
Guidelines for the Submission of Prior Authorization Requests to the General Assembly of Maryland

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Annapolis, Maryland**

November 2022

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Introduction

The *Guidelines for the Submission of Prior Authorization Requests to the General Assembly of Maryland* is published by the Department of Legislative Services to provide instruction to legislative members requesting alterations to authorizations of State debt enacted during a prior session, commonly referred to as a prior authorization amendment request.

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Guidelines for Submissions of Prior Authorization Requests to the General Assembly of Maryland

Occasionally, organizations may receive legislative authorization for funding of a Legislative Bond Initiative (LBI) or other miscellaneous State capital grant but then discover that certain information in the authorizing language needs to be changed in order for the organization to access the funding. Under those circumstances, the organization should seek an amendment to a prior authorization. An amendment to a prior authorization is a request to alter an authorization of State debt enacted during a prior session. Alterations can include:

- extending the time to present evidence of a matching fund;
- modifying the types of funds that can be used as a matching fund;
- modifying the amount of matching funds;
- extending the time to expend or encumber the funds;
- modifying the scope and/or purpose of the project; and
- adding, removing, or modifying the grantee organization.

Legislative Sponsorship

Only a member of the Maryland General Assembly (MGA) may request amendments to a prior enacted authorization, and only authorizations funded with general obligation bond funds may be subsequently amended by an act of the General Assembly. Generally, legislative sponsors are from the district where the project is located.

Many of the required steps and forms in the prior authorization request and consideration process are similar to those of the legislative bond initiative (LBI) request and consideration process. **Please note, however, that a request to amend a prior enacted authorization is not a request for new funding, and unlike the LBI process, there is no formal legislative introduction required for prior authorization consideration.**

Initial Request

In order to make an official request, the legislative sponsor must complete a Prior Authorization Request Form, as shown in **Appendix 1**, and submit the form by email to Prior.Authorization@mlis.state.md.us. The request form identifies information required by the

Department of Legislative Services (DLS) to complete the prior authorization request process, and the requesting member should ensure that they can provide the information required to complete the request form. In addition, the requesting member must also designate and be prepared to coordinate with a grantee contact to facilitate the request process.

Fact Sheet Completion

After the completed request has been entered into the Prior Authorization System, the requesting member will receive an email from Prior.Authorization@mlis.state.md.us containing instructions for submission of the web-based Prior Authorization Fact Sheet. The email will contain a link and access to the requestor's project specific fact sheet that must be completed and submitted in accordance with the instructions (see **Appendix 2**). It is important that the member sponsor retain the fact sheet email, as the provided link can be used to gain access to the fact sheet at any time up until it is submitted in accordance with the instructions. (See the Sample Prior Authorization Fact Sheet in **Appendix 3**.)

This form requests that the organization complete fields 10 through 16. Please note that some fields may not be applicable to every organization's request. In addition, fields 1 through 9 are automatically completed by the system from the information provided to DLS previously. Fields 1 through 9 are locked and cannot be modified by the member sponsor or organization when completing the fact sheet. If the information contained in fields 1 through 9 is incorrect, please contact DLS via the email Prior.Authorization@mlis.state.md.us to request a change.

After the requesting member has completed all applicable fields of the Prior Authorization Fact Sheet, the form should be submitted to DLS using the submit button at the bottom of the fact sheet screen. DLS will review the form for consistency, completeness, and clarity. Following its review, DLS may contact the organization to require additional information and, in some cases, may require the fact sheet to be resubmitted by the organization.

Committee Consideration and Tracking Prior Authorization Requests

Member requests are consolidated and included in the annual Omnibus Prior Authorization Bill, typically sponsored by the chairs of the capital budget committees and introduced after March 7. The bill is considered by the budget committees in conjunction with the capital budget bill. Requests submitted prior to the bill's introduction are included in the bill as introduced. After the bill's introduction requests are processed as part of an amendment to the bill considered by the budget committees prior to final passage late in session. Information about individual requests can be found at <https://mgaleg.maryland.gov/mgaweb/Budget/PriorAuthorizations>.

MARYLAND GENERAL ASSEMBLY

Search: i.e. Bill search, keyword

MEMBERS COMMITTEES MEETINGS LEGISLATION BUDGET LAWS FLOOR ACTIONS SEARCH & ARCHIVES

Prior Authorizations

Status Documents

Sponsors: All

Showing 1 to 32 of 32 entries

Project Name	Jurisdiction	House Requestor	Senate Requestor	Purpose	Authorizations	Final Action
American Legion Post 381 Annex	Prince George's County		Sen. Peters	Change the grantee from "HW Enterprises, LLC" to "BOARD OF DIRECTORS OF THE GREEN BRANCH MANAGEMENT GROUP, CORP.". Change the project name from "American Legion Post 381 Annex" to "Liberty Sports Park".	737 2019 1(3) ZA03(BL)	This language amends a prior authorization to change the grantee. This language amends a prior authorization to change the name of the project.

Once the Omnibus Prior Authorization Bill is introduced, it can be tracked on the MGA website by navigating using the Budget tab: <https://mgaleg.maryland.gov/mgawebsite/Budget/Charts>.

HB1374 CH0576

Original Chamber: 1ST READING, REFERRAL TO CMTE, 2ND READING, 3RD READING

Opposite Chamber: 1ST READING, REFERRAL TO CMTE, 2ND READING, 3RD READING

Passed Both Chambers: REVIEW IN ORIGINAL CHAMBER, CONF. CMTE (IF NECESSARY)

TO GOVERNOR

Title: Prior Authorizations of State Debt - Alterations

Sponsored by: Delegate B. Barnes

Status: Enacted under Article II, Section 17(c) of the Maryland Constitution - Chapter 576

Analysis: Fiscal and Policy Note (Revised)

Synopsis: Amending certain prior authorizations of State Debt to alter the requirement that certain grantees provide certain matching funds; extending the termination date of certain grants; changing the locations of certain capital projects; altering the purposes of certain grants; changing the names of certain grantees; altering the authorized uses of certain grants; altering certain matching fund and expenditure requirements; repealing certain provisions that require grantees to provide and expend a certain matching fund, etc.

Committees: Original: Appropriations; Opposite: Budget and Taxation

Committee Testimony: Witness List

Details: Bill File Type: Regular; Effective Date(s): June 1, 2021; Bill imposes a mandated appropriation in the annual State Budget Bill

History: ✓

File Code: ✓

Subjects: ✓

Statutes: ✓

The instructions, forms, and other documents needed to successfully navigate the prior authorization amendment process can be found in the Prior Authorization subsection under the Budget tab of the MGA website. Archived prior authorizations can be found using the Search and Archives tab on the MGA website: <https://mgaleg.maryland.gov/mgawebsite/Search/PriorAuthorizations>.

Approval Notification

Approved amendments to prior capital grant authorizations will be passed as part of an Omnibus Prior Authorization Bill. A final list of approved amendments to prior capital grant authorizations will be available on the MGA website upon passage of the bill.

Appendix 1
Prior Authorization Request Form

[Prior Authorization Guidelines](#)

Name of Project: _____

Name of Grantee: _____

Year Authorized: _____ Original Bond Amount: _____

County: _____

Requestor(s):

Senate: _____

House: _____

Request Details (Briefly indicate how the sponsor would like the Prior Authorization Changed):

Original Bond Bill Request(s) (Include as much detail as possible, *i.e.*, chapter number, section, year, bill number, *etc.*):

Previous Prior Authorization Request(s)/Bill(s): (Include as much detail as possible *i.e.* chapter number, section, year, bill number, *etc.*)

Project/Grantee Contact Person:

Name: _____ Phone Number: _____

Email Address: _____

If changing grantee or project name:

New Contact Person: _____ New Phone Number: _____

New Email Address: _____

Please submit this form, and direct any questions to: Prior.Authorization@mlis.state.md.us

Appendix 2

Instructions for Completing the Prior Authorization Fact Sheet

Introduction

The Maryland General Assembly (MGA) uses the Prior Authorization Fact Sheet to collect important information about prior authorizations that have been requested by one or more legislators. Each legislative member that applies for an amendment to a prior authorized capital grant must complete and submit a fact sheet to the Department of Legislative Services (DLS) **by March 7**. DLS will review completed fact sheets to determine whether they have been properly prepared.

Fact Sheet Procedure

DLS utilizes a prior authorization request database and electronic fact sheet procedure. After a completed request for a prior authorization has been entered into the Prior Authorization System, the sponsor will receive an email from Prior.Authorization@mlis.state.md.us that provides a link and access to the applicant's specific fact sheet for completion. It is important that the sponsor retain the DLS email, as the provided link may be used at any time to gain access to the fact sheet until it is formally submitted.

Brevity is as important as accuracy in completing the form. Individual fields are character limited, and applicants should keep in mind that important information may get lost in lengthy documents, particularly in the context of legislators' compressed work time during the 90-day legislative session.

The system allows the sponsor to save the fact sheet for completion at a later time or date using the "save" button. The save button can and should be used often to ensure that any completed work is not lost. In addition, the sponsor can save completed work and exit the document using the "save/exit" button.

Once completed, the sponsor should submit the fact sheet electronically using the "submit" button. Sponsors are encouraged to complete the fact sheet within **five days** of receiving the fact sheet email from DLS to allow time for sufficient review and posting on the MGA website prior to hearings. DLS will review submitted forms for consistency, completeness, and clarity. Following its review, DLS may contact the sponsor to request additional information and, in some cases, may require the fact sheet to be resubmitted.

Completed fact sheets will be accessible to the public via the Authorization Amendment Requests to the Capital Budget report, located on the Budget tab of the MGA website by selecting Bond Initiatives and then Funding. The following screenshot depicts the MGA report that reflects member requests and can be used to access completed and submitted Fact Sheet forms.

Authorization Amendment Requests to the Capital Budget						
Project Name	Jurisdiction	House Requestor	Senate Requestor	Purpose	Authorizations	Final Action
Cumberland Investment Plan <i>Bond Bill Fact Sheet</i> <i>Prior Auth Fact Sheet</i>	Allegany County		Sen. Edwards	Remove the matching fund requirement.	22 2017 1(3) ZA00 (F) PA-Ch. 9,, 2018	This language amends a prior authorization to remove the matching fund requirement.
Frostburg Museum Relocation Project <i>Bond Bill Fact Sheet</i> <i>Prior Auth Fact Sheet</i>	Allegany County	Del. Buckel	Sen. Edwards	Authorize the funds to be used for heating, ventilation, and air conditioning.	9 2018 1(3) ZA03 (C) / 9 2018 1(3) ZA02(F)	This language amends a prior authorization to expand the scope of the project.
Belvoir-Scott's Plantation Historic Manor House <i>Bond Bill Fact Sheet</i> <i>Prior Auth Fact Sheet</i>	Anne Arundel County		Sen. Reilly	Repurpose the grant funds to the Anne Arundel County Fairgrounds.	27 2016 1(3) ZA02 (D) PA-Ch. 9, 2018	This language amends a prior authorization to repurpose the grant.
Resiliency and Education Center at Kuhn Hall <i>Bond Bill Fact Sheet</i> <i>Prior Auth Fact Sheet</i>	Anne Arundel County		Sen. Beidle	Remove the matching fund requirement.	22 2017 1(3) ZA03 (B)	This language amends a prior authorization to remove the matching fund requirement.

Questions concerning the preparation of a Prior Authorization Fact Sheet should be sent via email to Prior.Authorization@mlis.state.md.us.

Explanation of Fields

Please note that some fields may not be applicable to every organization's request. Additionally, fields 1 through 9 of the fact sheet will be automatically completed and are locked. If an applicant needs to make changes to fields 1 through 9, the applicant should contact DLS via the email Prior.Authorization@mlis.state.md.us to request a change.

Field

Explanation

- 10 **In your own words, please describe in detail the project's background and your need for a prior authorization.** Describe the reason for the prior authorization request. This field should be used to generally describe the history of the project and any issues the project has encountered. Some overlap may occur in fields 10 through 15.
- 11 **If you are requesting an extension of the date upon which evidence of a matching fund must be presented to the Board of Public Works (BPW), please explain the need for the extension. When do you expect to raise the requisite amount of matching funds, if at all?** Unless approved as a grant, the original bond authorization required your organization to show evidence of an equal or unequal matching fund. When answering this question, please include any funding issues that your organization has encountered. If your organization has ascertained a date when matching funds will be available, please note that date; however, if your organization is not able to raise the requisite amount or has yet to ascertain a date when such funds will be available, please indicate as such and the reasons you are unable to raise the requisite amount.

Field

Explanation

- 12 **If you are requesting a modification of the type of matching funds (e.g., real property, in-kind contributions, or prior funds expended) that can be used to meet your match or are requesting the matching fund requirement be changed from an equal match to unequal match or removed altogether, please explain why the change is necessary.** Matching funds may come in two forms: (1) hard match, which is cash-in-hand and may include money from any source other than State sources; and (2) soft match, which can be made up of any combination of cash, real property, in-kind contributions, or funds expended for the project prior to the effective date of the Act. The type of matching fund that may be used depends upon bond authorization language. If your organization is requesting to use a type of matching fund in addition to what was previously authorized, please explain what you are requesting and the benefit to your organization if the change is made. If you are unable to meet the matching fund requirement and need something less than an equal match, please explain in detail why your organization needs the change.
- 13 **If you are requesting an extension of the date upon which the bond funds must be expended or encumbered by BPW, please explain the need for an extension. When do you expect to expend or encumber the funds?** Organizations are required to expend or encumber project funds prior to a certain date. If your organization's deadline for fund expenditure or encumbrance is approaching and you need an extension, please explain the need for an extension. In addition, please provide a date when you expect the funds to be expended or encumbered.
- 14 **If you are requesting to use the funds for another purpose or to expand the scope of the project, please explain the reason and need for the change.** Within the scope of the project for which the bond funds were authorized, organizations may use their funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of a particular project. If you are requesting to use bond funds for a purpose other than what was authorized or are requesting to change the scope of the project, please explain the reason and need for the expansion and/or alterations of the purpose and scope.
- 15 **If you are requesting to modify the name of the grantee organization, add another grantee organization, or remove a grantee organization, please explain the reason and need for the change. If applicable, do those organizations being added or removed as grantee consent to the change?** The original bond authorization language indicates an organization to which bond funds are distributed. If the name of the grantee organization needs to be changed, please explain why the change is necessary. In addition, if you are requesting that an organization be added or removed as grantee, please explain the need for the change and if the applicable organizations consents to the addition or removal.
- 16 **If this is an emergency bill, please explain the need for such action.** Please explain why your organization's situation needs emergency action.

Appendix 3
Sample Prior Authorization Fact Sheet
State of Maryland
Prior Authorization Fact Sheet

(1) Senate Sponsor	(2) House Sponsor	(3) Project Name
(4) Jurisdiction		(5) Contact Information
		Name: Email: Phone:
(6) Legislator Request		
(7a) Original Senate Bond Bill		(8a) Original House Bond Bill
(7b) Senate Chapter		(8b) House Chapter
(7c) Senate Prior Authorization		(8c) House Prior Authorization
(9a) Misc Chapter		(9b) Misc Prior Authorization
(10) In your own words, please describe in detail the project's background and your need for a prior authorization.		
(11) If you are requesting an extension of the date upon which evidence of a matching fund must be presented to the Board of Public Works, please explain the need for the extension. When do you expect to raise the requisite amount of matching funds, if at all?		
(12) If you are requesting a modification of the type of matching funds (<i>e.g.</i>, real property, in-kind contributions, or prior funds expended) that can be used to meet your match, or are requesting the matching fund requirement be changed from an equal match to unequal match or removed altogether, please explain why the change is necessary.		
(13) If you are requesting an extension of the date upon which the bond funds must be expended or encumbered by the Board of Public Works, please explain the need for an extension. When do you expect to expend or encumber the funds?		
(14) If you are requesting to use the funds for another purpose or to expand the scope of the project, please explain the reason and need for the change.		

(15) If you are requesting to modify the name of the grantee organization, add another grantee organization, or remove a grantee organization, please explain the reason and need for the change. If applicable, do those organizations being added or removed as grantee consent to the change?

(16) If this is an emergency bill, please explain the need for such action.

SAMPLE