter 713

(House Bill 908)

AN ACT concerning

### Maryland Clean Energy Center – Miscellaneous Provisions

FOR the purpose of altering the quorum requirement for the Maryland Clean Energy Center Board; altering the minimum vote required for the Board to act; designating employees and officials of the Maryland Clean Energy Center as State personnel under the Maryland Tort Claims Act; subjecting the Maryland Clean Energy Center to the procurement procedures relating to minority business participation; ~~authorizing employees and retirees of the Maryland Clean Energy Center to participate in the State Employee and Retiree Health and Welfare Benefits Program, and requiring the Maryland Clean Energy Center to pay to the State the Center's share of the cost of the Program; authorizing the Maryland Clean Energy Center to participate in the Employees' Pension System;~~ and generally relating to the Maryland Clean Energy Center.

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 10-809 and 10-814  
Annotated Code of Maryland  
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 12-101(a)(2)(xii) and (xiii)  
Annotated Code of Maryland  
(2009 Replacement Volume)

BY adding to  
Article – State Government  
Section 12-101(a)(2)(xiv)  
Annotated Code of Maryland  
(2009 Replacement Volume)

~~BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 2-511 and 31-102(2)(xxii) and (xxiii)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – State Personnel and Pensions  
Section 31-101(a) and (f)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2009 Supplement)~~

~~BY adding to~~

~~Article – State Personnel and Pensions  
Section 31-102(2)(xxiv)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2009 Supplement)~~

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

### Article – Economic Development

10-809.

(a) The Board shall determine the times and places of its meetings.

(b) (1) ~~[Six members] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~ **A** MAJORITY OF THE APPOINTED AND QUALIFIED MEMBERS of the Board ~~[are] IS~~ a quorum.

(2) ~~NO LESS THAN FOUR MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM.~~

~~(c) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE~~ **THE** Board may act with an affirmative vote of ~~[five Board members] A MAJORITY OF THE APPOINTED AND QUALIFIED MEMBERS OF THE BOARD.~~

~~(2) THE BOARD MAY NOT ACT WITH AN AFFIRMATIVE VOTE OF LESS THAN FOUR BOARD MEMBERS.~~

10-814.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Center is exempt from:

(1) Title 10 and Division II of the State Finance and Procurement Article; and

(2) §§ 10-505 and 10-507 of the State Government Article.

(b) The Center is subject to the Public Information Act.

(c) The Board and the officers and employees of the Center are subject to the Public Ethics Law.

(d) The officers and employees of the Center are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(e) The Center, its Board, and employees are subject to Title 12, Subtitle 4 AND TITLE 14, SUBTITLE 3 of the State Finance and Procurement Article.

(f) The Center is a public body under Title 5, Subtitle 4 of this article, the Maryland Industrial Development Financing Authority Act, for purposes of applying for, receiving, and making agreements in connection with:

- (1) a loan;
- (2) a grant;
- (3) insurance; or
- (4) any other form of financial assistance.

#### Article – State Government

12–101.

(a) In this subtitle, unless the context clearly requires otherwise, “State personnel” means:

- (2) an employee or official of the:
  - (xii) Somers Cove Marina Commission; [and]
  - (xiii) Maryland Workforce Corporation; AND
  - (XIV) MARYLAND CLEAN ENERGY CENTER;**

#### ~~Article – State Personnel and Pensions~~

~~2–511.~~

~~(a) This section applies to employees of the Maryland Environmental Service, MARYLAND CLEAN ENERGY CENTER, and Northeast Maryland Waste Disposal Authority.~~

~~(b) Subject to the regulations adopted under § 2-503 of this subtitle, an employee or, while receiving an allowance under the Employees' Retirement System of the State of Maryland or the Employees' Pension System of the State of Maryland, an employee's surviving spouse:~~

~~(1) may enroll and participate in the health insurance or other benefit options established under the Program; and~~

~~(2) except as provided in subsection (d) of this section, is subject to the same terms and conditions as those provided under § 2-507 of this subtitle.~~

~~(c) While receiving an allowance under the Employees' Retirement System of the State of Maryland or the Employees' Pension System of the State of Maryland, a former employee or a former employee's surviving spouse or dependent child:~~

~~(1) may enroll and participate in the health insurance benefit options established under the Program; and~~

~~(2) except as provided in subsection (d) of this section, is subject to the same terms and conditions as those provided under § 2-508 of this subtitle, with the employee's service with the Maryland Environmental Service, MARYLAND CLEAN ENERGY CENTER, and Northeast Maryland Waste Disposal Authority being included as part of the employee's State service.~~

~~(d) For each participant under this section, the Maryland Environmental Service, THE MARYLAND CLEAN ENERGY CENTER, and the Northeast Maryland Waste Disposal Authority or any successor agency, shall pay to the State the respective employer share of the cost of the Program based on the State subsidy allowed under this subtitle.~~

~~31-101.~~

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

~~(f) "Employees' system" means the Employees' Retirement System or the Employees' Pension System.~~

~~31-102.~~

~~Subject to § 22-202(b) of this article, the governmental units that are eligible to participate in the employees' systems are:~~

~~(2) the following governmental units:~~

~~(xxii) subject to § 31-106.1 of this subtitle, the Maryland African American Museum Corporation; [and]~~

~~(xxiii) the Garrett County Office for Children, Youth and Families;~~

~~AND~~

~~(xxiv) THE MARYLAND CLEAN ENERGY CENTER, AND, TO THE EXTENT AUTHORIZED BY AND IN THE MANNER PRESCRIBED BY FEDERAL LAW, EMPLOYEES HIRED THROUGH THE MARYLAND ENVIRONMENTAL SERVICE WHO ARE ASSIGNED TO THE MARYLAND CLEAN ENERGY CENTER.~~

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

**Approved by the Governor, May 20, 2010.**