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

**Department of Legislative Services
Office of Policy Analysis
Annapolis, Maryland**

January 2017

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: 410-946-5400 • Washington Area: 301-970-5400
Other Areas: 1-800-492-7122, Extension 5400
TTY: 410-946-5401 • 301-970-5401
TTY users may also use the Maryland Relay Service
to contact the General Assembly.

Email: libr@mlis.state.md.us
Home Page: <http://mgaleg.maryland.gov>

The Department of Legislative Services does not discriminate on the basis of age, ancestry, color, creed, marital status, national origin, race, religion, gender, gender identity, sexual orientation, or disability in the admission or access to its programs, services, or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at the telephone numbers shown above.

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

Introduction

The *Guidelines for the Submission of Prior Authorization Requests to the Maryland General Assembly* is published by the Department of Legislative Services (DLS) to assist those that have requested funding from the General Assembly for capital projects through the submission of bond bills and now need to alter the terms of the bond bill funding. The manual provides a summary of the basic requirements and evaluation criteria, the legislative process, and a schedule for consideration by the General Assembly.

Before a prior authorization may be scheduled for a hearing, the potential requestor must provide additional information by preparing a Prior Authorization Fact Sheet. These fact sheets provide important information concerning an entity's request – information required at the time of the prior authorization hearing. This manual is also available in electronic format at <http://mgaleg.maryland.gov/pubs-current/current-prior-authorization-submission-guidelines.pdf>.

Comments and suggestions directed at improving future editions of the *Guidelines for the Submission of Prior Authorization Requests to the Maryland General Assembly* are welcome.

Background

The capital budget is funded through several sources. These include bond bills, general funds, special funds, and federal funds. Bond bills include the Maryland Consolidated Capital Bond Loan (MCCBL), revenue bonds, and legislative initiatives.

Legislative initiatives are used to fund individual bond bill requests. Individual bond bill requests are bond authorization bills filed by members of the General Assembly to support specific local or non-State-owned capital projects. These projects include, but are not limited to, health facilities, historic preservation projects, museums, and sports and recreational facilities.

This document is intended to provide information and instructions on requesting alterations to bond authorizations approved by the General Assembly in prior sessions, otherwise known as the prior authorization request. A prior authorization is a request that alters an authorization of State debt enacted during a prior session. Alterations can include, but are not necessarily limited to:

- 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;
- adding, removing, or modifying the grantee organization; and
- correcting the text of an authorization which will result in a nonsubstantive change.

Instructions

Initial Request Process

Organizations must arrange for their prior authorization to be requested by an individual senator and an individual delegate. Legislators that request a prior authorization are generally from the district where the property is located. The legislator will submit a request to DLS which will be logged into the DLS system. DLS needs certain information from the organization and the legislator before a request can be entered into the DLS prior authorization request database and later considered and acted upon by the budget committees. The Prior Authorization Request Form identifies the information that must be provided prior to the request's entry into the DLS system. **Appendix 1** provides a copy of the Prior Authorization Request Form.

Prior Authorization Process

Once a request is logged into the database, the requesting organization must provide important information that will be considered by the budget committees. DLS will email the organization a link to the applicant's Prior Authorization Fact Sheet. This form provides background information that is needed by the budget committees at the time of the prior authorization hearings and is used by legislators in the decision process. Failure to complete and submit a fact sheet prior to March 1 using the online submission form may result in the legislature not approving an organization's request. The questions asked can be found under the Explanation of Fields subsection within this document.

It is important for the organization to retain the DLS email as the provided link may be used at any time by the applicant to gain access to their fact sheet up until the time that it is formally submitted by the applicant using the submit button available at the bottom of the fact sheet screen. This form requests that the organization complete fields 10 through 16. Please note that some fields may not be applicable to your organizations request. In addition, fields 1 through 9 are automatically completed by the system from the information provided to DLS at the time of the request submission using information from the original bond bill request, and information from the request form and other pertinent information provided by the requestor. Fields 1 through 9 are

locked and cannot be modified by the organization in completing the fact sheet. If the information contained in fields 1 through 9 is incorrect, please contact DLS to request a change.

After the applicant has completed applicable fields of the Prior Authorization Fact Sheet, the form should be submitted to DLS using the submit button available at the bottom of the 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.

DLS will then arrange for the duplication and distribution of this information sheet to the budget committees.

Hearings

Prior authorization requests will be compiled and presented to the budget committees by DLS as part of a larger miscellaneous capital project analysis. For the 2017 session this analysis is scheduled to be presented to the budget committees on Monday, March 13. Grantee organization representatives will be notified of the hearing schedule through the email received from DLS that provides the organization with the link to their individual Prior Authorization Fact sheet. This hearing provides an opportunity for organizations to supply written testimony to the budget committees on the need for the request; this information should be considered supplementary to the information provided to the committees in the Prior Authorization Fact Sheet. During the hearings, legislators may require more detailed information regarding your request than what was provided in the Prior Authorization Fact Sheet and any written testimony provided at the time of the hearing. *However, because of the large number of prior authorization requests, grantee organizations may not be asked to provide public testimony.*

Approval Notification

Approved prior authorizations will be amended into the MCCBL. A list of approved prior authorizations will be available on the General Assembly website upon passage of the MCCBL.

Explanation of Fields

When you receive the Prior Authorization Fact Sheet, fields 1 through 9 will already be completed. If you need to make changes to any of these items, please contact DLS. These items are only able to be modified by DLS. Field 10 is intended for a general overview of the request, while fields 11 through 16 are intended to narrow the scope of the information that you provide.

If any field in fields 11 through 16 is not applicable to your organization, please leave that field blank. An explanation of fields 10 through 16 are as follows:

- **Field 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.
- **Field 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?** 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 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 bond bill. 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.
- **Field 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?** 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.
- **Field 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.

- **Field 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.
- **Field 16: If this is an emergency bill, please explain the need for such action.** Please explain why your organization's situation needs emergency action.

Questions

If you have any questions about the prior authorization process, please feel free to contact the Department of Legislative Services at (410)946-5530/(301)970-5530.

Prior Authorization Request Form

Name of Project:

County:

Requestor(s):

Senate:

House:

Request Details (briefly indicate what is being requested):

Original Bond Bill Request(s):

Previous Prior Authorization Request(s)/Bill(s):

Contact Person:

Name:

Phone Number:

Email Address:

If you have any questions, please contact (410)946-5530/(301)970-5530. Please return this request form, in any format, to: matthew.jackson@mlis.state.md.us.